

## LEGISLATIVE BILL 1066

Approved by the Governor April 19, 1994

Introduced by Chambers, 11

AN ACT relating to investment of public funds; to amend sections 9-1,105, 9-629.02, 18-2604, 67-293, 68-612, 68-613, 72-1260, 77-2341, 77-3616, 77-4025, and 77-4104, Reissue Revised Statutes of Nebraska, 1943, sections 2-1222, 2-3960, 13-2041, 21-17,117.05, 24-704, 28-429, 29-2259.01, 37-206, 37-439, 37-1503, 39-2215, 39-2215.01, 43-1320, 43-2607, 43-2622, 45-716, 46-212.02, 48-418.10, 48-621, 49-1446.01, 49-14,140, 50-438, 54-2293, 60-305.09, 60-311, 60-1303, 60-2132, 66-4,100, 66-733, 66-739, 66-1414, 66-1521, 68-1604, 71-172.02, 71-1,147.02, 71-2618, 71-3708, 71-7010, 71-7521, 72-816, 74-1420, 74-1420.01, 76-2226, 77-3,113, 77-1342, 77-4310.03, 79-4,239, 79-1556, 79-3504, 79-3812, 80-301, 81-201.04, 81-2,291, 81-1110.02, 81-1120.23, 81-1188, 81-1201.21, 81-1278, 81-1429.01, 81-15,101.01, 81-15,104, 81-15,121, 81-15,174, 81-15,177, 81-1607.01, 81-2004.05, 81-2022, 84-135, 84-1613, 85-106, 85-1,128, 85-403, 85-1419, 85-1420, 89-1,100, and 89-1,104.01, Revised Statutes Supplement, 1992, and sections 2-127, 2-958, 2-10,117, 2-2627, 2-3930, 9-1,101, 9-812, 19-4617, 23-3594.04, 24-227, 32-1610, 44-116, 45-621, 46-1224, 48-1,116, 48-446, 53-117.06, 57-919, 60-1513, 60-1514, 66-1334, 66-1345, 66-1519, 69-1317, 70-1020, 71-1,334, 71-5675, 72-1802, 77-3,110, 77-918, 79-1247.07, 79-1545, 79-2859, 81-179, 81-528, 81-805, 81-815.59, 81-1120.38, 81-1201.10, 81-1287, 81-1354.02, 81-1505.01, 81-1558, 81-1561, 81-1566.01, 81-15,113.01, 81-15,120, 81-15,151, 81-15,160, 81-15,165, 81-150, 83-913.01, 84-617, 85-122, 85-1540, and 86-1304, Revised Statutes Supplement, 1993; to eliminate certain restrictions on investments; to provide duties for the state investment officer with respect to corporations doing business in Northern Ireland; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 72-1270 to 72-1276, Reissue Revised Statutes of Nebraska, 1943, and section 79-1051.06, Revised Statutes Supplement, 1992; and to declare an emergency.

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

Section 1. That section 2-127, Revised Statutes Supplement, 1993, be amended to read as follows:

2-127. The Nebraska State Fairgrounds Building Fund, which fund is hereby created, shall consist of such money appropriated to such fund by the Legislature. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 2-1237 to 2-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The proceeds of the fund shall be expended for the costs and payments to be made by the State Board of Agriculture to the county of Lancaster for the use by the state and the State Board of Agriculture of the grandstand, racetrack, and related facilities as authorized in section 2-126.

Sec. 2. That section 2-958, Revised Statutes Supplement, 1993, be amended to read as follows:

2-958. (1) There is hereby authorized to be established a noxious weed control fund for each control authority, which fund shall be available for expenses authorized to be paid from such fund, including necessary expenses of the control authority in carrying out its duties and responsibilities under the Noxious Weed Control Act. The weed control superintendent within the county shall (a) ascertain and tabulate each year the approximate amount of land infested with noxious weeds and its location in the county, (b) ascertain and prepare all information required by the county board in the preparation of the county budget, including actual and expected revenue from all sources, cash balances, expenditures, amounts proposed to be expended during the year, and working capital, and (c) transmit such information tabulated by the control authority to the county board not later than June 1 of each year. On the basis of such information, the county board shall make a tax levy each year for the purpose of paying the expenses authorized to be paid from the noxious weed control fund. Funds so collected shall be deposited to such noxious weed control fund.

(2) There is hereby created the Noxious Weed Cash Fund. The fund shall consist of proceeds raised from fees imposed for the registration of pesticides and earmarked for the fund pursuant to section 2-2634 and any

reimbursement funds for control work done pursuant to subdivision (1)(b)(vi) of section 2-954. An amount from the General Fund matching the earmarked proceeds shall be appropriated for and deposited in the Noxious Weed Cash Fund annually. The Department of Agriculture shall request matching funds from the General Fund based upon the prior year's revenue earmarked for the Noxious Weed Cash Fund. The fund shall be administered and used by the director to maintain the noxious weed control program and for expenses directly related to the program. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 3. That section 2-10,117, Revised Statutes Supplement, 1993, be amended to read as follows:

2-10,117. All money received from any source pursuant to the Plant Protection and Plant Pest Act shall be remitted by the department to the State Treasurer and by the State Treasurer credited to the Plant Protection and Plant Pest Cash Fund which is hereby created. The fund shall be used by the department to aid in defraying the expenses of administering the act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 4. That section 2-1222, Revised Statutes Supplement, 1992, be amended to read as follows:

2-1222. There is hereby created the Racing Commission's Cash Fund from which shall be appropriated such amounts as are available therefrom and as shall be considered incident to the administration of the State Racing Commission's office. The fund shall contain all license fees and gross receipt taxes collected by the commission as provided under sections ~~2-1201.01, 2-1203, 2-1203.01, 2-1208, 2-1219, 2-1222, 2-1223, and 2-1242~~ but shall not include taxes collected pursuant to section 2-1208.01, and such fees and taxes collected shall be remitted to the State Treasurer for credit to the Racing Commission's Cash Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 5. That section 2-2627, Revised Statutes Supplement, 1993, be amended to read as follows:

2-2627. Except as otherwise provided in the Pesticide Act, all money received from any source pursuant to the act shall be remitted by the department to the State Treasurer for credit to the Pesticide Administrative Cash Fund, which fund is hereby created. The fund shall be used by the department to aid in defraying the expenses of administering the act. ~~Any money in the Economic Poison Administration Cash Fund on September 9, 1993, shall be transferred to the Pesticide Administrative Cash Fund on such date.~~ Any money in the Pesticide Administrative Cash Fund fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 6. That section 2-3930, Revised Statutes Supplement, 1993, be amended to read as follows:

2-3930. (1) It shall be unlawful for any person to engage in business as a milk producer, hauler-sampler, dairy plant, cream station, or transfer station unless such person fully complies with the permit requirements set forth in subsections (2) through (5) of this section.

(2) Except as provided in subsection (5) of this section, all persons engaged in a business listed under subsection (1) of this section must obtain an annual permit from the department, which permit shall expire on July 31 of the year following issuance. Permits shall be issued only following an inspection revealing that the applicant is in compliance with the Nebraska Manufacturing Milk Act. Applicants for a permit shall submit a written application to the department on forms prescribed by the department and shall pay the annual permit fees set forth in subsection (3) of this section.

(3) The department shall charge the following permit fees:

- (a) Dairy Plant ..... \$100.00
- (b) Transfer station ..... 50.00
- (c) Hauler-sampler ..... 25.00
- (d) Cream station ..... 25.00
- (e) Producer ..... 35.00.

(4) All permit fees paid to the department in accordance with the Nebraska Manufacturing Milk Act shall be paid to the state treasury and shall be credited by the State Treasurer to the Manufacturing Milk Cash Fund, which fund is hereby created. All fees credited to the fund shall be appropriated to the uses of the department to aid in defraying the expenses of

administering such act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(5) A person with a milk hauler permit under the Nebraska Pasteurized Milk Law shall not be required to have a permit or to pay fees as a hauler-sampler under this section. However, such person shall meet all requirements set forth in the Nebraska Pasteurized Milk Law for the hauling and sampling of milk for manufacturing purposes, and his or her permit issued under the Nebraska Pasteurized Milk Law shall be deemed valid as a manufacturing milk hauler-sampler permit. All procedures relating to suspending or revoking such permit shall be conducted pursuant to the Nebraska Pasteurized Milk Law. A person who is pursuing the normal duties of a hauler-sampler after July 1, 1993, without applying for a permit shall be assessed an additional one-hundred-dollar fee for the permit.

(6) The thirty-five-dollar fee for producer permits shall be paid for by the dairy plant purchasing the producer's milk. The fee shall be paid prior to the issuance of new permits and before milk may be accepted by the dairy plant. The dairy plant shall pay the renewal fee of thirty-five dollars as provided in this section.

(7) The department may impose a penalty in addition to the permit fees due for any such fees that are more than one month delinquent. Such penalty may not exceed ten percent of the total fee for each month or portion of a month of delinquency.

Sec. 7. That section 2-3960, Revised Statutes Supplement, 1992, be amended to read as follows:

2-3960. The Nebraska Dairy Industry Development Fund is hereby created. Money in the fund shall be used for the administration of the Dairy Industry Development Act, including advertising and promotion, market research, nutrition and product research and development, and nutrition and educational programs. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 8. That section 9-1,101, Revised Statutes Supplement, 1993, be amended to read as follows:

9-1,101. (1) The Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, and section 9-701 shall be administered and enforced by the Charitable Gaming Division of the Department of Revenue, which division is hereby created. The Department of Revenue shall make annual reports to the Governor, Legislature, Auditor of Public Accounts, and Attorney General on all tax revenue received, expenses incurred, and other activities relating to the administration and enforcement of such acts.

(2) The Charitable Gaming Operations Fund is hereby created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(3) Forty percent of the taxes collected pursuant to sections 9-239, 9-344, 9-429, and 9-648 shall be available to the Charitable Gaming Division for administering and enforcing the acts listed in subsection (1) of this section and section 81-8,128. The remaining sixty percent, along with any portion of the forty percent not used by the division in its administration and enforcement of such acts or section 81-8,128, shall be transferred to the General Fund.

(4) The Tax Commissioner shall employ investigators and inspectors who shall be appointed deputy state sheriffs by the Governor and who shall, upon qualifying for such office, possess all the powers which attach to such office, except that their powers and duties shall be restricted to the enforcement of the acts.

(5) The Charitable Gaming Division may charge a fee for publications and listings it produces. The fee shall not exceed the cost of publication and distribution of such items. The division may also charge a fee for making a copy of any record in its possession equal to the actual cost per page. The division shall remit the fees to the State Treasurer for credit to the Charitable Gaming Operations Fund.

Sec. 9. That section 9-1,105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-1,105. The Tax Commissioner may apply to the Director of Administrative Services and the Auditor of Public Accounts to establish and maintain a Charitable Gaming Investigation Petty Cash Fund. The funds used to

initiate and maintain the Charitable Gaming Investigation Petty Cash Fund shall be drawn solely from the Charitable Gaming Operations Fund. The Tax Commissioner shall determine the amount of money to be held in the Charitable Gaming Investigation Petty Cash Fund, consistent with carrying out the duties and responsibilities of the Charitable Gaming Division of the Department of Revenue but not to exceed five thousand dollars for the entire division. This restriction shall not apply to funds otherwise appropriated to the Charitable Gaming Operations Fund for investigative purposes. When the Director of Administrative Services and the Auditor of Public Accounts have approved the establishment of the Charitable Gaming Investigation Petty Cash Fund, a voucher shall be submitted to the Department of Administrative Services accompanied by such information as the department may require for the establishment of the fund. The Director of Administrative Services shall issue a warrant for the amount specified and deliver it to the Charitable Gaming Division. The fund may be replenished as necessary, but the total amount in the fund shall not exceed ten thousand dollars in any fiscal year. The fund shall be audited by the Auditor of Public Accounts.

Any prize amounts won, less any charitable gaming investigative expenditures, by Charitable Gaming Division personnel with funds drawn from the Charitable Gaming Investigation Petty Cash Fund or reimbursed from the Charitable Gaming Operations Fund shall be deposited into the Charitable Gaming Investigation Petty Cash Fund.

For the purpose of establishing and maintaining legislative oversight and accountability, the Department of Revenue shall maintain records of all expenditures, disbursements, and transfers of cash from the Charitable Gaming Investigation Petty Cash Fund.

By September 15 of each year, the department shall report to the budget division of the Department of Administrative Services and to the Legislative Fiscal Analyst the unexpended balance existing on June 30 of the previous fiscal year relating to investigative expenses in the Charitable Gaming Investigation Petty Cash Fund and any funds existing on June 30 of the previous fiscal year in the possession of Charitable Gaming Division personnel involved in investigations. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 10. That section 9-629.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-629.02. (1) If a racetrack licensed pursuant to Chapter 2, article 12, is located in a county and such county or a city or village within such county conducts a lottery pursuant to the Nebraska County and City Lottery Act, two percent of the gross proceeds from such lottery shall be credited to the Thoroughbred Racing Assistance Fund.

(2) The Thoroughbred Racing Assistance Fund is hereby created. The fund shall be used to supplement purses for live thoroughbred racing in Nebraska. Twenty-five percent of the fund shall be distributed as purse supplements and breeder and stallion awards for Nebraska-bred horses as defined and registered pursuant to section 2-1213 at the racetrack where the funds were generated. The State Racing Commission shall distribute money in the fund to the licensed racetracks based proportionately on the percentage of the live race handle of the immediately preceding year. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 11. That section 9-812, Revised Statutes Supplement, 1993, be amended to read as follows:

9-812. (1) All money received from the operation of lottery games conducted pursuant to the State Lottery Act in Nebraska shall be deposited in the State Lottery Operation Trust Fund, which fund is hereby created. All payments of expenses of the operation of the lottery games shall be made from the State Lottery Operation Trust Fund, except that in accordance with legislative appropriations, money for payments for internal operating expenses of the division shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Operation Revolving Fund, which fund is hereby created. All money necessary for the payment of lottery prizes shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Prize Trust Fund, which fund is hereby created. The amount used for the payment of lottery prizes shall not be less than forty percent of the dollar amount of the lottery tickets which have been sold. Of the money remaining after the payment of prizes and operating expenses, the State Treasurer shall transfer from the State Lottery Operation Trust Fund to the General Fund an amount equal to the initial appropriation to the State Lottery Operation Trust

Fund with interest at the rate specified in section 45-104.02, as such rate may from time to time be adjusted. After the General Fund is repaid, at least twenty-five percent of the dollar amount of the lottery tickets which have been sold on an annualized basis shall be transferred to the Education Innovation Fund, the Solid Waste Landfill Closure Assistance Fund, the Nebraska Environmental Trust Fund, and the Compulsive Gamblers Assistance Fund. Forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Education Innovation Fund. Beginning on July 15, 1993, and continuing through July 1, 1997, twenty-four and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Solid Waste Landfill Closure Assistance Fund and twenty-five percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. After July 1, 1997, forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. One percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund to be used as provided in subsection (4) of this section.

(2) The Education Innovation Fund is hereby created. Each fiscal year beginning with fiscal year 1994-95, at least seventy-five percent of the lottery proceeds allocated to the Education Innovation Fund shall be available for disbursement. The Education Innovation Fund shall be allocated by the Governor through incentive grants to encourage the development of strategic school improvement plans by school districts for accomplishing high performance learning and to encourage schools to establish innovations in programs or practices that result in restructuring of school organization, school management, and instructional programs which bring about improvement in the quality of education. Such grants are intended to provide selected school districts, teachers or groups of teachers, nonprofit educational organizations, educational service units, or cooperatives funding for the allowable costs of implementing pilot projects and model programs.

Minigrants shall be available to school districts to support the development of strategic school improvement plans which shall include statements of purposes and goals for the districts. The plans shall also include the specific statements of improvement or strategic initiatives designed to improve quality learning for every student.

Major competitive grants shall be available to support innovative programs which are directly related to the strategic school improvement plans. The development of a strategic school improvement plan by a school district shall be required before a grant is awarded. Annual reports shall be made by program recipients documenting the effectiveness of the program in improving the quality of education as designed in the strategic school improvement plans. Special consideration shall be given to plans which contain public or private matching funds and cooperative agreements, including agreements for in-kind services. Purposes for which incentives would be offered shall include:

(a) Professional staff development programs to provide funds for teacher and administrator training and continuing education to upgrade teaching and administrative skills;

(b) The development of strategic school improvement plans by school districts;

(c) Educational technology assistance to public schools for the purchase and operation of computers, telecommunications equipment and services, and other forms of technological innovation which may enhance classroom teaching, instructional management, and districtwide administration. Such telecommunications equipment, services, and forms of technical innovation shall be approved by the State Department of Education in consultation with the Department of Administrative Services to insure compatibility of technologies and compliance with statewide priorities;

(d) An educational accountability program to develop an educational indicators system to measure the performance and outcomes of public schools and to ensure efficiency in operations;

(e) Alternative programs for students, including underrepresented groups, at-risk students, and dropouts;

(f) Programs that demonstrate improvement of student performance against valid national and international achievement standards;

(g) Early childhood education and parent education which emphasize child development;

(h) Programs using decisionmaking models that increase involvement

of parents, teachers, and students in school management;

(i) Increased involvement of the community in order to achieve increased confidence in and satisfaction with its schools;

(j) Development of magnet or model programs designed to facilitate desegregation;

(k) Programs that address family and social issues impairing the learning productivity of students;

(l) Programs enhancing critical and higher-order thinking capabilities;

(m) Programs which produce the quality of education necessary to guarantee a competitive work force;

(n) Programs designed to increase productivity of staff and students through innovative use of time; and

(o) Training programs designed to benefit teachers at all levels of education by increasing their ability to work with educational technology in the classroom.

The Governor shall establish the Excellence in Education Council. The Governor shall appoint eleven members to the council including representatives of educational organizations, postsecondary educational institutions, the business community, and the general public, members of school boards and parent education associations, school administrators, and at least four teachers who are engaged in classroom teaching. The State Department of Education shall provide staff support for the council. The council shall have the following powers and duties:

(i) In consultation with the State Department of Education, develop and publish criteria for the awarding of grants for programs pursuant to this subsection;

(ii) Provide recommendations to the Governor regarding the selection of projects to be funded and the distribution and duration of project funding;

(iii) Establish standards, formats, procedures, and timelines for the successful implementation of approved programs funded by the Education Innovation Fund;

(iv) Assist school districts in determining the effectiveness of the innovations in programs and practices and measure the subsequent degree of improvement in the quality of education;

(v) Consider the reasonable distribution of funds across the state and all classes of school districts; and

(vi) Provide annual reports to the Governor concerning programs funded by the fund. Each report shall include the number of applicants and approved applicants, an overview of the various programs, objectives, and anticipated outcomes, and detailed reports of the cost of each program.

(3) Recipients of grants from the Education Innovation Fund shall be required to provide, upon request, such data relating to the funded programs and initiatives as the Governor deems necessary.

(4) The Compulsive Gamblers Assistance Fund is hereby created. The fund shall be administered by the Director of the Division on Compulsive Gambling to carry out the purposes of sections 9-804.01 to 9-804.05.

(5) Any money in the State Lottery Operation Trust Fund, the State Lottery Operation Revolving Fund, the State Lottery Prize Trust Fund, the Education Innovation Fund, or the Compulsive Gamblers Assistance Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(6) Unclaimed prize money on a winning lottery ticket shall be retained for a period of time prescribed by rules and regulations. If no claim is made within such period, the prize money shall be used at the discretion of the Tax Commissioner for any of the purposes prescribed in this section.

Sec. 12. That section 13-2041, Revised Statutes Supplement, 1992, be amended to read as follows:

13-2041. There is hereby created the Integrated Solid Waste Management Cash Fund. All fees collected by the department pursuant to this section or fees designated pursuant to section 13-2042 or money forfeited under subsection (21) of section 81-1505 shall be remitted to the State Treasurer for credit to the fund. Forfeited funds may only be used for purposes specified in the underlying financial assurance instrument. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

The council shall adopt and promulgate rules and regulations establishing a fee schedule to be paid to the department by persons applying for a permit to operate a facility pursuant to the Integrated Solid Waste

Management Act or the Environmental Protection Act. Payment shall be made in full to the department before the application is processed.

By October 1 of each year, any person holding a permit under the Integrated Solid Waste Management Act or to operate a solid waste management facility under the Environmental Protection Act shall pay an annual fee in an amount to be determined by the council. The annual fee shall be sufficient to cover the costs of ongoing permit considerations. The fees collected pursuant to this section shall not exceed the amount necessary to pay reasonable costs of administering the permit program pursuant to the Integrated Solid Waste Management Act or the Environmental Protection Act.

Sec. 13. That section 18-2604, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:  
18-2604. There is hereby created in the state treasury a cash fund to be known as the Municipal Infrastructure Redevelopment Fund. The fund shall have a separate account for each municipality in the state. Money shall be deposited into the fund pursuant to section 77-2602.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Investment earnings on each account shall be credited to that account.

Sec. 14. That section 19-4617, Revised Statutes Supplement, 1993, be amended to read as follows:

19-4617. (1) There is hereby created the Municipal Natural Gas Regulation Revolving Loan Fund which shall be used to make loans to municipalities for rate regulation and to pay the costs of administration. The fund shall consist of money appropriated from the Severance Tax Fund and money from repayment of loans. The Municipal Natural Gas Regulation Revolving Loan Fund shall be administered by the Governor's Policy Research Office which shall adopt and promulgate rules and regulations to carry out this subsection. The rules and regulations shall include:

- (a) Loan application procedures and forms; and
- (b) Fund-use monitoring and quarterly accounting of fund use.

Applicants for a loan from the fund shall provide a budget statement which specifies the proposed use of the loan proceeds. Such proceeds may only be used for the costs and expenses incurred by the municipality to analyze rate filings and establish areawide rates and to finance litigation costs of any appeals. Such costs and expenses may include the cost of rate consultants, attorneys, hearing officers, preparation of transcripts and hearing records provided for by the Municipal Natural Gas Regulation Act, expert witnesses, and any other necessary costs related to the conduct and administration of the hearing provided for in subsection (4) of section 19-4616. One loan may be made under this subsection to each rate area, and such loan shall be made to the applicant representing the largest number of customers. All loans made under this subsection shall be paid by the utility to the Governor's Policy Research Office within thirty days of being billed by the office. The utility may recover the amount paid on a loan through a special surcharge on customers which may be billed on the monthly statements for up to a twelve-month period to be shown on the statements as a charge for rate regulation expense.

(2) The fund shall be audited as part of the regular audit of the Governor's Policy Research Office budget and copies of the audit shall be available to all municipalities and any utility supplying natural gas in this state.

(3) Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. If the fund balance exceeds four hundred thousand dollars, the income on the money in the fund shall be credited to the permanent school fund until the balance of the fund falls below such amount.

(4) A municipality which receives a loan under this section shall be responsible to provide for the opportunity for all other municipalities to participate in all rate area activities. Such municipality shall not exclude any other municipality in the rate area from the information or benefits accruing from the use of the loan funds.

Sec. 15. That section 21-17,117.05, Revised Statutes Supplement, 1992, be amended to read as follows:

21-17,117.05. There is hereby created the Credit Union Act Fund. All funds available from the National Credit Union Share Insurance Fund shall be collected by the Department of Banking and Finance and remitted to the State Treasurer for credit to the Credit Union Act Fund. The fund shall be administered by the department and used only for offsetting costs associated with the examination and supervision of federally insured, state-chartered

credit unions. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 16. That section 23-3594.04, Revised Statutes Supplement, 1993, be amended to read as follows:

23-3594.04. There is hereby created the Medical Assistance Fund. The fund shall be held by the State Treasurer and supervised by the Department of Revenue. The department shall remit all money collected pursuant to section 23-3594.03 to the State Treasurer for credit to the fund. The fund shall be used exclusively for reimbursement for care under the medical assistance program established by section 68-1018. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 17. That section 24-227, Revised Statutes Supplement, 1993, be amended to read as follows:

24-227. There is hereby created the Supreme Court Automation Cash Fund. The fund shall be administered by the State Court Administrator. The fund shall only be used to support automation expenses of the county courts, district courts, separate juvenile courts, Court of Appeals, Supreme Court, and Nebraska Probation System. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 18. That section 24-704, Revised Statutes Supplement, 1992, be amended to read as follows:

24-704. The general administration of the retirement system for judges provided for in sections 24-701 to 24-714, except the investment of funds, is hereby vested in the board. The Attorney General shall be the legal advisor of the board. The Auditor of Public Accounts shall make an annual audit of the retirement system and file an annual report of its condition with the Clerk of the Legislature. Each member of the Legislature shall receive a copy of the annual report by making a request for such report to the Auditor of Public Accounts.

The board shall adopt and promulgate rules and regulations as may be necessary to carry out sections 24-701 to 24-714 which shall include provisions defining what constitutes compensation of a member of the retirement system for purposes of such sections. The definition of compensation shall include base salary or wages paid by the employer to the employee, including overtime pay for services rendered, and any other amounts determined by the board to appropriately constitute compensation.

The board shall employ a director and such assistants and employees as may be necessary to efficiently discharge the duties imposed by such sections. The director shall keep a record of all acts and proceedings taken by the board. He or she shall keep a complete record of all members with respect to name, current address, age, contributions, length of service, compensation, and any other facts as may be necessary in the administration of such sections. For the purpose of obtaining such facts, the director shall have access to the records of the various state departments and agencies. A certified copy of a birth certificate or delayed birth certificate shall be prima facie evidence of the age of the person named in the certificate.

Any funds of the retirement system available for investment shall be invested by the Nebraska Investment Council pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Payment for investment services by the council shall be charged directly against the gross investment returns of the funds. Charges so incurred shall not be a part of the board's annual budget request. The amounts of payment for such services, as of December 31 of each year, shall be reported not later than March 31 of the following year to the council, the board, and the Nebraska Retirement Systems Committee. The state investment officer shall sell any such securities upon request from the director so as to provide money for the payment of benefits or annuities.

Sec. 19. That section 28-429, Revised Statutes Supplement, 1992, be amended to read as follows:

28-429. (1) There is hereby established in the Nebraska State Patrol a Division of Drug Control. The division shall consist of such personnel as may be designated by the Superintendent of Law Enforcement and Public Safety. It shall be the duty of the division to enforce all of the provisions of the Uniform Controlled Substances Act and any other provisions of the law dealing with controlled substances and to conduct drug education activities as directed by the superintendent. The Nebraska State Patrol shall



cooperate with federal agencies, the department, other state agencies, elementary and secondary schools, and County Drug Law Enforcement and Education Fund Boards in discharging their responsibilities concerning traffic in controlled substances, in suppressing the abuse of controlled substances, and in conducting drug education activities. To this end the division is authorized to: (a) Arrange for the exchange of information between governmental officials concerning the use and abuse of controlled substances; (b) coordinate and cooperate in training programs on controlled substance law enforcement and education at the local and state levels; (c) establish a centralized unit which will accept, catalog, file, and collect statistics, including records of drug dependent persons and other controlled substance law offenders within the state, and make such information available for federal, state, and local law enforcement purposes on request; (d) cooperate in locating, eradicating, and destroying wild or illicit growth of plant species from which controlled substances may be extracted, and for these purposes a peace officer is hereby authorized to enter onto property upon which there are no buildings or upon which there are only uninhabited buildings without first obtaining a search warrant or consent; (e) develop a priority program so as to focus the bulk of its efforts on the reduction and elimination of the most damaging drugs including narcotic drugs, depressant and stimulant drugs, and hallucinogenic drugs; and (f) develop and conduct drug education activities in cooperation with elementary and secondary schools in Nebraska and with County Drug Law Enforcement and Education Fund Boards.

(2) There is hereby created the Nebraska State Patrol Drug Control and Education Cash Fund which shall be used for the purposes of (a) obtaining evidence for enforcement of any state law relating to the control of drug abuse and (b) drug education activities conducted pursuant to subsection (1) of this section. ~~On October 17, 1991, the State Treasurer shall transfer any money in the Nebraska State Patrol Drug Control Cash Fund to the Nebraska State Patrol Drug Control and Education Cash Fund. Any money in the Nebraska State Patrol Drug Control and Education Cash Fund fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.~~

(3) For the purpose of establishing and maintaining legislative oversight and accountability, the Appropriations Committee of the Legislature shall formulate record-keeping procedures to be adhered to by the Nebraska State Patrol for all expenditures, disbursements, and transfers of cash from the Nebraska State Patrol Drug Control and Education Cash Fund. ~~The procedures shall be formulated no later than sixty days after October 17, 1991, and implemented by the Nebraska State Patrol within thirty days thereafter.~~ Based on these record-keeping procedures, the Nebraska State Patrol shall prepare and deliver to the Clerk of the Legislature at the commencement of each succeeding session a detailed report which shall contain, but not be limited to: (a) Current total in the cash fund; (b) total amount of expenditures; (c) purpose of the expenditures to include: (i) Salaries and any expenses of all agents and informants; (ii) front money for drug purchases; (iii) names of drugs and quantity of purchases; (iv) amount of front money recovered; and (v) drug education activities; (d) total number of informers on payroll; (e) amounts delivered to patrol supervisors for distribution to agents and informants and the method of accounting for such transactions and the results procured through such transactions; and (f) a description of the drug education activities conducted since the date of the previous report. Each member of the Legislature shall receive a copy of such report by making a request for it to the director.

(4) The superintendent shall adopt and promulgate rules and regulations to carry out the provisions of this section.

Sec. 20. That section 29-2259.01, Revised Statutes Supplement, 1992, be amended to read as follows:

29-2259.01. There is hereby created the Probation Cash Fund. All funds collected pursuant to subdivisions (2)(n) and (2)(p) of section 29-2262 shall be remitted to the State Treasurer for credit to the fund. The fund shall be used to supplement any state funds necessary to support the costs of the services for which the funds were collected. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276. ~~Any money in the Probation Supervision Cash Fund on July 15, 1992, shall be transferred to the Probation Cash Fund on such date the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.~~

Sec. 21. That section 32-1610, Revised Statutes Supplement, 1993, be amended to read as follows:

32-1610. The Campaign Finance Limitation Cash Fund is hereby

created. The fund shall be used by the commission to provide public financing of campaigns pursuant to the Campaign Finance Limitation Act, except that transfers may be made to the General Fund at the direction of the Legislature. The fund shall consist of money appropriated to it by the Legislature, amounts repaid by candidates pursuant to sections 32-1606 and 32-1607, and taxpayer contributions to the fund pursuant to section 77-27,119.04. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 22. That section 37-206, Revised Statutes Supplement, 1992, be amended to read as follows:

37-206. The secretary of the commission shall deposit daily with the State Treasurer all tax money and other funds by him or her received and shall take the receipt of the treasurer therefor. The State Treasurer shall ~~place all of the credit such funds so deposited in to~~ the State Game Fund, which fund is hereby created. Any money in the State Game Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. County clerks and the secretary of the commission shall be liable upon their official bonds for failure to pay over any of such funds coming into their hands. Any other person, firm, or corporation which receives permit fees under the Game Law or the rules and regulations of the commission and which fails to pay over the same to the commission in accordance with its rules and regulations and after demand made for the same shall be liable to suit by the commission in double the amount of the funds wrongfully withheld and shall further be liable criminally for theft.

Sec. 23. That section 37-439, Revised Statutes Supplement, 1992, be amended to read as follows:

37-439. There is hereby created the Nongame and Endangered Species Conservation Fund which shall be used to assist in carrying out the Nongame and Endangered Species Conservation Act and to pay any expenses incurred by the Department of Revenue or any other agency in the administration of the income tax designation program required by section 77-27,119.01. Money shall be transferred into such fund from the General Fund by the State Treasurer in an amount to be determined by the Tax Commissioner which shall be equal to the total amount of contributions designated pursuant to section 77-27,119.01. Any money in the Nongame and Endangered Species Conservation Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 24. That section 37-1503, Revised Statutes Supplement, 1992, be amended to read as follows:

37-1503. The Trail Development Assistance Fund is hereby created. The fund shall consist of any direct appropriation by the Legislature and any funds received as gifts, bequests, or other contributions to such fund from public or private entities. The fund shall be administered by the Game and Parks Commission and shall be used to assist in the purchase, development, and maintenance of recreational trails within the state. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 25. That section 39-2215, Revised Statutes Supplement, 1992, be amended to read as follows:

39-2215. (1) There is hereby created in the state treasury a special fund to be known as the Highway Trust Fund.

(2) All funds credited to the Highway Trust Fund pursuant to sections 66-4,140, 66-4,147, and 66-605.02 shall be allocated as provided in such sections. The State Treasurer shall make the transfer to the General Fund required by section 66-499.

(3) All other motor fuel taxes and special fuel taxes related to highway use retained by the state, all motor vehicle registration fees retained by the state other than those fees credited to the State Recreation Road Fund pursuant to section 60-302, and other highway-user taxes imposed by state law and allocated to the Highway Trust Fund, except for the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers credited to the fund pursuant to section 77-27,132, are hereby irrevocably pledged for the terms of the bonds issued prior to January 1, 1988, to the payment of the principal, interest, and redemption premium, if any, of such bonds as they mature and become due at maturity or prior redemption and for any reserves therefor and shall, as received by the State Treasurer, be deposited in the fund for such purpose.

(4) Of the money in the fund specified in subsection (3) of this section which is not required for the use specified in such subsection, (a) an amount equal to three dollars times the number of motorcycles registered during the previous month shall be placed in the Motorcycle Safety Education Fund, (b) an amount to be determined annually by the Legislature through the appropriations process may be transferred to the Motor Fuel Tax Enforcement and Collection Cash Fund for use as provided in section 66-738 on a monthly or other less frequent basis as determined by the appropriation language, (c) an amount to be determined annually by the Legislature through the appropriations process shall be transferred to the License Plate Cash Fund as needed to meet the current obligations associated with the manufacture of license plates and stickers or tabs provided for in sections 60-311, 60-311.02, and 60-1804, as certified by the Director of Motor Vehicles, and (d) the remaining money may be used for the purchase for retirement of the bonds issued prior to January 1, 1988, in the open market.

(5) The State Treasurer shall monthly transfer, from the proceeds of the sales and use taxes credited to the Highway Trust Fund and any money remaining in the fund after the requirements of subsections (2) through (4) of this section are satisfied, (a) thirty thousand dollars to the Grade Crossing Protection Fund and (b) the amount calculated pursuant to section 13-1210 for financing the operating costs of public transportation systems to the Highway Cash Fund.

(6) Except as provided in subsection (7) of this section, the balance of the Highway Trust Fund shall be allocated fifty-three and one-third percent, less the amount provided for in section 39-847.01, to the Department of Roads, twenty-three and one-third percent, less the amount provided for in section 39-847.01, to the various counties for road purposes, and twenty-three and one-third percent to the various municipalities for street purposes. If bonds are issued pursuant to subsection (2) of section 39-2223, the portion allocated to the Department of Roads shall be credited monthly to the Highway Restoration and Improvement Bond Fund, and if no bonds are issued pursuant to such subsection, the portion allocated to the department shall be credited monthly to the Highway Cash Fund. The portions allocated to the counties and municipalities shall be credited monthly to the Highway Allocation Fund and distributed monthly as provided by law. Vehicles accorded prorated registration pursuant to section 60-305.09 shall not be included in any formula involving motor vehicle registrations used to determine the allocation and distribution of state funds for highway purposes to political subdivisions.

(7) If it is determined by December 20 of any year that a county will receive from its allocation of state-collected highway revenue and from any funds relinquished to it by municipalities within its boundaries an amount in such year which is less than such county received in state-collected highway revenue in calendar year 1969, based upon the 1976 tax rates for highway-user fuels and registration fees, the Department of Roads shall notify the State Treasurer that an amount equal to the sum necessary to provide such county with funds equal to such county's 1969 highway allocation for such year shall be transferred to such county from the Highway Trust Fund. Such makeup funds shall be matched by the county as provided in sections 39-2501 to 39-2510. The balance remaining in the fund after such transfer shall then be reallocated as provided in subsection (6) of this section.

(8) The State Treasurer shall disburse the money in the Highway Trust Fund as directed by resolution of the commission. All disbursements from the fund shall be made upon warrants drawn by the Director of Administrative Services. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections ~~72-1237 to 72-1276~~ 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act and the earnings, if any, credited to the fund.

Sec. 26. That section 39-2215.01, Revised Statutes Supplement, 1992, be amended to read as follows:

39-2215.01. (1) There is hereby created in the state treasury a fund to be known as the Highway Restoration and Improvement Bond Fund.

(2) If bonds are issued pursuant to subsection (2) of section 39-2223, all motor vehicle fuel taxes, special fuel taxes related to highway use, motor vehicle registration fees, and other highway-user taxes which are retained by the state and allocated to the bond fund from the Highway Trust Fund shall be hereby irrevocably pledged for the terms of the bonds issued after July 1, 1988, to the payment of the principal, interest, and redemption premium, if any, of such bonds as they mature and become due at maturity or prior redemption and for any reserves therefor and shall, as received by the State Treasurer, be deposited directly in the bond fund for such purpose. Of the money in the bond fund not required for such purpose, such remaining money

may be used for the purchase for retirement of the bonds in the open market or for any other lawful purpose related to the issuance of bonds, and the balance, if any, shall be transferred monthly to the Highway Cash Fund for such use as may be provided by law.

(3) The State Treasurer shall disburse the money in the bond fund as directed by resolution of the commission. All disbursements from the bond fund shall be made upon warrants drawn by the Director of Administrative Services. Any money in the bond fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 27. That section 43-1320, Revised Statutes Supplement, 1992, be amended to read as follows:

43-1320. (1) The Legislature finds and declares that foster parents are a valuable resource providing an important service to the citizens of Nebraska. The Legislature recognizes that the current insurance crisis has adversely affected some foster parents in several ways. Foster parents have been unable to obtain liability insurance coverage over and above homeowner's or tenant's coverage for actions filed against them by the foster child, the child's parents, or the child's legal guardian. In addition, the monthly payment made to foster parents is not sufficient to cover the cost of obtaining extended coverage and there is no mechanism in place by which foster parents can recapture the cost. Foster parents' personal resources are at risk, and therefore the Legislature desires to provide relief to address these problems.

(2) There is hereby created the Foster Parent Liability and Property Damage Fund. The fund shall be administered by the Department of Social Services and shall be used to purchase any liability and property damage insurance policy provided by the department pursuant to subsection (6) of section 43-905 and reimburse foster parents for unreimbursed liability and property damage incurred or caused by a foster child as the result of acts covered by the insurance policy purchased by the department. Claims for unreimbursed liability and property damage incurred or caused by a foster child may be submitted in the manner provided in the State Miscellaneous Claims Act. Each claim shall be limited to the amount of any deductible applicable to the insurance policy provided by the Department of Social Services pursuant to subsection (6) of section 43-905, and there may be a fifty-dollar deductible payable by the foster parent per claim. The department shall adopt and promulgate rules and regulations to carry out this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 28. That section 43-2607, Revised Statutes Supplement, 1992, be amended to read as follows:

43-2607. There is hereby created the Early Childhood Program Training Fund. The fund shall be administered by the State Department of Education and shall be used to enhance, provide, and coordinate training for providers of early childhood programs. Emphasis shall be placed on the coordination of and dissemination of information about existing training opportunities. Such training may include:

- (1) Programs targeted to parents needing or using child care to assist them in selecting optimum child care settings;
- (2) Specialized training regarding the care of children with special needs; and
- (3) Programs concerning health, safety, or developmental needs of children.

The department may contract with any public or private entity to provide such training. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 29. That section 43-2622, Revised Statutes Supplement, 1992, be amended to read as follows:

43-2622. The Child Care Grant Fund is hereby established to be administered by the Department of Social Services. The fund shall be used to make grants pursuant to section 43-2624. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 30. That section 44-116, Revised Statutes Supplement, 1993, be amended to read as follows:

44-116. All money collected by the Department of Insurance for

examination of the affairs of domestic, foreign, or alien insurance companies and insurers as defined in and pursuant to the Insurers Examination Act or any other provision of Chapter 44 or for valuing the reserve liabilities of life insurance companies shall be remitted by the department to the State Treasurer for credit to the Department of Insurance Cash Fund, which fund is hereby created. Money in the Department of Insurance Cash Fund may be used for transfers to the General Fund at the direction of the Legislature. Any money in the Department of Insurance Cash Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 31. That section 45-621, Revised Statutes Supplement, 1993, be amended to read as follows:

45-621. All fees collected under the Collection Agency Act shall be remitted to the State Treasurer for credit to a special fund to be known as the Nebraska Collection Agency Fund. The board may use the fund as may be necessary for the proper administration and enforcement of the act. The fund shall be paid out only on proper vouchers approved by the board and upon warrants issued by the Director of Administrative Services and countersigned by the State Treasurer as provided by law. All fees and expenses of the Attorney General in representing the board pursuant to the act shall be paid out of such fund. Any money in the Nebraska Collection Agency Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 32. That section 45-716, Revised Statutes Supplement, 1992, be amended to read as follows:

45-716. The Mortgage Bankers Cash Fund is hereby created. All fees, charges, and fines collected by the department pursuant to the Mortgage Bankers Registration and Licensing Act shall be remitted to the State Treasurer for credit to the fund. The fund shall be used for the purpose of administering and enforcing the act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 33. That section 46-212.02, Revised Statutes Supplement, 1992, be amended to read as follows:

46-212.02. There is hereby created the Department of Water Resources Cash Fund to be used to pay the expenses of the Department of Water Resources. All fees collected by the department pursuant to subdivision (10) of section 33-105 and section 46-212.01 shall be paid to the state treasury and credited to such fund. Any money in the Department of Water Resources Cash Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 34. That section 46-1224, Revised Statutes Supplement, 1993, be amended to read as follows:

46-1224. (1) Except as provided in subsections (2) through (6) of this section, the board shall set reasonable fees in an amount calculated to recover the costs incurred by the department and the board in administering and carrying out the purposes of the Water Well Standards and Contractors' Licensing Act. Except as provided in subsection (4) of this section, the fees shall be paid to the department and remitted to the State Treasurer for credit to the Water Well Standards and Contractors' Licensing Fund, which fund is hereby created. Such fund shall be used by the department and the board for the purpose of administering the Water Well Standards and Contractors' Licensing Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The board shall set an application fee of no more than twenty-five dollars regardless of the number of licenses or certificates for which the application is being made. An individual may apply for one or more licenses and one or more certificates under a single application. Application fees paid shall be retained by the department whether such initial license or certificate is issued or denied.

(3) The board shall set a single license fee at not less than fifty dollars nor more than two hundred dollars annually and a certification fee at not less than twenty-five nor more than forty dollars annually. An individual who is licensed both as a pump installation contractor and a water well contractor shall pay a fee of not less than seventy-five dollars and not more

than three hundred dollars. An individual who is certified as both a pump installation supervisor and water well drilling supervisor shall pay a fee of not less than thirty-five dollars and not more than fifty dollars.

(4) The board shall set a fee of not less than twenty-five dollars and not more than forty dollars for each water well which is required to be registered and which is designed and constructed to pump less than fifty gallons per minute and each monitoring and observation well and a fee of not less than forty dollars and not more than eighty dollars for each water well which is required to be registered and which is designed and constructed to pump fifty gallons per minute or more. For water wells permitted pursuant to the Industrial Ground Water Regulatory Act, the fee set pursuant to this subsection shall be collected for each of the first ten such water wells registered, and for each group of ten or fewer such water wells registered thereafter, the fee shall be collected as if only one water well was being registered. The fees shall be remitted to the Director of Water Resources with the registration form required by section 46-602 and shall be in addition to the fee in section 46-606. The director shall remit the fee to the State Treasurer for credit to the Water Well Standards and Contractors' Licensing Fund.

(5) The late fee for a late application by a licensee shall be five hundred dollars, and the late fee for a late application by a certificate holder shall be two hundred dollars.

(6) The board shall set an application fee for a declaratory ruling or variance of not less than fifty dollars and not more than one hundred dollars.

Sec. 35. That section 48-1,116, Revised Statutes Supplement, 1993, be amended to read as follows:

48-1,116. The Compensation Court Cash Fund is hereby created. The fund shall be used to aid in providing for the expense of administering the Nebraska Workers' Compensation Act and the payment of the salaries and expenses of the personnel of the Nebraska Workers' Compensation Court.

All fees received pursuant to sections 48-120, 48-120.02, 48-138, 48-139, 48-145.04, 48-157, 48-162, and 48-165 shall be remitted to the State Treasurer for credit to the fund. The fund shall also consist of amounts credited to the fund pursuant to sections 48-1,113, 48-1,114, and 77-912. The State Treasurer may receive and credit to the fund any money which may at any time be contributed to the state or the fund by the federal government or any agency thereof to which the state may be or become entitled under any act of Congress or otherwise by reason of any payment made from the fund.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Funds in the Nebraska Workers' Compensation Court Cash Fund on September 9, 1993, shall be transferred to the Compensation Court Cash Fund on such date.

Sec. 36. That section 48-418.10, Revised Statutes Supplement, 1992, be amended to read as follows:

48-418.10. The Elevator Inspection Fund is hereby created. The Commissioner of Labor shall use the fund for the administration of the elevator inspection program pursuant to sections 48-418 to 48-418.14. The fund shall consist of money appropriated to it by the Legislature and fees collected in the administration of the elevator inspection program.

Fees so collected shall be remitted to the State Treasurer for credit to the fund and shall not lapse into the General Fund. Any money in the Elevator Inspection Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 37. That section 48-446, Revised Statutes Supplement, 1993, be amended to read as follows:

48-446. (1) There is hereby created the Workplace Safety Consultation Program. It is the intent of the Legislature that such program help provide employees in Nebraska with safe and healthful workplaces.

(2) Under the Workplace Safety Consultation Program, the Department of Labor may conduct workplace inspections and consultations to determine whether employers are complying with standards issued by the federal Occupational Safety and Health Administration for safe and healthful workplaces. Workplace inspections and safety consultations shall be performed by employees of the Department of Labor who are knowledgeable and experienced in the occupational safety and health field and who are trained in the federal standards and in the recognition of safety and health hazards. The Department of Labor may employ qualified persons as may be necessary to carry out this section.

(3) All employers shall be subject to occupational safety and health inspections covering their Nebraska operations. Employers shall be selected by the Commissioner of Labor for inspection on the basis of factors intended to identify the likelihood of workplace injuries and to achieve the most efficient utilization of safety personnel of the Department of Labor. Such factors shall include:

(a) The amount of premium paid by the employer for workers' compensation insurance;

(b) The experience modification produced by the experience rating system referenced in section 44-5028;

(c) Whether the employer is covered by workers' compensation insurance under section 48-146.01;

(d) The relative hazard of the employer's type of business as evidenced by insurance rates or loss costs filed with the Director of Insurance for the insurance rating classification or classifications applicable to the employer;

(e) The nature, type, or frequency of accidents for the employer as may be reported to the Department of Insurance, the Nebraska Workers' Compensation Court, or the Department of Labor;

(f) Workplace hazards as may be reported to the Department of Insurance, the Nebraska Workers' Compensation Court, or the Department of Labor;

(g) Previous safety and health history;

(h) Possible employee exposure to toxic substances;

(1) Requests by employers for the Department of Labor to inspect their workplaces or otherwise provide consulting services on a basis by which the employer will reimburse the Department of Labor; and

(j) All other relevant factors.

(4) Hazards identified by an inspection shall be eliminated within a reasonable time as specified by the Commissioner of Labor.

(5) An employer who refuses to eliminate workplace hazards in compliance with an inspection shall be referred to the federal Occupational Safety and Health Administration for enforcement.

(6) At the discretion of the Commissioner of Labor, inspection of an employer may be repeated to ensure compliance by the employer, with the expenses incurred by the Department of Labor to be paid by the employer.

(7) The Commissioner of Labor shall adopt and promulgate rules and regulations establishing a schedule of fees for consultations and inspections. Such fees shall be established with due regard for the costs of administering the Workplace Safety Consultation Program. The cost of consultations and inspections shall be borne by each employer for which these services are rendered.

(8) There is hereby created the Workplace Safety Consultation Program Cash Fund. All fees collected pursuant to the Workplace Safety Consultation Program shall be remitted to the State Treasurer for credit to the fund and shall be used for the sole purpose of administering the program. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(9) Each employer provided a consultation or inspection by the Department of Labor shall retain up-to-date records for each place of employment as recommended by the inspection or consultation. The employer shall make such records available to the Department of Labor upon request to ensure continued progress of the employer's efforts to comply with the federal Occupational Safety and Health Administration standards.

(10) Any person who knowingly operates or causes to be operated a business in violation of recommendations to correct serious or imminent hazards as identified by the Workplace Safety Consultation Program shall be referred to the federal Occupational Safety and Health Administration.

(11) The Attorney General, acting on behalf of the Commissioner of Labor, or the county attorney in a county in which a business is located or operated may apply to the district court for an order against any employer in violation of this section.

(12) The Workplace Safety Consultation Program shall not be construed to alter the duty of care or the liability of an owner or a business for injuries or death of any person or damage to any property. The state and its officers and employees shall not be construed to assume liability arising out of an accident involving a business by reason of administration of the Workplace Safety Consultation Program.

(13) Inspectors employed by the Department of Labor may inspect any place of employment with or without notice during normal hours of operation. Such inspectors may suspend the operation of equipment determined to

constitute an imminent danger situation. Operation of such equipment shall not resume until the hazardous or unsafe condition is corrected to the satisfaction of the inspector.

(14) No person with a reasonable cause to believe the truth of the information shall be subject to civil liability for libel, slander, or any other relevant tort cause of action by virtue of providing information without malice on workplace hazards or the nature, type, or frequency of accidents to the Department of Insurance, the Nebraska Workers' Compensation Court, or the Department of Labor.

(15) Safety and health inspectors employed by the Department of Labor shall have the right and power to enter any premise, building, or structure, public or private, for the purpose of inspecting any work area or equipment. A refusal by the employer of entry by a safety and health inspector employed by the Department of Labor shall be a violation of this subsection. If the Commissioner of Labor finds, after notice and hearing, that an employer has violated this subsection, he or she may order payment of a civil penalty of not more than one thousand dollars for each violation. Each day of continued violation shall constitute a separate violation.

(16) The Commissioner of Labor shall adopt and promulgate rules and regulations to carry out this section.

Sec. 38. That section 48-621, Revised Statutes Supplement, 1992, be amended to read as follows:

48-621. The administrative fund shall consist of the Employment Security Administration Fund and the Employment Security Special Contingent Fund. Each fund shall be maintained as a separate and distinct account in all respects, as follows:

(a) There is hereby created in the state treasury a special fund to be known as the Employment Security Administration Fund. All money deposited or paid into this fund is hereby appropriated and made available to the Commissioner of Labor. All money in this fund shall be expended solely for the purposes and in the amounts found necessary by the Secretary of Labor of the United States for the proper and efficient administration of the Employment Security Law and for no other purpose whatsoever. The fund shall consist of all money appropriated by this state and all money received from the United States of America or any agency thereof, including the Department of Labor and the Railroad Retirement Board, or from any other source for such purpose. Money received from any agency of the United States or any other state as compensation for services or facilities supplied to such agency, any amounts received pursuant to any surety bond or insurance policy for losses sustained by the Employment Security Administration Fund or by reason of damage to equipment or supplies purchased from money in such fund, and any proceeds realized from the sale or disposition of any equipment or supplies which may no longer be necessary for the proper administration of such law shall also be paid into this fund. All money in this fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the state treasury. Any balances in this fund, except balances of money therein appropriated from the General Fund of this state, shall not lapse at any time but shall be continuously available to the commissioner for expenditure consistent with the Employment Security Law. Notwithstanding any other provisions of this section, all money requisitioned and deposited in this fund pursuant to section 903 of the Social Security Act, as amended, shall remain part of the Unemployment Compensation Fund and shall be used only in accordance with the conditions specified in section 903 of the Social Security Act. Any money in the Employment Security Administration Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(b) There is hereby created in the state treasury a special fund to be known as the Employment Security Special Contingent Fund. Any money in the Employment Security Special Contingent Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. All money collected under section 48-655 as interest on delinquent contributions, less refunds, shall be paid into this fund from the clearing account of the Unemployment Compensation Fund at the end of each calendar quarter. Such money shall not be expended or available for expenditure in any manner which would permit its substitution for or a corresponding reduction in federal funds which would in the absence of such money be available to finance expenditures for the administration of the unemployment insurance law, but nothing in this section shall prevent the money from being used as a revolving fund to cover expenditures necessary and



proper under the law for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such federal funds when received. The money in this fund may be used by the Commissioner of Labor only as follows:

(1) To replace within a reasonable time any money received by this state pursuant to section 302 of the federal Social Security Act, as amended, and required to be paid under section 48-622;

(2) To meet special extraordinary and contingent expenses which are deemed essential for good administration but which are not provided in grants from the Secretary of Labor of the United States and, for this purpose, no expenditures shall be made from this fund except on written authorization by the Governor at the request of the Commissioner of Labor;

(3) To be transferred to the Nebraska Community College Aid Cash Fund; and

(4) To be transferred to the Job Training Cash Fund.

Sec. 39. That section 49-1446.01, Revised Statutes Supplement, 1992, be amended to read as follows:

49-1446.01. No committee, other than a political party committee, may expend or transfer funds except to make an expenditure, as defined in subsection (1), (2), or (3) of section 49-1419, or as provided in this section. Any committee, including a political party committee, may:

(1) Make expenditures or transfer funds after any election for: (a) The necessary continued operation of the campaign office or offices of the candidate or political committee; (b) social events primarily for the benefit of campaign workers and volunteers or constituents; (c) obtaining public input and opinion; (d) repayment of campaign loans incurred prior to election day; (e) newsletters and other communications of information, thanks, acknowledgment, or greetings, or for the purpose of political organization and planning; (f) gifts of acknowledgment, including flowers and charitable contributions, except that gifts to any one natural person shall not exceed fifty dollars in any one calendar year; (g) meals, lodging, and travel by an officeholder related to his or her candidacy and for members of the immediate family of the officeholder when involved in activities related to his or her candidacy; and (h) meals, lodging, and travel by an officeholder and his or her staff when involved in activities related to the duties of his or her public office;

(2) Make expenditures or transfer funds for the payment of installation and use of telephone and telefax machines located in an officeholder's public office and used by such officeholder; and

(3) Invest funds in investments authorized in sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act for the state investment officer.

Nothing in this section shall prohibit a separate segregated political fund from disbursing funds as provided in section 49-1469.

Sec. 40. That section 49-14,140, Revised Statutes Supplement, 1992, be amended to read as follows:

49-14,140. The Nebraska Accountability and Disclosure Commission Cash Fund is hereby created. The fund shall consist of funds received by the commission pursuant to sections 49-1470, 49-1495, 49-14,123, and 49-14,123.01. The fund shall not include late filing fees or civil penalties assessed and collected by the commission. The fund shall be used by the commission in administering the Nebraska Political Accountability and Disclosure Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 41. That section 50-438, Revised Statutes Supplement, 1992, be amended to read as follows:

50-438. There is hereby created the Legislative Council Retirement Study Fund. The fund shall consist of money appropriated to it by the Legislature and transfers made pursuant to subdivision (2)(h) of section 84-1503. Money in the fund shall only be used for a comprehensive study of the retirement systems listed in subdivision (1)(a) of section 84-1503. Any money remaining in the fund eighteen months after the date of transfer shall be transferred by the State Treasurer back to the retirement systems for credit to the various retirement funds. Any money in the Legislative Council Retirement Study Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 42. That section 53-117.06, Revised Statutes Supplement, 1993, be amended to read as follows:

53-117.06. Any money collected by the commission pursuant to section 53-117.05 or 53-167.02 shall be credited to the Nebraska Liquor

Control Commission Rule and Regulation Cash Fund, which fund is hereby created. The purpose of the fund shall be to cover any costs incurred by the commission in producing or distributing the material referred to in such sections. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 43. That section 54-2293, Revised Statutes Supplement, 1992, be amended to read as follows:

54-2293. The Pseudorabies Control Cash Fund shall consist of money appropriated by the Legislature and gifts, grants, costs, or charges from any source, including federal, state, public, and private sources. The fund shall be utilized for the purpose of carrying out the Pseudorabies Control and Eradication Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 44. That section 57-919, Revised Statutes Supplement, 1993, be amended to read as follows:

57-919. (1) All money collected by the Tax Commissioner or the commission or as civil penalties under sections 57-901 to 57-921 shall be remitted to the State Treasurer for credit to a special fund to be known as the Oil and Gas Conservation Fund. Expenses incident to the administration of such sections shall be paid out of the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) There is hereby levied and assessed on the value at the well of all oil and gas produced, saved, and sold or transported from the premises in Nebraska where produced a charge not to exceed four mills on the dollar. The commission shall by order fix the amount of such charge in the first instance and may, from time to time, reduce or increase the amount thereof as in its judgment the expenses chargeable against the Oil and Gas Conservation Fund may require, except that the amounts fixed by the commission shall not exceed the limit prescribed in this section. It shall be the duty of the Tax Commissioner to make collection of such assessments. The persons owning an interest, a working interest, a royalty interest, payments out of production, or any other interest in the oil and gas, or in the proceeds thereof, subject to the charge provided for in this section shall be liable to the producer for such charge in proportion to their ownership at the time of production. The producer shall, on or before the last day of the month next succeeding the month in which the charge was assessed, file a report or return in such form as prescribed by the commission and Tax Commissioner together with all charges due. In the event of a sale of oil or gas within this state, the first purchaser shall file this report or return together with any charges then due. If the final filing date falls on a Saturday, Sunday, or legal holiday, the next secular or business day shall be the final filing date. Such reports or returns shall be considered filed on time if postmarked before midnight of the final filing date. Any such charge not paid within the time herein specified shall bear interest at the rate specified in section 45-104.02, as such rate may from time to time be adjusted, from the date of delinquency until paid, and such charge together with the interest shall be a lien as provided in section 57-702. The Tax Commissioner shall charge and collect a penalty for the delinquency in the amount of one percent of the charge for each month or part of the month that the charge has remained delinquent, but in no event shall the penalty be more than twenty-five percent of the charge. The Tax Commissioner may waive all or part of the penalty provided in this section but shall not waive the interest. The person remitting the charge as provided in this section is hereby authorized, empowered, and required to deduct from any amounts due the persons owning an interest in the oil and gas or in the proceeds thereof at the time of production the proportionate amount of such charge before making payment to such persons. This subsection shall apply to all lands in the State of Nebraska, anything in section 57-920 to the contrary notwithstanding, except that there shall be exempted from the charge levied and assessed in this section the following: (a) The interest of the United States of America and the interest of the State of Nebraska and the political subdivisions thereof in any oil or gas or in the proceeds thereof; (b) the interest of any Indian or Indian tribe in any oil or gas or in the proceeds thereof produced from land subject to the supervision of the United States; and (c) oil and gas used in producing operations or for repressuring or recycling purposes. All money so collected shall be remitted to the State Treasurer for credit to the Oil and Gas Conservation Fund and shall be used exclusively to pay the costs and expenses incurred in connection with the

administration and enforcement of sections 57-901 to 57-921.

Sec. 45. That section 60-305.09, Revised Statutes Supplement, 1992, be amended to read as follows:

60-305.09. (1) Any owner engaged in operating a fleet of apportionable vehicles in this state in interstate commerce may, in lieu of registration of such vehicles under the general provisions of sections 60-301 to 60-344, register and license such fleet for operation in this state by filing a sworn statement and the application required by section 60-305.16 with the Department of Motor Vehicles. The statement shall be in such form and contain such information as the department requires, declaring the total mileage operated by such vehicles in all states and in this state during the preceding year and describing and identifying each such vehicle to be operated in this state during the ensuing license year. Upon receipt of such statement and application, the department shall determine the total fee payment which shall be equal to the amount of fees due pursuant to section 60-305.16 and the amount obtained by applying the proportion of in-state fleet miles to total fleet miles, as reported in such states, to a fee of thirty-two dollars per ton based upon gross vehicle weight of the empty weights of a truck or truck-tractor and the empty weights of any trailer, semitrailer, or combination thereof with which it is to be operated in combination at any one time, plus the weight of the maximum load to be carried thereon at any one time, and shall notify the applicant of the amount of payment required to be made. Mileage operated in noncontracting reciprocity states by vehicles based in Nebraska shall be applied to the portion of the formula for determining the Nebraska in-state fleet miles.

Temporary authority which permits the operation of a fleet or an addition to a fleet in this state while the application is being processed may be issued upon application to the department if necessary to complete processing of the application.

Upon completion of such processing and receipt of the appropriate fees, the department shall issue to the applicant a sufficient number of distinctive registration certificates and such other evidence of registration for display on the vehicle as the department determines appropriate for each of the vehicles of his or her fleet, identifying it as a part of an interstate fleet proportionately registered. All fees received as provided in this section shall be remitted to the State Treasurer for credit to the International Registration Plan Distributive Fund, which fund is hereby created. Such fund shall be disbursed to carry out the provisions of the International Registration Plan. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

The vehicles so registered shall be exempt from all further registration and license fees under sections 60-301 to 60-344 for movement or operation in the State of Nebraska except as provided in section 60-305.16. The proportional registration and licensing provision of this section shall apply to vehicles added to such fleets and operated in this state during the license year except with regard to permanent license plates issued under section 60-305.16.

The right of applicants to proportional registration under this section shall be subject to the terms and conditions of any reciprocity agreement, contract, or consent made by the department.

When a nonresident fleet owner has registered his or her vehicles on an apportionment basis, his or her vehicles shall be considered as fully registered for both interstate and intrastate commerce when the state of base registration for such fleet accords the same consideration for fleets with a base registration in Nebraska. Each vehicle of a fleet registered by a resident of Nebraska on an apportionment basis shall be considered as fully registered for both interstate and intrastate commerce.

(2) Mileage proportions for interstate fleets not operated in this state during the preceding year shall be determined by the department upon the sworn application of the applicant on forms to be supplied by the department which shall show the operations of the preceding year in other states and estimated operations in Nebraska or, if no operations were conducted the previous year, a full statement of the proposed method of operation.

(3) Any owner complying with and being granted proportional registration shall preserve the records on which the application is made for a period of three years following the current registration year. Upon request of the department, the owner shall make such records available to the department at its office for audit as to accuracy of computation and payments or pay the costs of an audit at the home office of the owner by a duly appointed representative of the department if the office where the records are

maintained is not within the State of Nebraska. The department may enter into agreements with agencies of other states administering motor vehicle registration laws for joint audits of any such owner. All payments received to cover the costs of an audit shall be remitted by the department to the State Treasurer for credit to the Interstate Registration Operations Cash Fund. No deficiency shall be assessed and no claim for credit shall be allowed for any license registration year for which records on which the application was made are no longer required to be maintained.

(4) If the department claims that a greater amount of fee is due under this section than was paid, the department shall notify the owner of the additional amount claimed to be due. The owner may accept such claim and pay the amount due, or he or she may dispute the claim and submit to the department any information which he or she may have in support of his or her position. If the dispute cannot otherwise be resolved within the department, the entire matter shall be submitted to the Director of Motor Vehicles for his or her final departmental determination thereof. The director shall incorporate his or her determination into a written order. Such order may be appealed to the district court in the manner provided in section 60-4,105, except that the bond shall be filed with the clerk of the district court and shall be a surety bond or a cash bond equal to the amount claimed to be due plus two hundred dollars as security for costs that might be assessed against the owner. A certified copy of the director's order shall be filed in lieu of a transcript. Upon expiration of the time for perfecting an appeal if no appeal is taken or upon final judicial determination if an appeal is taken, the department shall deny the owner the right to further registration for a fleet license until the amount finally determined to be due, together with any costs assessed against the owner, has been paid.

(5) Every applicant who licenses any vehicles under this section and section 60-305.16 shall have his or her registration certificates issued only after all fees under such sections are paid and, if applicable, proof has been furnished of payment, in the form prescribed by the director as directed by the United States Secretary of the Treasury, of the federal heavy vehicle use tax imposed by the Internal Revenue Code, 26 U.S.C. 4481.

(6) In the event of the transfer of ownership of any registered motor vehicle or in the case of loss of possession because of fire or theft or because the motor vehicle was wrecked, junked, or dismantled, its registration shall expire, except that if the registered owner applies to the department after such transfer or loss of possession and accompanies the application with the fee of one dollar and fifty cents, he or she may have assigned to another motor vehicle the registration identification of the motor vehicle so transferred or lost. If the assigned motor vehicle has a greater gross weight than the transferred or lost motor vehicle, the owner of the assigned motor vehicle shall additionally pay only the registration fee for the increased gross weight for the remaining months of the registration year based on the factors determined by the department in the original fleet application.

(7) Whenever a Nebraska-based fleet owner files an application with the department to delete a registered motor vehicle from a fleet of registered motor vehicles because of (a) the transfer of ownership or (b) the loss of possession due to fire or theft or because the motor vehicle was wrecked, junked, or dismantled, the registered owner may, by returning the registration certificate or certificates and such other evidence of registration used by the department or, if such certificate or certificates or such other evidence of registration is unavailable, then by making an affidavit to the department of such transfer or loss, receive a refund of the registration fee based upon the number of unexpired months remaining in the registration year. No refund shall be allowed for any fees paid under section 60-305.16. When such motor vehicle is transferred or lost within the same month as acquired, no refund shall be allowed for such month. Such refund may be in the form of a credit against any registration fees that have been incurred or are, at the time of the refund, being incurred by the registered motor vehicle owner.

(8) Whenever a Nebraska-based fleet owner files an application with the department to delete a registered motor vehicle from a fleet of registered motor vehicles because the vehicle is disabled and has been removed from service, the registered owner may, by returning the registration certificate or certificates and such other evidence of registration used by the department or, in the case of the unavailability of such certificate or certificates or such other evidence of registration, then by making an affidavit to the department of such disablement and removal from service, receive a credit for that portion of the registration fee deposited in the Highway Trust Fund based upon the number of unexpired months remaining in the registration year. No credit shall be allowed for any fees paid under section 60-305.16. When such motor vehicle is removed from service within the same month in which it was

registered, no credit shall be allowed for such month. Such credit may be applied against registration fees for new or replacement vehicles incurred within one year after cancellation of registration of the motor vehicle for which the credit was allowed. When any such vehicle is reregistered within the same registration year in which its registration has been canceled, the fee shall be that portion of the registration fee provided to be deposited in the Highway Trust Fund for the remainder of the registration year.

(9) In case of addition to the registered fleet during the registration year, the owner engaged in operating the fleet shall pay the proportionate registration fee from the date of the application for the remaining balance of the registration year. The fee for any permanent license plate issued for such addition pursuant to section 60-305.16 shall be the full fee required by such section, regardless of the number of months remaining in the license year.

(10) In lieu of registration under subsections (1) to (9) of this section, the title holder of record may apply to the department for special registration, to be known as an unladen-weight registration, for any commercial vehicle or combination of vehicles. Such registration shall be valid only for a period of thirty days and shall give no authority to operate the vehicle except when empty. The fee for such registration shall be twenty dollars for each vehicle, which fee shall be remitted to the State Treasurer for credit to the Highway Trust Fund. The issuance of such permits shall be governed by subsection (1) of section 60-305.03.

(11) In lieu of registration under subsections (1) to (9) of this section, a trip permit for any nonresident truck, truck-tractor, bus, or truck or truck-tractor combination shall be purchased. Such permit shall be valid for (a) a single trip across or through Nebraska and (b) not longer than seventy-two hours. The fee for such permit shall be twenty-five dollars for each vehicle or combination of vehicles. Such permit shall be available at weighing stations operated by the carrier enforcement division and at various vendor stations as determined appropriate by the carrier enforcement division. The carrier enforcement division shall act as an agent for the department in collecting such fees and shall remit all such fees collected to the State Treasurer for credit to the Highway Cash Fund. Trip permits shall be obtained at the first available location whether that is a weighing station or a vendor station. The vendor stations shall be entitled to collect and retain an additional fee of ten percent of the fee collected pursuant to this subsection as reimbursement for the clerical work of issuing the permits.

Sec. 46. That section 60-311, Revised Statutes Supplement, 1992, be amended to read as follows:

60-311. (1) The Department of Motor Vehicles shall furnish to every person whose motor vehicle is registered two fully reflectorized number plates, except that only one plate shall be issued to dealers or for motorcycles, truck-tractors, semitrailers, and buses, upon which plates shall be displayed (a) the registration number assigned to such motor vehicle in figures not less than two and one-half inches nor more than three inches in height and (b) also the word Nebraska suitably lettered so as to be attractive. The plates shall be of a color designated by the Director of Motor Vehicles. The color of the plates shall be changed each time the license plates are changed. Each time the license plates are changed the director shall secure competitive bids for materials pursuant to sections 81-145 to 81-163.01.

(2) Except for plates issued pursuant to section 60-305.16, number plates shall be issued every three years beginning with the number plates issued in the year 1984. In the years in which plates are not issued, in lieu of furnishing such plates, the department shall furnish to every person whose motor vehicle is registered one or two renewal tabs, as the case may be, which renewal tabs shall bear the year for which furnished and be so constructed as to permit them to be permanently affixed to the plates.

(3) The department may provide a distinctive license plate for all motor vehicles owned or operated by the state, counties, municipalities, or school districts. Such government-owned motor vehicles shall display such distinctive license plates when such license plates are issued.

(4) The department shall provide a distinctive plate for issuance pursuant to section 60-305.16. Issuance of such plates shall begin not later than January 1, 1991.

(5) Until January 1, 1993, whenever new license plates, including duplicate or replacement license plates but not including permanent license plates issued for a trailer or semitrailer pursuant to section 60-305.16, are furnished to any person, a fee of one dollar and fifteen cents per plate shall be charged in addition to all other required fees. Beginning January 1, 1993, whenever Whenever new license plates, including duplicate or replacement

license plates, are furnished to any person, a fee of one dollar and fifty cents per plate shall be charged in addition to all other required fees. Such fee shall cover the cost of the plate and renewal tabs. All fees collected pursuant to this section shall be remitted to the State Treasurer for credit to the Highway Trust Fund.

(6) There is hereby created the License Plate Cash Fund which shall consist of money transferred to it pursuant to section 39-2215. All costs associated with the manufacture of license plates and stickers or tabs provided for in this section and sections 60-311.02 and 60-1804 shall be paid from funds appropriated from the License Plate Cash Fund. The fund shall be used exclusively for such purposes and shall be administered by the department. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 47. That section 60-1303, Revised Statutes Supplement, 1992, be amended to read as follows:

60-1303. (1) The Nebraska State Patrol is hereby designated as the agency to operate the weighing stations and portable scales and to perform carrier enforcement duties.

(2) The employees within the Nebraska State Patrol designated to operate the weighing stations and portable scales and to perform carrier enforcement duties shall be known as carrier enforcement officers and, as a separate group within the Nebraska State Patrol, shall be known as the carrier enforcement division.

(3) All carrier enforcement officers shall be bonded under the blanket surety bond required by section 11-201. Premiums on the bond shall be paid from the money appropriated for the construction, maintenance, and operation of the state weighing stations.

(4) All carrier enforcement officers retirement annuities shall be provided by the State Employees Retirement System of the State of Nebraska. Carrier enforcement officers shall not receive any expense allowance as provided for by section 81-2002.

(5) The Nebraska State Patrol and the Department of Roads shall have the duty, power, and authority to contract with one another for the operation of weighing stations and portable scales and the performance of carrier enforcement duties. Pursuant to such contract, command of the personnel involved in such carrier enforcement operations shall be with the Nebraska State Patrol. The Department of Roads may use any funds at its disposal for its financing of such carrier enforcement activity in accordance with such contract as long as such funds are used only to finance those activities directly involved with the duties specified in sections 60-1301 to 60-1309.

(6) The Nebraska State Patrol may adopt, promulgate, and enforce rules and regulations consistent with statutory provisions related to carrier enforcement necessary for (a) the collection of fees, as outlined in sections 60-305.03 and 66-492 and the Interstate Motor Carriers Base State Fuel Tax Compact Act, (b) the inspection of licenses and permits required under the motor fuel laws, and (c) weighing and inspection of buses, motor trucks, truck-tractors, semitrailers, trailers, and towed vehicles.

(7) There is hereby created the Carrier Enforcement Cash Fund which shall be used for the operation of the carrier enforcement division. Any money in the Carrier Enforcement Cash Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 48. That section 60-1513, Revised Statutes Supplement, 1993, be amended to read as follows:

60-1513. The Department of Motor Vehicles Cash Fund is hereby created. The fund shall be used by the Department of Motor Vehicles to carry out its duties as deemed necessary by the Director of Motor Vehicles. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 49. That section 60-1514, Revised Statutes Supplement, 1993, be amended to read as follows:

60-1514. The Department of Motor Vehicles Computerization and Operations Fund is hereby created. The fund shall be used to carry out the duties of the Department of Motor Vehicles as deemed necessary by the Director of Motor Vehicles. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 50. That section 60-2132, Revised Statutes Supplement, 1992,

be amended to read as follows:

60-2132. There is hereby created a Motorcycle Safety Education Fund in the state treasury which shall consist of money transferred pursuant to sections 39-2215 and 60-4,115 and such money as may be appropriated by the Legislature. The fund shall be administered under the highway safety program of the department. The fund shall be used for the administration of the Motorcycle Safety Education Act, to reimburse approved schools, businesses, or organizations for conducting approved basic motorcycle safety courses, to provide educational assistance, to prepare sites for offering the basic motorcycle safety course, to reimburse approved schools, businesses, or organizations for conducting approved advanced motorcycle safety courses, and to promote motorcycle safety. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 51. That section 66-4,100, Revised Statutes Supplement, 1992, be amended to read as follows:

66-4,100. If bonds are issued pursuant to subsection (2) of section 39-2223, the balance of the share of the Highway Trust Fund allocated to the Department of Roads and deposited into the Highway Restoration and Improvement Bond Fund as provided in subsection (6) of section 39-2215 and the balance of the money deposited in the Highway Restoration and Improvement Bond Fund as provided in section 39-2215.01 shall be transferred by the State Treasurer, on or before the last day of each month, to the Highway Cash Fund, which fund is hereby created. If no bonds are issued pursuant to subsection (2) of section 39-2223, the share of the Highway Trust Fund allocated to the Department of Roads shall be transferred by the State Treasurer on or before the last day of each month to the Highway Cash Fund.

The Highway Cash Fund shall be expended by the department (1) for acquiring real estate, road materials, equipment, and supplies to be used in the construction, reconstruction, improvement, and maintenance of state highways, (2) for the construction, reconstruction, improvement, and maintenance of state highways, including grading, drainage, structures, surfacing, roadside development, landscaping, and other incidentals necessary for proper completion and protection of state highways as the department shall, after investigation, find and determine shall be for the best interests of the highway system of the state, either independent of or in conjunction with federal-aid money for highway purposes, (3) for the share of the department of the cost of maintenance of state-aid bridges, (4) for planning studies in conjunction with federal highway funds for the purpose of analyzing traffic problems and financial conditions and problems relating to state, county, township, municipal, federal, and all other roads in the state and for incidental costs in connection with the federal-aid grade crossing program for roads not on state highways, (5) for tests and research by the department or proportionate costs of membership, tests, and research of highway organizations when participated in by the highway departments of other states, and (6) for the payment of expenses and costs of the Board of Examiners for County Highway and City Street Superintendents as set forth in section 39-2310.

Any money in the Highway Cash Fund not needed for current operations of the department shall, as directed by the Director-State Engineer to the State Treasurer, be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act, subject to approval by the board of each investment. All income received as a result of such investment shall be placed in the Highway Cash Fund.

Sec. 52. That section 66-733, Revised Statutes Supplement, 1992, be amended to read as follows:

66-733. (1) All licensed special fuel importers shall jointly furnish a cash bond to the state to secure the payment of all special fuel taxes.

(2) All motor vehicle fuel importers licensed under section 3-149 or 66-484 shall jointly furnish a cash bond to the state to secure the payment of all fuel taxes other than special fuel.

(3) The cash bonds shall be held by the State Treasurer in a special fuel importers trust fund, which fund is hereby created, and in a motor vehicle fuel importers trust fund, which fund is hereby created, for the benefit of such importers. No importer shall have any claim or rights against the funds as a separate person.

(4) All funds in the trust funds available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds

Investment Act and may be pooled with other funds for the purposes of section 72-1267.

Sec. 53. That section 66-739, Revised Statutes Supplement, 1992, be amended to read as follows:

66-739. There is hereby created the Motor Fuel Tax Enforcement and Collection Cash Fund. Such fund shall consist of appropriations to the fund and money transferred to it pursuant to section 39-2215. The fund shall be used exclusively for the costs of the Motor Fuel Tax Enforcement and Collection Division created by section 66-738 and other related costs for the Department of Agriculture and functional areas of the Department of Revenue as provided by such section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.~~

Sec. 54. That section 66-1334, Revised Statutes Supplement, 1993, be amended to read as follows:

66-1334. (1) The Agricultural Alcohol Fuel Tax Fund is hereby created. No part of the funds collected under section 66-4,134 or of federal funds or other funds solicited in conjunction with research or demonstration programs shall lapse to the General Fund. In addition to such unexpended balance appropriation, there is hereby appropriated such amounts as are deposited in the Agricultural Alcohol Fuel Tax Fund pursuant to such section in each year. The fund shall be administered by the board. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.~~

(2) The fund shall be used for the following purposes:

(a) Establishment, with cooperation of private industry, of procedures and processes necessary to the manufacture and marketing of fuel containing agricultural ethyl alcohol;

(b) Establishment of procedures for entering blended fuel into the marketplace by private enterprise;

(c) Analysis of the marketing process and testing of marketing procedures to assure acceptance in the private marketplace of blended fuel and byproducts resulting from the manufacturing process;

(d) Cooperation with private industry to establish privately owned agricultural ethyl alcohol manufacturing plants in Nebraska to supply demand for blended fuel;

(e) Sponsoring research and development of industrial and commercial uses for agricultural ethyl alcohol and for byproducts resulting from the manufacturing process;

(f) Promotion of state and national air quality improvement programs and influencing federal legislation that requires or encourages the use of fuels oxygenated by the inclusion of agricultural ethyl alcohol or its derivatives;

(g) Promotion of the use of renewable agricultural ethyl alcohol as a partial replacement for imported oil and for the energy and economic security of the nation;

(h) Participation in development and passage of national legislation dealing with research, development, and promotion of United States production of fuels oxygenated by the inclusion of agricultural ethyl alcohol or its derivatives, access to potential markets, tax incentives, imports of foreign-produced fuel, and related concerns that may develop in the future; and

(i) As the board may otherwise direct to fulfill the goals set forth under the Ethanol Development Act, including monitoring contracts for existing ethanol program commitments consummated pursuant to the law in existence prior to September 1, 1993, and solicitation of federal funds.

Sec. 55. That section 66-1345, Revised Statutes Supplement, 1993, be amended to read as follows:

66-1345. (1) There is hereby created the Ethanol Production Incentive Cash Fund which shall be used by the board to pay the credits created in section 66-1344 to the extent provided in this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.~~ On or before September 1, 1993, the State Treasurer shall transfer to the Ethanol Production Incentive Cash Fund the entire balance of the Ethanol Authority and Development Cash Fund and thereafter shall transfer such additional money as shall be (a) appropriated to the Ethanol Production Incentive Cash Fund by the Legislature, (b) given as gifts, bequests, grants, or other contributions to the Ethanol Production Incentive Cash Fund from public or private sources, (c) made



available due to failure to fulfill conditional requirements pursuant to investment agreements entered into prior to April 30, 1992, (d) received as return on investment of the Ethanol Authority and Development Cash Fund, and (e) otherwise credited to the Ethanol Production Incentive Cash Fund from sources deemed appropriate by the Legislature.

(2) Commencing January 1, 1993, the Department of Revenue shall, at the end of each calendar quarter, notify the State Treasurer of the amount of motor fuel tax that was not collected in the preceding calendar quarter due to the credits provided in section 66-1344. The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to such credits less the following amounts:

(a) For 1993, 1994, and 1995, the amount generated during the calendar quarter by a one-cent tax on motor fuel pursuant to sections 66-489 and 66-605.07;

(b) For 1996, the amount generated during the calendar quarter by a three-quarters-cent tax on motor fuel pursuant to such sections;

(c) For 1997, the amount generated during the calendar quarter by a one-half-cent tax on motor fuel pursuant to such sections; and

(d) For 1998, 1999, and 2000, no reduction.

The amounts shall be transferred through December 31, 2000. For 1993 through 1997, if the amount generated pursuant to subdivisions (a), (b), and (c) of this subsection and the amount transferred pursuant to subsection (1) of this section are not sufficient to fund the credits provided in section 66-1344, then the credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and 2000, the credits provided in such section shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund.

(3) On February 15, 2001, the State Treasurer shall transfer any unexpended and unobligated funds from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund.

Sec. 56. That section 66-1414, Revised Statutes Supplement, 1992, be amended to read as follows:

66-1414. (1) Any fuel tax collected pursuant to the agreement shall be remitted to the State Treasurer for credit to the Highway Trust Fund for allocation as other motor fuel taxes and special fuel taxes collected pursuant to sections 66-490 to 66-494, except that the State Treasurer shall first transfer such amounts to the Base State Fuels Tax Fund as the Tax Commissioner determines to be equal to the amounts required to be transferred to other states.

(2) There is hereby created a fund to be designated the Base State Fuels Tax Fund which shall be set apart and maintained by the State Treasurer for prompt payments of all money to be transferred to another state pursuant to a cooperative fuel tax agreement. Any money in the Base State Fuels Tax Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 57. That section 66-1519, Revised Statutes Supplement, 1993, be amended to read as follows:

66-1519. There is hereby created the Petroleum Release Remedial Action Cash Fund to be administered by the department. Revenue from the following sources shall be remitted to the State Treasurer for credit to the fund:

(1) The fees imposed by sections 66-1520 and 66-1521;

(2) Money paid under an agreement, stipulation, cost-recovery award under section 66-1529.02, or settlement; and

(3) Money received by the department in the form of gifts, grants, reimbursements, property liquidations, or appropriations from any source intended to be used for the purposes of the fund.

Money in the fund may only be spent for: (a) Reimbursement for the costs of remedial action by a responsible person or his or her designated representative and costs of remedial action undertaken by the department in response to a release first reported after July 17, 1983, and on or before December 31, 1998, including reimbursement for damages caused by the department or a person acting at the department's direction while investigating or inspecting or during remedial action on property other than property on which a release or suspected release has occurred; (b) payment of any amount due from a third-party claim; (c) fee collection expenses incurred by the State Fire Marshal; (d) direct expenses incurred by the department in carrying out the Petroleum Release Remedial Action Act; and (e) appraisal and other costs related to tangible personal property as provided in section

66-1529.01.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 58. That section 66-1521, Revised Statutes Supplement, 1992, be amended to read as follows:

66-1521. (1) A petroleum release remedial action fee is hereby imposed upon the refiner, importer, or distributor who first sells, offers for sale, or uses petroleum within this state, except that the fee shall not be imposed on petroleum packaged in individual containers of one hundred ten gallons or less and intended for sale or use in this state. The amount of the fee shall be three-tenths of one cent per gallon on motor vehicle fuels as defined in section 66-482 and one-tenth of one cent per gallon on petroleum other than such motor vehicle fuels plus any additional amount authorized by section 66-1522. The fee shall be paid by all refiners, importers, and distributors subject to the fee by filing a monthly return on or before the twentieth day of the calendar month following the monthly period to which it relates. The pertinent provisions, specifically including penalty provisions, of the Special Fuel Tax Act and sections 66-712 to 66-737 shall apply to the administration and collection of the fee. There shall be a refund allowed on any fee paid on petroleum which was taxed and then exported. The fee paid under this subsection shall not be eligible for the credit under section 66-4,124.

(2) No refiner, importer, or distributor shall sell, offer for sale, or use petroleum in this state without having first obtained a petroleum release remedial action license. Application for a license shall be made to the Motor Fuel Tax Enforcement and Collection Division of the Department of Revenue upon a form prepared and furnished by the division. Failure to obtain a license prior to such sale, offer for sale, or use of petroleum shall be a Class IV misdemeanor. The division may suspend or cancel the license of any refiner, importer, or distributor who fails to pay the fee imposed by subsection (1) of this section in the same manner as licenses are suspended or canceled pursuant to section 66-720.

(3) The division shall adopt and promulgate rules and regulations necessary to carry out this section.

(4) The division shall deduct and withhold from the petroleum release remedial action fee collected pursuant to this section an amount sufficient to reimburse the direct costs of collecting and administering the petroleum release remedial action fee. Such costs shall not exceed twenty-eight thousand dollars for each fiscal year. The twenty-eight thousand dollars shall be prorated, based on the number of months the fee is collected, whenever the fee is collected for only a portion of a year. The amount deducted and withheld for costs shall be deposited in the Petroleum Release Remedial Action Collection Fund which is hereby created. The Petroleum Release Remedial Action Collection Fund shall be appropriated to the Department of Revenue. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 59. That section 67-293, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

67-293. The filing fee for all filings pursuant to the Nebraska Uniform Limited Partnership Act, including amendments and name reservation, shall be ten dollars plus the recording fees set forth in subdivision (4) of section 33-101, except that the filing fee for filing a certificate of limited partnership pursuant to section 67-240 and for filing an application for registration as a foreign limited partnership pursuant to section 67-281 shall be two hundred dollars plus such recording fees. A fee of one dollar per page shall be paid for a certified copy of any document on file pursuant to the act. The fees for filings pursuant to the act shall be paid to the Secretary of State and by him or her remitted to the State Treasurer. The State Treasurer shall credit fifty percent of such fees to the General Fund and fifty percent of such fees to the Uniform Limited Partnership Cash Fund which is hereby created. Any money in the Uniform Limited Partnership Cash Fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 60. That section 68-612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-612. There is hereby established a revolving fund to be known as the Contribution Fund. Such fund shall consist of and there shall be deposited in such fund: (1) All contributions, interest, and penalties

collected under sections 68-605 to 68-611; (2) all money appropriated to the fund under sections 68-601 to 68-618; (3) any property or securities and earnings thereof acquired through the use of money belonging to the fund; (4) interest earned upon any money in the fund; and (5) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund; and (6) all other money received for the fund from any other source. All money in the fund shall be mingled and undivided. Subject to sections 68-601 to 68-618, the state agency shall be vested with full power, authority, and jurisdiction over the fund, including all money and property or securities belonging to the fund, and may perform any and all acts whether or not specifically designated which are necessary to the administration thereof and are consistent with such sections. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 61. That section 68-613, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-613. The Contribution Fund shall be established and held separate and apart from any other funds or money of the state and shall be used and administered exclusively for the purpose of sections 68-601 to 68-618 and 68-621 to 68-630, except that interest earnings may be transferred to the General Fund and to the Accounting Division Cash Fund at the direction of the Legislature. Withdrawals from the Contribution Fund shall be made solely for: (1) Payment of amounts required to be paid to the Secretary of the Treasury of the United States pursuant to an agreement entered into under sections 68-603 and 68-604; (2) payment of refunds provided for in section 68-607; (3) refunds of overpayments not otherwise adjustable made by a political subdivision or instrumentality; (4) transfers to the Accounting Division Cash Fund from interest earnings only; (5) transfers to the General Fund from interest earnings only; and (6) administrative expenses, from interest earnings only, of the social security administration bureau of the Department of Administrative Services. If interest earnings are not sufficient to cover administrative expenses of the social security administration bureau, the director may apply to the Legislature for supplemental money from the General Fund. The state agency is hereby authorized to transfer interest earnings from the Contribution Fund to the Social Security Cash Fund which is hereby created. Any money in the Social Security Cash Fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Interest earnings transferred to the Social Security Cash Fund shall only be used for payment of administrative expenses of the social security administration bureau. The state agency is hereby authorized to transfer interest earnings from the Contribution Fund to the Accounting Division Cash Fund for the purposes specified in section 81-1110.02.

Sec. 62. That section 68-1604, Revised Statutes Supplement, 1992, be amended to read as follows:

68-1604. The Homeless Shelter Assistance Trust Fund is hereby created. The fund shall include the proceeds raised from the documentary stamp tax and remitted for such fund pursuant to section 76-903. All money raised for the Homeless Shelter Assistance Trust Fund Act shall be remitted to such fund and earmarked by the department for grants to eligible shelter providers as set out in section 68-1605 for the purpose of assisting in the alleviation of homelessness, to provide temporary and permanent shelters for homeless persons, to encourage the development of projects which link housing assistance to programs promoting the concept of self-sufficiency, and to address the needs of the migrant farmworker.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 63. That section 69-1317, Revised Statutes Supplement, 1993, be amended to read as follows:

69-1317. (a) All funds received under the Uniform Disposition of Unclaimed Property Act, including the proceeds from the sale of abandoned property under section 69-1316, shall be deposited by the State Treasurer in a separate trust fund from which he or she shall make prompt payment of claims allowed pursuant to the act. Before making the deposit he or she shall record the name and last-known address of each person appearing from the holders' reports to be entitled to the abandoned property, the name and last-known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection during business hours.

The record shall not be subject to public inspection or available for copying, reproduction, or scrutiny by commercial or professional locators of property presumed abandoned who charge any service or finders' fee until ninety days after the names from the holders' reports have been published or officially disclosed.

A professional finders' fee shall be limited to ten percent of the total amount of the property presumed abandoned if any claimant is contacted within nine months of the date the property was reported to the State Treasurer. To claim any such fee, the nature and location of the property must be disclosed to the claimant by the finder.

(b)(1) On or before November 1 of each year prior to October 6, 1992, the State Treasurer shall transfer any balance in excess of fifty thousand dollars from the separate trust fund to the permanent school fund.

(2) On or after October 6, 1992, the State Treasurer shall periodically transfer any balance in excess of an amount not to exceed five hundred thousand dollars from the separate trust fund to the General Fund no less frequently than on or before November 1 and May 1 of each year, except that the total amount of all such transfers shall not exceed five million dollars.

(3)(i) On the next succeeding November 1 after five million dollars has been transferred to the General Fund in the manner described in subdivision (b)(2) of this section or (ii) on November 1, 1996, whichever occurs first, and on or before November 1 of each year thereafter, the State Treasurer shall transfer any balance in excess of an amount not to exceed five hundred thousand dollars from the separate trust fund to the permanent school fund.

(c) Before making any deposit to the credit of the permanent school fund or the General Fund, the State Treasurer may deduct: (1) Any costs in connection with sale of abandoned property, (2) any costs of mailing and publication in connection with any abandoned property, and (3) reasonable service charges and place such funds in the Unclaimed Property Cash Fund which is hereby created. Any money in the Unclaimed Property Cash Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 64. That section 70-1020, Revised Statutes Supplement, 1993, be amended to read as follows:

70-1020. In order to defray the expenses of the Nebraska Power Review Board, there shall be imposed upon each public power district, public power and irrigation district, electric membership association, electric cooperative company, and municipality having an electric distribution system or generation and distribution system, and also upon all registered groups of municipalities, an assessment each fiscal year in such sum as shall be determined by the board and approved by the Governor. The total of such assessments shall not exceed the expenses of the board which may reasonably be anticipated for the fiscal year for which assessment is made and shall be apportioned among the various agencies in proportion to their gross income in the preceding calendar year. The board shall determine and certify such assessment to each supplier after approval of the board's budget by the Legislature and Governor. The supplier shall remit the amount of its assessment to the board within forty-five days after the mailing of the assessment. Any assessment not paid when due shall draw interest at a rate equal to the rate of interest allowed per annum under section 45-104.02, as such rate may from time to time be adjusted. The proceeds of such assessment shall be remitted to the State Treasurer for credit to the Nebraska Power Review Fund, which fund is hereby created and which, when appropriated by the Legislature, shall be used to administer the powers granted to the Nebraska Power Review Board. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 65. That section 71-172.02, Revised Statutes Supplement, 1992, be amended to read as follows:

71-172.02. The Department of Health shall charge a fee of one dollar per year, in addition to any other fee, for each license, certificate, or registration. Such fee shall be collected at the time of issuance or renewal and shall be remitted to the State Treasurer for credit to the Licensee Assistance Cash Fund, which fund is hereby created. Money in the fund shall be used to carry out section 71-172.01. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 66. That section 71-1,147.02, Revised Statutes Supplement, 1992, be amended to read as follows:

71-1,147.02. Each application for or renewal of a permit to conduct a pharmacy shall be made on a form prescribed by the Board of Examiners in Pharmacy and furnished by the Department of Health. Such permit shall be displayed in a conspicuous place in the pharmacy for which it is issued and shall expire on June 30 following the date of issuance. The department shall, on or before the tenth day of each month, remit to the State Treasurer all fees and money collected in connection, directly or indirectly, with the issuance of or renewal of a permit to conduct a pharmacy. Such fees and money shall be credited by the State Treasurer to the Nebraska Pharmaceutical Fund, which fund is hereby created. The fund shall be used exclusively for the administration of the laws, rules, and regulations pertaining to pharmacies, the practice of pharmacy, and the Wholesale Drug Distributor Licensing Act. Any money in the Nebraska Pharmaceutical Fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 67. That section 71-1,334, Revised Statutes Supplement, 1993, be amended to read as follows:

71-1,334. The Mental Health Practice Fund is hereby created. The money in the fund shall be used by the Bureau of Examining Boards to carry out the statutory and regulatory duties pertaining to mental health practice.

The State Treasurer shall credit to the fund all licensure and renewal fees for mental health practice and certification and renewal fees for social work, professional counseling, and marriage and family therapy remitted by the department pursuant to section 71-162 except the amounts distributed pursuant to sections 33-150 and 71-6228. Any money in the Social Work Fund or the Professional Counselor Fund on September 1, 1994, shall be transferred on such date to the Mental Health Practice Fund.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 68. That section 71-2618, Revised Statutes Supplement, 1992, be amended to read as follows:

71-2618. There is hereby created the Department of Health Cash Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The fund shall be used by the Department of Health for the purpose of administering those laws relating to inspection of nuclear power plants, bedding, laboratory services, private water supply and private sewage disposal facilities, recreation camps, and swimming pools administered by the department. Such fund shall also be used by the department for the purpose of receiving and expending any third-party reimbursement payments, matching funds, or similar nongrant funds from any federal governmental agency, private corporation, or other public or private organization or entity which are to be used for home health services, family planning services, health services to migrants, maternal and child health services, the provision of statistical information or technical services, the operation of the Hall of Health at the State Fair, and any other purposes provided by law. The fund shall also be used to receive and expend any portion of interest earnings in the State Employees Insurance Fund transferred to the department for a state employees wellness program.

On September 6, 1991, the State Treasurer shall transfer any money in the Asbestos Control Cash Fund, the Bureau of Vital Statistics Fund, the Department of Health Radiation Long Term Care Cash Fund, the Department of Health Radiation Site Closure and Reclamation Cash Fund, the Department of Health Health Care Facility Fund, the Manufactured Home and Recreational Vehicle Cash Fund, the Mobile Home Park Fund, the Modular Housing Cash Fund, and the Nebraska Cancer Research Fund to the Department of Health Cash Fund. All such funds received shall be remitted to the State Treasurer for credit to the Department of Health Cash Fund.

Sec. 69. That section 71-3708, Revised Statutes Supplement, 1992, be amended to read as follows:

71-3708. (1) The members of the board shall organize as soon as appointed and, annually thereafter in the month of April, shall elect from their number a chairperson, a vice-chairperson, and a secretary. The secretary shall continue in office at the pleasure of the board.

(2) The board shall make such rules as are necessary to carry out the provisions of sections 71-3702 to 71-3715.

(3) The board shall hold at least one meeting each year to review and evaluate applications for registration as environmental health specialists

or trainees, conduct examinations, review and approve all bills, prepare and approve reports, and transact all other business as may be necessary to carry out the provisions of sections 71-3702 to 71-3715. Only board members shall be entitled to vote at board meetings.

(4) The board shall issue certificates of registration to applicants who have been found qualified as environmental health specialists or trainees, to which certificate the official seal of the board has been affixed.

(5) Three members of the board shall constitute a quorum, and special meetings of the board shall be called by the secretary upon written request of any two members of the board or upon a written request signed by ten registered environmental health specialists.

(6) All board meetings shall be open to any registered environmental health specialist.

(7) The secretary of the board shall transmit any and all funds received by the board to the Department of Health, Bureau of Examining Boards. Such funds shall be remitted to the State Treasurer and by him or her be credited to the Board of Registration for Environmental Health Specialists Fund, which fund is hereby created. All expenses of the board shall be paid from the fund by voucher signed by the chief of the Bureau of Examining Boards and no part of the General Fund shall be expended for this purpose. Any money in the Board of Registration for Sanitarians Fund on September 6, 1991, shall be transferred to the Board of Registration for Environmental Health Specialists Fund on such date. Any money in the Board of Registration for Environmental Health Specialists Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(8) Funds collected under the provisions of sections 71-3702 to 71-3715 shall be used to pay expenses. All expenses certified by the board as properly and necessarily incurred in the discharge of duties, including authorized compensation and clerical help, and any expenses incident to the administration of such sections relating to other states shall be paid out of such funds. Any surplus at the end of the fiscal year or biennium shall be retained by the board for future expenditures.

(9) The board shall receive all registration renewal funds above the necessary operating expenses incurred by the Department of Health, Bureau of Examining Boards, for annual renewal of registration.

Sec. 70. That section 71-5675, Revised Statutes Supplement, 1993, be amended to read as follows:

71-5675. (1) There is hereby created the Rural Health Opportunities Loan Pool Fund. The fund shall consist of funds appropriated by the Legislature, other matching funds, and student loan repayments which are made pursuant to the Rural Health Opportunities Loan Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The fund shall be administered by the Board of Regents of the University of Nebraska or an appropriate department of the University of Nebraska Medical Center designated by the board for the purpose of making loans to students in eligible disciplines. On or before September 1 of each year, the board shall present a report to the Governor and the Clerk of the Legislature describing the use of the fund, and the report shall include a financial statement of the fund.

Sec. 71. That section 71-7010, Revised Statutes Supplement, 1992, be amended to read as follows:

71-7010. There is hereby created the Mammography Screening Cash Fund. The fund shall consist of any money appropriated to it by the Legislature, any money received by the department for the program, including federal and other public and private funds, and all fees received pursuant to section 71-7009. Money in the fund shall be used to reimburse mammogram suppliers pursuant to section 71-7003 and may be used to reimburse expenses of members of the Mammography Screening Committee. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 72. That section 71-7521, Revised Statutes Supplement, 1992, be amended to read as follows:

71-7521. The department may (1) charge and receive fees, (2) accept third-party reimbursements or matching funds from any federal governmental agency, private corporation, or other public or private organization or entity, and (3) accept grants or donations from any public or private agency, organization, or entity for services provided by any region. Such funds shall

be remitted to the State Treasurer for credit to the Nebraska Health Care Trust Fund, which fund is hereby created. ~~Money~~ Any money in the fund available for investment shall be invested by the state investment officer as provided in sections 72-1237 to 72-1276 pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 73. That section 72-816, Revised Statutes Supplement, 1992, be amended to read as follows:

72-816. The Vacant Building and Excess Land Fund is hereby created. The Department of Administrative Services shall administer the fund which shall be used to pay for the maintenance of vacant state buildings and excess state land and for expenses related to the disposal of state buildings and land referred to the department by the committee pursuant to sections 72-811 to 72-817. The fund shall consist of appropriations made to the fund and proceeds credited to the fund pursuant to section 72-815.

Funds may be transferred from the Vacant Building and Excess Land Fund to the General Fund at the direction of the Legislature. Any money in the Vacant Building and Excess Land Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

If there are insufficient funds in the fund to enable the department to fully implement the orders of the committee issued pursuant to sections 72-811 to 72-817, the department shall implement them in the order which most efficiently meets the purposes of such sections.

Funds appropriated to the Task Force for Building Renewal shall not be used to carry out any of the purposes of such sections (1) unless the building would otherwise qualify for the use of such funds pursuant to the Deferred Building Renewal Act and (2) except for any expenses incurred by the administrator-consultant of the Task Force for Building Renewal in fulfilling his or her duties under such sections.

Sec. 74. That section 72-1260, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1260. Sections 72-1237 to 72-1259 72-1260 and sections 144 to 146 of this act shall be known and may be cited as the Nebraska State Funds Investment Act.

Sec. 75. That section 72-1802, Revised Statutes Supplement, 1993, be amended to read as follows:

72-1802. There is hereby created the Joslyn Castle Trust Fund to be administered by the Department of Administrative Services. The fund shall consist of such sums as are contributed as gifts, grants, or bequests. The fund shall be used only for the operation, administration, maintenance, restoration, and renovation of Joslyn Castle. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 76. That section 74-1420, Revised Statutes Supplement, 1992, be amended to read as follows:

74-1420. (1) There is hereby created the Light-Density Rail Line Assistance Cash Fund which shall be used by the council to carry out its responsibilities under the Light-Density Rail Line Assistance Act. ~~Any money remaining in the Branch Rail Line Revitalization Fund on September 6, 1991, shall be transferred to the Light-Density Rail Line Assistance Cash Fund. The Light-Density Rail Line Assistance Cash Fund may be used:~~

- (a) To defray the expenses of the council;
- (b) To purchase shares of stock or otherwise invest to facilitate light-density rail line acquisition or revitalization;
- (c) To purchase and enter into agreements for the operation of a light-density rail line; and
- (d) To carry out the purposes described in section 74-1415.01.

(2) The State Treasurer shall credit to the fund any money (a) appropriated to the fund by the Legislature, (b) donated as gifts, bequests, grants, or other contributions to the fund from public or private sources, and (c) received pursuant to section 74-1415.01. Money made available by any department or agency of the United States may also be credited to the fund if so directed by the Director-State Engineer or may be credited to the revolving fund pursuant to section 74-1420.01. Any money in the fund Light-Density Rail Line Assistance Cash Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 77. That section 74-1420.01, Revised Statutes Supplement, 1992, be amended to read as follows:

74-1420.01. (1) There is hereby created the Light-Density Rail Line

Assistance Revolving Fund which shall be used by the council to carry out its responsibilities under the Light-Density Rail Line Assistance Act. The revolving fund shall consist of any money credited to the revolving fund pursuant to section 74-1420, any loan repayment money received, any interest received on such money, and other funds as the council may designate. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The revolving fund may be used to carry out the purposes of the Light-Density Rail Line Assistance Act.

(3) State and federal light-density rail line assistance funds shall not be commingled.

Sec. 78. That section 76-2226, Revised Statutes Supplement, 1992, be amended to read as follows:

76-2226. There is hereby created the Real Estate Appraiser Fund. The board may use the fund for the administration and enforcement of the Real Estate Appraiser Act. The expense of administering and enforcing the act shall not exceed the money collected by the board under the act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. ~~The State Treasurer shall transfer any money in the Real Estate Appraiser Licensing and Certification Fund on May 18, 1991, to the Real Estate Appraiser Fund on such date.~~

Sec. 79. That section 77-3,110, Revised Statutes Supplement, 1993, be amended to read as follows:

77-3,110. All funds received pursuant to sections 77-3,109 and 77-3,118 shall be ~~deposited in remitted to the State Treasurer for credit to~~ the Department of Revenue Miscellaneous Receipts Fund which is hereby created. All money in the fund shall be administered by the Department of Revenue and shall be used to defray the cost of production of the publications listed in section 77-3,109 or of the listings described in section 77-3,118. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 80. That section 77-3,113, Revised Statutes Supplement, 1992, be amended to read as follows:

77-3,113. The Property Assessment Education and Improvement Fund is hereby created. The Department of Revenue shall use the fund to (1) provide education to county assessors and county clerks performing the duties of county assessors, (2) make improvements to the computerization of assessment information and data, and (3) assist county assessors and county clerks performing the duties of county assessors in acquiring appropriate computer equipment and supplies to use the computerized information on assessment. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 81. That section 77-918, Revised Statutes Supplement, 1993, be amended to read as follows:

77-918. Insurers transacting insurance in this state whose annual tax for the preceding taxable year was four thousand dollars or more shall make prepayments of the annual taxes imposed pursuant to Chapter 77, article 9, and related retaliatory taxes imposed pursuant to Chapter 44, article 1.

Each insurer required to make prepayments shall remit such prepayments on or before April 15, June 15, and September 15 of the current taxable year. Remittance for such prepayments shall be accompanied by a prepayment form prescribed by the director.

The amount of each such prepayment shall be at least one-fourth of either (1) the total tax paid for the immediately preceding taxable year or (2) eighty percent of the actual tax due for the current taxable year.

The director, for good cause shown, may extend for not more than ten days the time for making a prepayment. The extension may be granted at any time if a request for such extension is filed with the director within or prior to the period for which the extension may be granted. Insurers who fail to pay any premium or retaliatory tax, including prepayments, when due shall pay interest at the rate prescribed by section 45-104.02, as such rate may from time to time be adjusted, until such tax is paid. Any insurer who fails to make the prepayments within the prescribed time period or to obtain an extension shall be subject to the penalties prescribed in section 77-911.

The director shall immediately deposit one-half of the prepayments received in the Premium and Retaliatory Tax Suspend Fund, which fund is hereby created, and one-half of the prepayments received in the General Fund. On May 1 of each year the director shall transfer all of the interest earned



in the Premium and Retaliatory Tax Suspense Fund on the immediately preceding year's prepayments to the General Fund and transfer the balance of the preceding year's prepayments deposited in the Premium and Retaliatory Tax Suspense Fund to the Insurance Tax Fund. Any money in the Premium and Retaliatory Tax Suspense Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 82. That section 77-1342, Revised Statutes Supplement, 1992, be amended to read as follows:

77-1342. There is hereby created a fund to be known as the Tax Commissioner Revolving Fund to which shall be credited all money received by the Department of Revenue for services performed to county and multicounty assessment districts and under the provisions of sections 60-305.15, 77-684, and 77-1250, which provisions shall be for the purpose of providing funds to be used to develop appraisal manuals and distribute them to the counties and to engage competent counsel. The county or multicounty assessment district shall be billed by the Tax Commissioner for services rendered. Reimbursements to the Tax Commissioner shall be credited to the fund, and expenditures therefrom shall be made only when such funds are available. The Tax Commissioner shall only bill for the actual amount expended in performing the service.

The fund shall, at the close of each year, be lapsed to the General Fund, except that no part of the fees received under sections 60-305.15, 77-684, and 77-1250 shall be so lapsed. Any money in the Tax Commissioner Revolving Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 83. That section 77-2341, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2341. (1) Whenever any county, city, village, or other governmental subdivision, other than a school district, of the State of Nebraska has accumulated a surplus of any fund in excess of its current needs or has accumulated a sinking fund for the payment of its bonds and the money in such sinking fund exceeds the amount necessary to pay the principal and interest of any such bonds which become due during the current year, the governing body of such county, city, village, or other governmental subdivision may invest any such surplus in excess of current needs or such excess in its sinking fund in certificates of deposit, in time deposits, and in any securities in which the state investment officer is authorized to invest pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act and as provided in the authorized investment guidelines of the Nebraska Investment Council in effect on the date the investment is made. The state investment officer shall upon request furnish a copy of current authorized investment guidelines of the Nebraska Investment Council.

(2) Whenever any school district of the State of Nebraska has accumulated a surplus of any fund in excess of its current needs or has accumulated a fund for the payment of bonds and the money in such fund exceeds the amount necessary to pay the principal and interest of any such bonds which become due during the current year, the board of education of such school district may invest any such surplus in excess of current needs or such excess in the bond fund in securities in which such board of education is authorized to invest pursuant to section 79-1308.01.

(3) Nothing in subsection (1) of this section shall be construed to restrict investments authorized pursuant to section 14-563.

(4) Nothing in subsections (1), (2), and (3) of this section shall be construed to authorize investments in venture capital.

Sec. 84. That section 77-3616, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3616. There is hereby created the Personal Property Tax Reimbursement Fund to be administered by the State Treasurer. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 85. That section 77-4025, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-4025. There is hereby created a cash fund in the Department of Revenue to be known as the Tobacco Products Administration Cash Fund. All revenue collected or received by the Tax Commissioner from the license fees and taxes imposed by the Tobacco Products Tax Act shall be deposited in remitted to the State Treasurer for credit to the Tobacco Products Administration Cash Fund. All costs required for administration of the

Tobacco Products Tax Act shall be paid from such fund. Credits and refunds allowed under the act shall be paid from the Tobacco Products Administration Cash Fund. Any receipts, after credits and refunds, in excess of the amounts sufficient to cover the costs of administration shall lapse to the General Fund. Any money in the fund Tobacco Products Administration Cash Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 86. That section 77-4104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:  
77-4104. (1) In order to utilize the incentives set forth in the

Employment and Investment Growth Act, the taxpayer shall file an application for an agreement with the Tax Commissioner.

(2) The application shall contain:

(a) A written statement describing the plan of employment and investment for a qualified business in this state;

(b) Sufficient documents, plans, and specifications as required by the Tax Commissioner to support the plan and to define a project;

(c) If more than one location within this state is involved, sufficient documentation to show that the employment and investment at different locations are interdependent parts of the plan. A headquarters shall be presumed to be interdependent with any other location directly controlled by such headquarters. A showing that the parts of the plan would be considered parts of a unitary business for corporate income tax purposes shall not be sufficient to show interdependence for the purposes of this subdivision; and

(d) A nonrefundable application fee of five hundred dollars. The fee shall be deposited into the Employment and Investment Growth Fund, which fund is hereby created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

The application and all supporting information shall be confidential except for the information required to be reported by section 77-4110.

(3) Once satisfied that the plan in the application defines a project consistent with the purposes stated in section 77-4102 in one or more qualified business activities within this state, that the plans will result in either (a) the investment in qualified property of at least three million dollars and the hiring of at least thirty new employees or (b) the investment in qualified property resulting in a net gain in the total value of tangible property in this state of a type subject to depreciation, amortization, or other recovery under the Internal Revenue Code of 1986 of at least twenty million dollars, and that the required levels of employment and investment for the project will be met prior to the end of the sixth year after the year in which the application was submitted, the Tax Commissioner shall approve the application. In determining the net gain in value for purposes of this subsection, all tangible personal property shall be valued in a manner consistent with the value determined for qualified property, and the total value on the last day of each year shall be compared with the total value on the last day of the base year.

(4) After approval, the taxpayer and the Tax Commissioner shall enter into a written agreement. The taxpayer shall agree to complete the project, and the Tax Commissioner, on behalf of the State of Nebraska, shall designate the approved plans of the taxpayer as a project and, in consideration of the taxpayer's agreement, agree to allow the taxpayer to use the incentives contained in the Employment and Investment Growth Act. The application, and all supporting documentation, to the extent approved, shall be considered a part of the agreement. The agreement shall state:

(a) The levels of employment and investment required by the act for the project;

(b) The time period under the act in which the required levels must be met;

(c) The documentation the taxpayer will need to supply when claiming an incentive under the act; and

(d) The date the application was filed.

(5) The incentives contained in section 77-4105 shall be in lieu of the tax credits allowed by section 77-27,188 for any project. In computing credits under section 77-27,188, any investment or employment which is eligible for benefits under the Employment and Investment Growth Act shall be subtracted from the increases computed for determining the credits under section 77-27,188.

(6) A taxpayer and the Tax Commissioner may enter into agreements

for more than one project and may include more than one project in a single agreement. The projects may be either sequential or concurrent. A project may involve the same location as another project. No new employment or new investment shall be included in more than one project for either the meeting of the employment or investment requirements or the creation of credits. When projects overlap and the plans do not clearly specify, then the taxpayer shall specify in which project the employment and investment belongs.

Sec. 87. That section 77-4310.03, Revised Statutes Supplement, 1992, be amended to read as follows:

77-4310.03. There is hereby created the Marijuana and Controlled Substances Tax Administration Cash Fund. Money in the fund shall be used by the Tax Commissioner for the purposes of administering, collecting, and enforcing the tax imposed by section 77-4303. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 88. That section 79-4,239, Revised Statutes Supplement, 1992, be amended to read as follows:

79-4,239. The Nebraska Schools Accountability Commission Cash Fund is hereby created. Any funds appropriated by the Legislature to carry out sections 79-4,234 to 79-4,238 and any other money received pursuant to such sections shall be credited to the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 89. That section 79-1247.07, Revised Statutes Supplement, 1993, be amended to read as follows:

79-1247.07. (1) The certificates and permits provided for in section 79-1247.05 shall be issued by the commissioner upon application on forms to be prescribed and provided by him or her and upon the payment by the applicant of a nonrefundable fee of forty dollars, except as provided in subsection (4) of this section, for each application for a certificate or permit. The board may waive the fee for the holder of any certificate issued in another state which is determined to have validity in this state based on provisions in agreements between the states which have been approved by the board.

(2) Each such certificate or permit issued by the commissioner shall indicate the grade levels, subjects, subject fields, or areas of specialization for which the holder was specifically prepared by a standard institution of higher education or authorized by the board to teach, counsel, supervise, and administer. During the term of any certificate or permit issued by the commissioner, additional endorsements may be made on the certificate or permit for a nonrefundable fee of thirty dollars. Such additional endorsements shall indicate only the grade levels, subjects, subject fields, or areas of specialization for which the holder was specifically prepared by a standard institution of higher education or authorized by the board pursuant to section 79-1247.05.

(3) Any fee received by the State Department of Education under this section shall be remitted to the State Treasurer for credit to the Teachers' Certification Fund which is hereby created for use by the department in paying the costs of certifying educators pursuant to sections 79-1247.05 to 79-1247.13, except that ten dollars of the forty-dollar fee specified in subsection (1) of this section shall be credited to the Professional Practices Commission Fund which is hereby created for use by the department to pay for the provisions of sections 79-1280 to 79-1286. Money in the Teachers' Certification Fund shall not be used for any purpose other than the direct certification of educators and shall not be used for accreditation visits. Any money in the Teachers' Certification Fund or the Professional Practices Commission Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(4) Since nonpublic schools and their teachers do not receive the benefits of sections 79-1280 to 79-1286, a special certificate or permit restricted to use in nonpublic schools only shall be issued upon payment of a nonrefundable fee of thirty dollars. Such certificate or permit shall have plainly stamped or otherwise written on its face the words nonpublic school only. Upon surrender of such a certificate or permit and the payment of the fee provided in subsection (1) of this section by the holder of the certificate or permit, a regular certificate or permit shall be issued. Such fee shall be remitted and credited as directed in subsection (3) of this section.

(5) Upon payment by the applicant of a nonrefundable fee of thirty

dollars, a duplicate certificate or permit to which the holder is entitled may be issued by the commissioner.

Sec. 90. That section 79-1545, Revised Statutes Supplement, 1993, be amended to read as follows:

79-1545. All assets of the retirement system shall be credited, according to the purpose for which they are held, to the Expense Fund, to the School Employees Retirement System Reserve Fund, or to one of five accounts in the School Retirement Fund, namely, the School Employees Savings Account, the School Employers Deposit Account, the Service Annuity Account, the Annuity Reserve Account, and the Contingent Account. Any money in these accounts or funds available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 91. That section 79-1556, Revised Statutes Supplement, 1992, be amended to read as follows:

79-1556. Any funds of the retirement system available for investment shall be invested by the Nebraska Investment Council pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Payment for investment services by the council shall be charged directly against the gross investment returns of the funds or accounts. Charges so incurred shall not be a part of the board's annual budget request. The amounts of payment for such services, as of December 31 of each year, shall be reported not later than March 31 of the following year to the council, the retirement board, and the Nebraska Retirement Systems Committee. All money received by the State Treasurer and the retirement board for the retirement system shall be invested by the state investment officer within thirty-one days of receipt.

Sec. 92. That section 79-2859, Revised Statutes Supplement, 1993, be amended to read as follows:

79-2859. The Tuition Recovery Cash Fund is hereby established. The fund shall be a cash fund used to receive assessments imposed under section 79-2861 and to pay claims authorized under section 79-2862. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Any interest earned by the fund shall accrue to the fund.

Sec. 93. That section 79-3504, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3504. There is hereby created the Educational Excellence Fund. Money in the fund shall be used only for purposes of section 79-3505. The State Treasurer shall make distributions from the fund as required by the Help Education Lead to Prosperity Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 94. That section 79-3812, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3812. There are hereby created the School District Income Tax Fund and the Tax Equity and Educational Opportunities Fund, each of which shall consist of such sums as the Legislature may appropriate and be administered by the state board. The School District Income Tax Fund shall receive resident individual income tax appropriations made by the Legislature to make payments to districts of allocable income tax funds. The Tax Equity and Educational Opportunities Fund shall receive dedicated income tax appropriations and appropriations made by the Legislature to fund sections 79-3806 to 79-3811. Any money in such funds available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 95. That section 80-301, Revised Statutes Supplement, 1992, be amended to read as follows:

80-301. There shall be established and maintained by the State of Nebraska two institutions to be known as the Nebraska Veterans' Home, Grand Island, Nebraska, and the other to be known and named as the Thomas Fitzgerald Veterans' Home, Douglas County, Nebraska. The object of these homes shall be to provide domiciliary and nursing home care and subsistence (1) to all persons who served in the armed forces of the United States during a period of war as defined in section 80-401.01 if at the time of making an application for admission to one of the homes (a) the applicant has been a bona fide resident of the State of Nebraska for at least two years, (b) the applicant has become disabled due to service, old age, or otherwise to an extent that it would prevent such applicant from earning a livelihood, and (c) the

applicant's income from all sources is such that such applicant would be dependent wholly or partially upon public charities for support, or the type of care needed is available only at a state institution, (2) to the spouse of any such person admitted to one of the homes who has attained the age of fifty years and has been married to such member for at least two years before his or her entrance into the home, (3) to the surviving spouses and parents of eligible servicemen and women, as defined in subdivision (1) of this section, who died while in the service of the United States or who have since died of a service-connected disability as determined by the United States Department of Veterans Affairs, and (4) to the surviving spouses of eligible servicemen or servicewomen, as defined in subdivision (1) of this section, who have since died if the surviving spouses and parents referred to in subdivision (3) or (4) of this section at the time of applying have been bona fide residents of the State of Nebraska for at least two years, have attained the age of fifty years, are unable to earn a livelihood, and are dependent wholly or partially upon public charities, or the type of care needed is available only at a state institution.

No one admitted to one of these homes under conditions enumerated in this section shall have a vested right to a continued residence in such home if such person ceases to meet any of the above eligibility requirements, except that no person who has been regularly admitted shall be denied continued residence solely because of his or her marriage to a member of one of these homes. Veterans, spouses, surviving spouses, and parents admitted to one of the Nebraska veterans homes under the provisions of this section who have an income in excess of forty dollars per month, including federal pension, compensation, or social security, or have sufficient assets will be required to reimburse the state monthly a reasonable amount for the expense of their maintenance, this amount to be determined by the Board of Inquiry and Review. All money paid to the state by members of the Nebraska veterans homes in compliance with this section will be deposited in the Institutional Cash Fund for the Nebraska Veterans' Homes. Any money in the Veterans' Home Building Fund or the Institutional Cash Fund for the Nebraska Veterans' Homes available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 96. That section 81-179, Revised Statutes Supplement, 1993, be amended to read as follows:

81-179. There is hereby created under the control of the Governor, for allocation to building renewal projects of the various agencies, a fund to be known as the Building Renewal Allocation Fund, to consist of such money as is appropriated by the Legislature. Such appropriation is declared to consist of building renewal funds which shall be separate and distinct from the program continuation funds and project construction funds. Separate subfunds, subprograms, projects, or accounts shall be established to separately account for any expenditures on state buildings or facilities to comply with the federal Americans with Disabilities Act of 1990. A minimal amount of the funds contained in the subfunds, subprograms, projects, or accounts may be used for planning and evaluation of buildings and facilities. The budget division of the Department of Administrative Services may administratively transfer funds to appropriate accounting entities to correctly account for the operating expenditures. A separate fund, cash fund, project, or other account may be administratively established for such purpose. Any money in the Building Renewal Allocation Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 97. That section 81-201.04, Revised Statutes Supplement, 1992, be amended to read as follows:

81-201.04. In conjunction with providing services authorized pursuant to section 81-201.03, the Department of Agriculture shall develop a system of equitable billings and charges for such services. Such system of charges shall reflect, as nearly as may be practical, the actual share of costs incurred on behalf of or for such services to any board, commission, or political subdivision of the state or any other agency of the state or federal government. Any board, commission, or political subdivision of the state or any other agency of the state or federal government which uses such services shall pay for the services out of appropriated or available funds.

There is hereby created the Management Services Expense Revolving Fund. All gifts, grants, and fees or charges collected for such services from any source, including federal, state, public, or private sources, and any appropriation by the Legislature for such purpose shall be credited to such fund. Expenditures shall be made from the fund for the payment of expenses. Such payments shall be made by the Director of Agriculture. ~~All~~ Any money in

the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 98. That section 81-2,291, Revised Statutes Supplement, 1992, be amended to read as follows:

81-2,291. All fees paid to the department in accordance with ~~the provisions of the Nebraska Pure Food Act~~ shall be remitted to the State Treasurer. The State Treasurer shall credit the fees to the Pure Food Cash Fund, which fund is hereby created. All money credited to such fund shall be appropriated to the uses of the department to aid in defraying the expenses of administering ~~the provisions of the act.~~

Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 99. That section 81-528, Revised Statutes Supplement, 1993, be amended to read as follows:

81-528. (1) Except as provided in subsection (2) of this section, all money received from inspection contracts, penalties, fees, or forfeitures, excepting fines collected under ~~the provisions of sections 81-501.01 to 81-531 and 81-5,151 to 81-5,157,~~ shall be remitted to the State Treasurer for credit to the State Fire Marshal Fund. Any money in the State Fire Marshal Fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) All fees assessed pursuant to section 81-505.01 for services performed by the State Fire Marshal and money collected pursuant to sections 81-5,152 and 81-5,153 shall be remitted to the State Treasurer for credit to the State Fire Marshal Cash Fund which is hereby created. Any money in the State Fire Marshal Cash Fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 100. That section 81-805, Revised Statutes Supplement, 1993, be amended to read as follows:

81-805. Except as otherwise provided in this section, the Game and Parks Commission shall have sole charge of state parks, game and fish, recreation grounds, and all things pertaining thereto. All funds rendered available by law, including funds already collected for such purposes, may be used by the commission in administering and developing such resources.

The commission shall adopt and carry into effect plans to replenish and stock the state with game and, whenever it is in the best interest of the public to do so, to stock the streams, lakes, and ponds, whether public or private, of this state with fish. It may plan such extensions and additions to existing hatcheries and such new plants as may be necessary to supply fully the state with game and fish and cause the plans to be executed after ascertaining the cost thereof.

With the consent of the Governor, it may by purchase, when funds on hand or appropriated therefor are sufficient, or by gift, devise, or otherwise acquire title in the name of the State of Nebraska to sites situated outside organized municipalities, except as provided in section 90-404, for additional state parks, hatcheries, recreation grounds, game farms, game refuges, and public shooting grounds and may enter into appropriate contracts with reference thereto, all within the limits of amounts that may be appropriated, contributed, or available. For these purposes, the commission may enter into appropriate contracts, leases, or lease-purchase agreements.

The commission, with the consent of the Governor, may take, receive, and hold, either in the name of the state or in trust for the state, exempt from taxation, any grant or devise of lands and any gift or bequest of money or other personal property made in furtherance of the purposes contemplated by this section and shall have such funds or the proceeds of such property invested. Such invested funds shall be known as the State Park and Game Refuge Fund, which fund is hereby created, and shall be used and expended under the direction of the commission. Any money in the State Park and Game Refuge Fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

The commission may make a survey of all lands and areas in the state which are suitable for state parks, game refuges, or other similar purposes contemplated by this section and may locate and designate any or all of such lands or areas, or parts thereof and take such action as may tend to preserve or conserve them. The commission shall publish such informational material as it deems necessary and may, at its discretion, charge appropriate fees therefor.

The commission may adopt and promulgate rules and regulations, under the procedures set forth in the Administrative Procedure Act, governing the administration and use of all property, real and personal, under its ownership or control, and the commission shall adopt and promulgate rules and regulations it deems necessary to administer the following activities and facilities:

(1) The commission may adopt rules and regulations to designate camping areas on appropriate lands under its ownership or control and to permit camping thereon. As a condition to such permission, the commission may prescribe such rules and regulations as are reasonable and proper governing public use of such camping areas, including, but not limited to, access to camping areas, area capacity, sanitation, opening and closing hours, public safety, fires, establishment and collection of fees when appropriate, protection of property, and zoning of activities. Such rules and regulations shall be posted on appropriate signs at the areas. Any person who camps on lands owned or controlled by the commission not designated as a camping area by the commission, or any person who fails to observe the conditions of occupancy, use, or access, posted as provided in this section, shall not have permission. Any person violating the provisions of the regulations authorized by this subdivision shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(2) The commission may adopt rules and regulations permitting any type of fire, including the smoking of tobacco in any form, and providing for the size, location, and conditions under which a fire may be established on any area under its ownership or control. The commission may enact rules and regulations permitting the possession or use of any type of fireworks not prohibited by law on any areas under its ownership or control. The commission may adopt rules and regulations authorizing management personnel to temporarily revoke permission by the posting of appropriate signs for all fires of any kind whatsoever, including smoking and the use of fireworks, in any area under its ownership or control, when such posting is in the interest of public health, safety, and welfare or for the preservation of property. Any person who lights any type of fire, uses any fireworks, smokes tobacco in any form, or leaves unattended and unextinguished any fire of any type in any location, in any area under the ownership or control of the commission, unless the commission has given permission, which permission has not been revoked, to such type of fire, to such use or possession of fireworks, or to such smoking of tobacco, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(3) The commission may adopt rules and regulations permitting pets, domestic animals, and poultry to be brought upon or possessed, grazed, maintained, or run at large on any area or portion of any area under its ownership or control. Any person who brings, possesses, grazes, maintains, or permits to run at large his or her pets, domestic animals, or poultry on any area or portion of any area under the ownership or control of the commission, unless the commission has permitted such bringing, possession, grazing, maintaining, or running at large, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(4) The commission may enact rules and regulations, temporarily or permanently, permitting hunting, fishing, or the public use of firearms, bow and arrow, or any other projectile weapons or devices on any area or any portion of any area under its ownership or control. The commission may enact special rules and regulations permitting trapping and other forms of fur harvesting on any such area or areas. Any person who, without the permission of the commission, hunts, fishes, traps, harvests fur, or uses firearms, bow and arrow, or any other projectile weapon or device on any area or any portion of any area under the ownership or control of the commission shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(5) The commission may enact rules and regulations permitting swimming, bathing, boating, wading, water-skiing, and the use of any floatation device on all or any portion of any area under its ownership or control. Such regulations may include permission for swimming, bathing, boating, water-skiing, wading, the use of floatation devices, and all other water-related recreational activities in all areas or any portion of any specific area under the ownership or control of the commission and may provide for special general conditions for specific swimming, water-skiing, boating, bathing, or wading areas, which regulations and conditions shall be posted at such areas. Any person who swims, bathes, boats, wades, water-skis, or uses any floatation device on all or any portion of any area under the ownership or

control of the commission, unless the commission has given permission for such activity in the specific area or portion thereof, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(6) The commission may enact rules and regulations relating to the protection, use, or removal of any public real or personal property on any area under its ownership or control and may regulate or prohibit the construction or installation of any privately owned structure on such area. The commission may close all or any portion of any area under its ownership or control to any form of public use or access with the erection of proper signs, without the enactment of formal written regulations. Any person who, without the permission of the commission, constructs or installs any privately owned structure or who uses or removes any public real or personal property, on any area under the ownership or control of the commission, or who enters or remains upon all or any portion of any area under the ownership or control of the commission, where proper signs or public notices prohibiting the same have been erected or displayed, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(7) Any person who abandons any motor vehicle, trailer, or other conveyance in any area under the ownership or control of the commission shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(8) The commission may enact rules and regulations permitting the sale, trade, or vending of any goods, products, or commodities of any type in any area under its ownership or control. Any person who sells, trades, or vends any goods, products, or commodities of any type in any area under the ownership or control of the commission without having received the prior permission of the commission for such activity shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section; and

(9) When the permission of the commission is required as a prerequisite to any activity set out in this section, such permission shall be established by resolution of the commission. The resolution may set out the circumstances under which the supervisor or managing official in charge of any area under the ownership or control of the commission may give such permission in emergency situations, and such resolution may further provide for the revocation of such permission by the secretary of the commission or by the supervisor or managing official of any area under the ownership and control of the commission. The commission, with regard to roads on any area under its ownership or control, may establish such regulations deemed necessary as authorized by sections 60-680 and 60-6,190. Any law enforcement official, including any conservation officer or deputy conservation officer, may enforce the provisions of this section and the rules and regulations established under the authority of sections 60-680 and 60-6,190. When a violation has occurred in or on any area under the ownership or control of the commission, any conservation officer or deputy conservation officer may arrest and detain any person committing such violation or committing any misdemeanor or felony as provided by the laws of this state until a legal warrant can be obtained. Any person guilty of a violation as set forth in this section or rules and regulations established under the authority of sections 60-680 and 60-6,190 shall be guilty of a Class V misdemeanor.

The commission may issue, regardless of any other requirements or qualifications of law, without cost, special fishing permits to wards of the state, on a group basis, for therapeutic purposes, when application has been made to the commission by the head of the appropriate state institution involved.

The commission may further enter into agreements with other states bordering on the Missouri River providing for reciprocal recognition of licenses, permits, and laws of the agreeing states. The commission may disseminate information on the state park system and the wildlife resources of the state so as to inform the public of the outdoor recreation opportunities to be found in Nebraska.

The commission may grant easements across real estate under its control for purposes that are in the public interest and do not negate the primary purpose for which the real estate is owned or controlled by the commission.

Sec. 101. That section 81-815.59, Revised Statutes Supplement, 1993, be amended to read as follows:

81-815.59. (1) Pursuant to the National Trails System Act, 16 U.S.C. 1241 et seq., the Game and Parks Commission is hereby authorized and directed to accept as a gift, when and if offered, from any present or future



owner the entire right-of-way of the Chicago and Northwestern Railroad which lies between milepost 83.3 and milepost 404.5 in Nebraska. In the event a portion of the right-of-way continues in actual rail service, the Game and Parks Commission is authorized and directed to accept as a gift the remaining section. So long as the integrity of the right-of-way as an interim recreational trail and for future rail use is not disturbed, the Game and Parks Commission is authorized to lease and to grant easement rights on the right-of-way. All revenue collected from such leases shall be remitted to the State Treasurer for credit to the Cowboy Trail Fund and shall be used for the development and maintenance of the Cowboy Trail. The commission shall hold the right-of-way for interim trail use as a state recreational trail, to preserve wildlife habitat, and to provide a conservation, communications, utilities, and transportation corridor and for other uses approved by the commission and allowed by the National Trails System Act. The commission shall keep in good repair all crossings over the trail in accordance with its legal obligations, including all the grading, bridges, ditches, and culverts that may be necessary for such crossings within the right-of-way.

(2) The right-of-way may be accepted without any further legislative action or approval of the Governor but only if the State of Nebraska is indemnified in a manner satisfactory to the Game and Parks Commission against the costs of remedial action and environmental cleanup for conditions arising prior to conveyance to the state and the title is free and clear of all liens and mortgage or deed of trust encumbrances.

(3) The commission may accept money from any public or private source for gift-acceptance costs, for the development and maintenance of the trail, or for other uses consistent with the purposes stated in this section. The commission may use funds available in the Trail Development Assistance Fund to carry out this section as provided in section 37-1503. Any money from the Trail Development Assistance Fund so used shall be transferred to the Cowboy Trail Fund.

(4) There is hereby created the Cowboy Trail Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Money accepted or transferred pursuant to subsection (3) of this section shall be remitted to the State Treasurer for credit to the fund.

(5) The commission may enter into an agreement with any public entity at any time for the development and maintenance of the trail pursuant to this section.

(6) This section shall not be construed to limit the power of eminent domain of the state or its agencies or of any political subdivision.

Sec. 102. That section 81-1110.02, Revised Statutes Supplement, 1992, be amended to read as follows:

81-1110.02. The Accounting Division Cash Fund in the Department of Administrative Services accounting division is hereby created. The interest earnings from the Contribution Fund, at the direction of the Legislature pursuant to section 68-613, and receipts for services provided by the division shall be remitted to the State Treasurer for credit to the Accounting Division Cash Fund and shall be used for payment of administrative expenses of the division. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 103. That section 81-1120.23, Revised Statutes Supplement, 1992, be amended to read as follows:

81-1120.23. There is hereby established a cash fund to be known as the Communications Cash Fund. Appropriations made to the Department of Administrative Services for the purposes of sections 81-1120.01 to 81-1120.28 shall be credited to the fund. All funds received under such sections and all funds received for communications services provided to any agency, department, or other user shall be credited to the fund. The division shall, under policies and procedures established by the director, expend funds from time to time credited to the fund for the communications purposes enumerated in such sections. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 104. That section 81-1120.38, Revised Statutes Supplement, 1993, be amended to read as follows:

81-1120.38. In establishing and maintaining the system, the division shall exercise the following duties and powers:

(1) The division shall obtain the computer network and services for the system from the division of communications and the data processing division of the Department of Administrative Services;

(2) The administrator shall approve and coordinate the design, development, installation, training, and maintenance of applications by state agencies for use on the system. Any agency proposing to add an application to the system shall submit an evaluation to the administrator that (a) examines the cost-effectiveness, technical feasibility, and potential use of the proposed application, (b) identifies the total costs of the application, including design, development, testing, installation, operation, and any changes to the computer network that are necessary for its operation, and (c) provides a schedule that shows the estimated completion dates for design, development, testing, installation, training, and full operational status. The administrator shall not approve an application by a state agency for use on the system unless his or her review shows that the application is cost-effective and technically feasible, that funding is available, and that the proposed schedule is reasonable and feasible;

(3) The administrator shall approve changes in the design of applications by state agencies for use on the system. The administrator may require such information from the agency as necessary to determine that the proposed change in design is cost-effective and technically feasible, that funding is available, and that the proposed schedule for implementation is reasonable and feasible;

(4) The administrator, with the approval of the director, may contract with other governmental entities or private vendors in carrying out the duties of the division;

(5) The administrator, in cooperation with the division of communications and the data processing division of the Department of Administrative Services, shall establish a rate schedule that reflects the rates adopted by the division of communications and the data processing division, plus any additional costs of the intergovernmental data services division for the system. Such fees may reflect a base cost for access to the system, costs for actual usage of the system, costs for special equipment or services, or a combination of these factors. The administrator may charge for the costs of changes to the system that are requested by or are necessary to accommodate a request by a user. All fees shall be set to recover all costs of operation;

(6) The administrator shall submit as part of the biennial budget request of the department a listing of all applications submitted for consideration, cost estimates for development, testing, and full operation of each application, a recommended priority listing of the applications for which an evaluation is completed, and funding recommendations by application contained within the budget request for the division. All application estimates and requests shall be scheduled over ensuing fiscal years such that annual projected costs and completion of application phases to the point of fully operational status can be clearly determined. Local applications shall not be subject to the provisions of this subdivision;

(7) Ownership of the system, applications, and peripheral devices purchased or developed by the expenditure of state funds shall be vested with the state, and the responsibility for its proper operation shall be vested with the director and administrator;

(8) The administrator, with the approval of the director, may enter into agreements with other state and local governments, the federal government, or private sector entities for the purpose of sale, lease, or licensing for third-party resale of applications and system design. Proceeds from such agreements shall be deposited to the Data Systems Cash Fund, which fund is hereby created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The fund may be expended for application-related purposes for which the Legislature makes a specific appropriation. The fund may be used to subsidize the cost of operating existing applications, for lowering rates charged to participating state agencies and counties, or for the purpose of new application development;

(9) The budget division of the Department of Administrative Services shall administratively create such cash and revolving funds as may be required to properly account for the receipt of charges for use of applications and the payment of expenses for operation of the system. It is the intent of the Legislature that operations of the system shall be fully financed by user charges with the exception of development costs for new applications and initial costs of operation as applications progress to full operating status and are unable to generate sufficient fee revenue to finance operating costs;

(10) No local application shall be resident or operational in any component of the system without explicit authorization of the administrator;

(11) All development costs for approved new applications shall be

budgeted and appropriated to the division or to participating state agencies at the discretion of the Legislature. Agencies may independently request appropriations for such application development, however such requests shall be subject to the review and prioritization set forth in subdivision (2) of this section, and at such time as the application becomes an authorized application and funded by the Legislature, the cost of such development shall be appropriated to the division or to participating state agencies. To the extent possible, if agency cash or revolving funds or federal funds may be used for application development, such funds may be transferred to the division and expended for application development in order to properly account for all costs associated with application development;

(12) The administrator shall approve or disapprove the attachment of any peripheral device to the system and may prescribe standards and specifications that such devices must meet;

(13) The administrator shall adopt and promulgate such rules, regulations, guidelines, and procedures to carry out this section;

(14) All communications and telecommunications services for the division and the system shall be secured from the division of communications of the Department of Administrative Services;

(15) Activities and responsibilities of the intergovernmental data services division shall be coordinated with the functions of the data processing and communications divisions of the department. Overlap and duplication of technical services among the divisions in supporting the system, its applications, and application development shall be minimized; and

(16) All historical accounts, fund balances, and assets contained in or obtained through expenditures incurred under Agency 65, Department of Administrative Services, Program 170, County Automation Project, shall be transferred to the division on June 9, 1993.

Sec. 105. That section 81-1188, Revised Statutes Supplement, 1992, be amended to read as follows:

81-1188. All proceeds from the program required by section 81-1186 and fifteen percent of all proceeds from the sale of surplus property sold to be remanufactured or reprocessed shall be deposited in the Resource Recovery Fund, which fund is hereby created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The fund shall be used for the administration and implementation of the program. Any excess funds, as determined by the Director of Administrative Services, not necessary for implementation of the program shall be remitted to the State Treasurer for credit to the General Fund.

Sec. 106. That section 81-1201.10, Revised Statutes Supplement, 1993, be amended to read as follows:

81-1201.10. The department shall:

(1) Create and keep current a comprehensive and long-term strategy for economic development. The strategy shall address and be consistent with the general purposes and duties of the department. The strategy shall consider: (a) The entire state; (b) economic regions within the state; and (c) the operating divisions, program, and commission listed in section 81-1201.07; and

(2) Develop an independent program of performance review of the activities of the department, departmental divisions, the Community Development Block Grant Program, and the Rural Development Commission. The review shall include, but not be limited to: (a) An assessment of the impact of the department's programs corresponding to the strategic plans of the department, departmental divisions, the Community Development Block Grant Program, and the Rural Development Commission; (b) a comparative assessment of the relative impact of the department's programs with similar programs in other states; and (c) a comparative assessment of the department's programs' impact on different parts of the state. The review shall be completed or updated at least once every three years.

The Performance Review Revolving Fund is hereby created. The money in the fund shall be used to employ an independent firm experienced in doing performance reviews as prescribed in this subdivision to do performance reviews. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 107. That section 81-1201.21, Revised Statutes Supplement, 1992, be amended to read as follows:

81-1201.21. There is hereby created the Job Training Cash Fund. The fund shall be under the direction of the Department of Economic Development. Money may be transferred to the fund pursuant to subdivision

(b)(4) of section 48-621. The department shall use the fund to provide reimbursements for job training activities, including employee assessment, preemployment training, on-the-job training, training equipment costs, and other reasonable costs related to helping industry and business locate or expand in Nebraska, or to provide upgrade skills training of the existing labor force necessary to adapt to new technology or the introduction of new product lines. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 108. That section 81-1278, Revised Statutes Supplement, 1992, be amended to read as follows:

81-1278. There is hereby created for the use of the Department of Economic Development a fund, to be known as the Nebraska Agricultural Products Research Fund, to consist of any funds appropriated by the Legislature and any funds received by gift or from the federal government to be used for the purpose provided in section 81-1279. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 109. That section 81-1287, Revised Statutes Supplement, 1993, be amended to read as follows:

81-1287. There is hereby created the Rural Development Cash Fund which shall be used by the Department of Economic Development for the purpose of sections 81-1282 to 81-1286. Money deposited in the fund shall include any monetary gifts, grants, and donations, proceeds from contracts for services, and reimbursements of expenses. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 110. That section 81-1354.02, Revised Statutes Supplement, 1993, be amended to read as follows:

81-1354.02. There is hereby created the Employee Recognition Revolving Fund to be administered by the personnel division of the Department of Administrative Services. All funds received by the personnel division for employee recognition programs shall be credited to the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 111. That section 81-1429.01, Revised Statutes Supplement, 1992, be amended to read as follows:

81-1429.01. There is hereby created the Crimes Against Children Fund. The fund shall be appropriated by the Legislature and administered by the Nebraska Commission on Law Enforcement and Criminal Justice for the purpose of reducing the expenses incurred by county attorneys in consulting with and retaining expert witnesses and other costs in the investigation and prosecution of crimes against children. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 112. That section 81-1505.01, Revised Statutes Supplement, 1993, be amended to read as follows:

81-1505.01. There is hereby created the Department of Environmental Quality Cash Fund which shall be used to pay the expenses of the department and of the Small Business Compliance Advisory Panel. The department shall remit all fees collected pursuant to subsection (9) of section 81-1505 and sections 81-1505.04 and 81-1521.09 to the State Treasurer for credit to the fund. Any fee collected pursuant to section 81-1521.09 shall be used to pay the expenses related to the notice of intent for which the fee was paid. Any fee collected pursuant to section 81-1505.04 shall be used solely to pay the reasonable direct and indirect costs required to develop and administer the air quality permit program. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 113. That section 81-1558, Revised Statutes Supplement, 1993, be amended to read as follows:

81-1558. There is hereby created within the state treasury a fund to be known as the Nebraska Litter Reduction and Recycling Fund. The proceeds of the fee imposed by sections 81-1559 to 81-1560.02, money received by the department as gifts, donations, or contributions toward the goals stated in section 81-1535, and money received by the department for nonprofit activities

concerning litter reduction and recycling, including, but not limited to, honoraria, literature furnished by the department, and funds realized as reimbursement for expenses in conducting educational forums, shall be remitted to the State Treasurer for credit to such fund to be used for the administration and enforcement of the Nebraska Litter Reduction and Recycling Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. On or before December 1, 1994, and each year thereafter, the director shall direct the State Treasurer to transfer all amounts remitted to the department pursuant to section 81-1561, raised in the previous fiscal year from the ~~act~~ Nebraska Litter Reduction and Recycling Act, which are in excess of eight hundred thousand dollars to the Waste Reduction and Recycling Incentive Fund. If such transfer occurs, the Waste Reduction and Recycling Incentive Fund shall consist of such transfers in addition to amounts credited pursuant to section 81-15,160.

Sec. 114. That section 81-1561, Revised Statutes Supplement, 1993, be amended to read as follows:

81-1561. The Tax Commissioner shall deduct and withhold from the litter fee collected a fee sufficient to reimburse himself or herself for the cost of collecting and administering the litter fee and shall deposit such collection fee in the Litter Fee Collection Fund which is hereby created. The Litter Fee Collection Fund shall be appropriated to the Department of Revenue. Any money in the Litter Fee Collection Fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

The Tax Commissioner shall remit the balance of the litter fee collections to the Department of Environmental Quality. The department shall allocate and distribute funds from the Nebraska Litter Reduction and Recycling Fund in percentage amounts to be determined by the council on an annual basis, after a public hearing on a date to be determined by the council, for the following activities:

(1) Programs of public education, motivation, and participation aimed at creating an ethic conducive to the reduction of litter, establishing an attitude against littering and a desire for a clean environment, and securing greater awareness of and compliance with antilitter laws. Such programs shall include:

- (a) The distribution of informative materials to elementary and secondary schools;
- (b) The purchase and erection of roadside signs;
- (c) The organization and operation of cleanup drives conducted by local agencies and organizations using volunteer help;
- (d) Grants to state and local government units and agencies and private organizations for developing and conducting antilitter programs; and
- (e) Any other public information method selected by the department, including the use of media;

(2) Cleanup of public highways, waterways, recreation lands, urban areas, and public places within the state, including, but not limited to:

- (a) Grants to cities and counties for payment of personnel employed in the pickup of litter;
- (b) Grants for programs aimed at increasing the use of youth and unemployed persons in seasonal and part-time litter pickup programs and to establish work release and other programs to carry out the purposes of the Nebraska Litter Reduction and Recycling Act;
- (c) Grants to public and private agencies and persons to conduct surveys of amounts and composition of litter and rates of littering; and
- (d) Grants to public and private agencies and persons for research and development in the fields of litter reduction, removal, and disposal, including the evaluation of behavioral science techniques in litter control and the development of new equipment, and to implement such research and development when appropriate; and

(3) New or improved community recycling and source separation programs, including, but not limited to:

- (a) Expansion of existing and creation of new community recycling centers;
- (b) Expansion of existing and creation of new source separation programs;
- (c) Research and evaluation of markets for the materials and products recovered in source separation and recycling programs; and
- (d) Providing advice and assistance on matters relating to recycling and source separation, including information and consultation on available

technology, operating procedures, organizational arrangements, markets for materials and products recovered in recycling and source separation, transportation alternatives, and publicity techniques.

Sec. 115. That section 81-1566.01, Revised Statutes Supplement, 1993, be amended to read as follows:

81-1566.01. Sections 81-1504.01, 81-1534, 81-1536, 81-1542, 81-1548.01, 81-1548.02, 81-1549, 81-1553, 81-1556 to 81-1559, 81-1560.01 to 81-1560.04, 81-1561, 81-1563, 81-1565, 81-1566.01, and 81-15.163 shall become operative on July 1, 1993. Sections 81-15.160, 81-15.164, and 81-15.165 Section 81-15.164 and the repeal of section 81-15.163 shall become operative on December 1, 1994, if the proceeds received prior to December 1, 1994, from the litter fee imposed by sections 81-1559 to 81-1560.02 for the period July 1, 1993, through June 30, 1994, are one million four hundred thousand dollars or more.

Sec. 116. That section 81-15,101.01, Revised Statutes Supplement, 1992, be amended to read as follows:

81-15,101.01. (1)(a) The developer shall send written notification by certified or registered mail to the Governor and the Legislature of the selection of three proposed sites by January 1, 1989. Within thirty days after such notification, a local monitoring committee shall be established for each proposed site area. The local monitoring committees shall only exist until a site is selected, except that the local monitoring committee for the selected site area shall continue to exist.

(b) The committees shall represent the citizens of the proposed site areas and maintain communication with the developer and the department to assure protection of public health and safety and the protection of the air, land, and water resources of the area. It is the intent of the Legislature that the local monitoring committees provide significant input concerning local needs and resources regarding all relevant aspects of the site selection and, after a site is selected, that the remaining local monitoring committee provide significant input concerning local needs and resources regarding all relevant aspects of the construction, operation, monitoring, closure, and custodial care of the facility. The functions and duties of the committees shall be established pursuant to rules and regulations adopted and promulgated by the council.

(c) Each local monitoring committee shall have access to all monitoring data collected at the site and may contract with a geologist or any other technical expert who shall participate in the developer's onsite characterization and selection process. After a license is issued, the local monitoring committee may hire or contract with a qualified inspector as determined by the department. The inspector shall have the right of independent access to the facility and may inspect all records and activities at the site and carry out joint inspections with the department. The inspector shall report any violations to the department for appropriate action.

(2) The Conservation and Survey Division of the University of Nebraska shall provide without charge technical assistance to the local monitoring committee with the sampling, analysis, and testing provided for in this section, including, but not limited to, monitoring and performance of such sampling, analysis, and testing.

(3) Each local monitoring committee shall be composed of the following ten members, all of whom shall be residents of Nebraska:

(a) Two members selected from municipalities which have zoning jurisdiction within fifteen miles of the proposed site or, if there are no such municipalities, from the municipality in closest proximity to the proposed site, to be appointed by the chief executive officer of each municipality or by the governing body if there is no chief executive officer;

(b) Two members from the county in which the site is proposed, to be appointed by the governing body of the county. One member shall be an owner of real property that is within a three-mile radius of the proposed site, and one member shall be an at-large member;

(c) Two members appointed by the board of directors of the natural resources district in which the site is proposed; and

(d) Four members, to be appointed by the Governor, who reside within fifty miles of the proposed site, one of whom represents conservation, one of whom represents agriculture, one of whom is an at-large member, and one of whom is the chief of a fire department located within fifteen miles of the proposed site.

If the appointments required by subdivisions (a) through (c) of this subsection have not been made within thirty days after May 26, 1989, the Governor shall make such appointments. Appointment of a person ineligible to serve pursuant to the requirements of this section shall be considered the

equivalent of not making an appointment.

(4) No member of a local monitoring committee shall be liable in any civil action for damages resulting from his or her acts of commission or omission arising out of and in the course of his or her rendering any services as such member in good faith. This section shall not grant immunity for the operation of a motor vehicle in connection with such services or to any member causing damages by willful and wanton acts of commission or omission.

(5) There is hereby created the Local Site Selection Cash Fund which shall be under the direction of the department. Fees or surcharges received pursuant to subdivision (1)(g) of section 81-15,104 shall be placed in the fund. There is hereby appropriated a one-time appropriation of three hundred thousand dollars from the Local Site Selection Cash Fund for the period July 1, 1988, to June 30, 1989, for the payment of all reasonable and necessary costs in order to carry out this section. The unexpended balance on June 30, 1989, is hereby reappropriated. The funds shall be appropriated equally among the committees and may be used for technical studies, determination of social and economic impact, and any other purpose deemed appropriate by such committees to the monitoring of the low-level radioactive waste site planning, construction, or maintenance to assure protection of the air, land, and water resources of the area. The committees shall file quarterly reports with the department verifying expenditures made pursuant to this subsection. The local monitoring committees may hire clerical staff and purchase supplies. The local monitoring committees may not hire professional or technical staff but may contract for professional or technical services.

(6) There is hereby created the Local Monitoring Committee Cash Fund which shall be under the direction of the department. Fees or surcharges received pursuant to subdivision (1)(h) of section 81-15,104 shall be placed in the fund. The fees and surcharges collected pursuant to subdivision (1)(h) of section 81-15,104 shall not exceed one hundred thousand dollars per year and shall be used by such local monitoring committee for all reasonable and necessary costs in order to carry out this section. The local monitoring committee may hire clerical staff and purchase office supplies. Except for a qualified inspector hired pursuant to subdivision (1)(c) of this section, the local monitoring committee may not hire professional or technical staff but may contract for professional or technical services.

(7) Any money in the Local Site Selection Cash Fund or the Local Monitoring Committee Cash Fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act, Sec. 117. That section 81-15,104, Revised Statutes Supplement,

1992, be amended to read as follows:

81-15,104. (1) The department shall collect fees or surcharges established by the council for radiation protection services provided pursuant to the Low-Level Radioactive Waste Disposal Act and the Central Interstate Low-Level Radioactive Waste Compact. Services for which fees or surcharges may be established include (a) issuance, amendment, and renewal of licenses for facilities, (b) inspection of licensees, (c) environmental custodial care activities to assess the radiological impact of activities conducted by licensees, (d) certification of personnel to operate the facility, (e) such other activities of department personnel which are reasonably necessary to assure that the licensed facility is being operated in accordance with the Low-Level Radioactive Waste Disposal Act and which reasonably should be borne by the licensee, (f) the budget of the Central Interstate Low-Level Radioactive Waste Compact Commission pursuant to Article IV, section (h)(2), of the compact, (g) payment by the developer of all reasonable and necessary costs of the local monitoring committees as prescribed in subsection (5) of section 81-15,101.01 until June 30, 1989, or until a site is selected, whichever is later, and (h) payment by the developer of all reasonable and necessary costs of the local monitoring committee where the facility is located as prescribed in subsection (6) of section 81-15,101.01.

(2) In determining the amount of such fees or surcharges, the council shall set the fees or surcharges in an amount sufficient to reimburse the state for its direct and indirect costs of the services specified in subsection (1) of this section. Any costs incurred by the State of Nebraska that exceed the fees or surcharges collected pursuant to this section shall be recovered through a special assessment against those generators of low-level radioactive waste which used the facility during the previous two years. The director shall compute the amount due from each generator based on the ratio of the fees or surcharges collected from a particular generator during the two-year period to the total fees or surcharges collected from all generators during such two-year period. Any special assessment collected pursuant to this section shall be remitted to the State Treasurer who shall credit it to

the Low-Level Radioactive Waste Cash Fund. The council shall take into account any special arrangements between the state and a licensee, another state, or a federal agency from which the cost of the service is partially or fully recovered.

(3) When a licensee fails to pay the applicable fee or surcharge, the department may suspend or revoke the license or may issue an appropriate order.

(4) Except as provided in subsections (5) and (6) of section 81-15,101.01, any fees or surcharges collected pursuant to this section shall be deposited in the Low-Level Radioactive Waste Cash Fund, which fund is hereby created. The fund shall be administered by the department. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 118. That section 81-15,113.01, Revised Statutes Supplement, 1993, be amended to read as follows:

81-15,113.01. (1) There is hereby created the Community Improvements Cash Fund which shall be under the direction of the department. The Central Interstate Low-Level Radioactive Waste Compact Commission shall annually through 1993 remit to the department the funds received from the states belonging to the Central Interstate Low-Level Radioactive Waste Compact as compensation paid to the host state. When the facility begins operation, the developer shall levy, collect, and remit to the department a surcharge on the rates charged to the users of the facility which is sufficient to raise two million dollars per year together with any adjustments made by the department pursuant to this section. The department shall remit such surcharge to the State Treasurer who shall credit it to the Community Improvements Cash Fund. On October 1, 1990, and each October 1 thereafter, the department shall adjust the amount to be remitted by the developer by an amount equal to the percentage increase in the Consumer Price Index or, if publication of the Consumer Price Index is discontinued, a comparable index selected by the director. There is hereby appropriated three hundred thousand dollars from the Community Improvements Cash Fund for the period July 1, 1988, to June 30, 1989, to carry out the purposes of this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The department shall distribute money from the fund as follows:

(a) Prior to final site selection, three hundred thousand dollars per year shall be allocated for public purposes to be divided among the communities that are under active consideration to host the facility as provided in subsection (3) of this section;

(b) After the final site has been selected and until the facility is operational, three hundred thousand dollars per year shall be allocated for public purposes as provided in subsection (3) of this section. Acceptance of the funds distributed pursuant to this subdivision or subdivision (a) of this subsection shall in no way affect the siting process; and

(c) Once the facility is operational and during the operational life of the facility, the total amount in the fund shall be allocated each year for public purposes as provided in subsection (3) of this section.

(3) Money distributed pursuant to subdivisions (2)(a), (b), and (c) of this section shall be allocated as follows:

(a) Fifty percent of such money shall be distributed to incorporated municipalities which lie totally or partially within ten kilometers of the facility or the proposed facility based on the ratio of the population of the particular incorporated municipality to the total population of all such incorporated municipalities as determined by the latest federal census; and

(b) Fifty percent of such money shall be distributed to the county treasurer of the county where the facility is located or proposed to be located to be distributed to each political subdivision which levied property taxes on the property where the facility is located or proposed to be located. The money shall be distributed on the basis of the ratio of the total amount of taxes levied by each political subdivision to the total amount of property taxes levied by all such political subdivisions on such property based on the amounts stated in the most recent certificate of taxes levied submitted by each county to the Tax Commissioner pursuant to section 77-1613.01.

(4) The Natural Resources Committee of the Legislature shall conduct a study to establish a formula for the equitable distribution of the funds specified in subdivision (2)(c) of this section. The committee shall hold public hearings necessary to carry out the purposes of the study.

Sec. 119. That section 81-15,120, Revised Statutes Supplement, 1993, be amended to read as follows:



81-15,120. Any farm or residential tank or tank used for storing heating oil as defined in subdivisions (7)(a) and (7)(b) of section 81-15,119 shall be registered with the State Fire Marshal. The registration shall be accompanied by a one-time fee of five dollars and shall be valid until the State Fire Marshal is notified that a tank so registered has been permanently closed. Such registration shall specify the ownership of, location of, and substance stored in the tank to be registered. The State Fire Marshal shall remit the fee to the State Treasurer for credit to the Petroleum Products and Hazardous Substances Storage and Handling Fund which is hereby created as a cash fund. The fund shall also consist of any money appropriated to the fund by the state. The fund shall be administered by the Department of Environmental Quality to carry out the purposes of the Petroleum Products and Hazardous Substances Storage and Handling Act, including the provision of matching funds required by Public Law 99-499 for actions otherwise authorized by the act. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 120. That section 81-15,121, Revised Statutes Supplement, 1992, be amended to read as follows:

81-15,121. (1) A person shall not (a) maintain or use any tank for the storage of regulated substances, (b) install any new tank, or (c) permanently close a tank without first securing a permit from the State Fire Marshal.

(2) A fee shall not be charged for a permit under subdivision (1)(a) or (c) of this section. The fee for a permit for installation shall be fifty dollars. The State Fire Marshal shall remit the fee to the State Treasurer for credit to the Underground Storage Tank Fund.

(3) All owners of operating tanks, except those provided for in subsection (4) of this section, shall annually register each tank. All registration permits shall expire on December 31 of the year for which the permit was issued. The registration fee shall be twenty-five dollars per tank. The State Fire Marshal shall remit the fee to the State Treasurer for credit to the Underground Storage Tank Fund. Such permits shall contain the information specified in subsection (5) of this section.

(4) In the case of tanks permanently abandoned on or after January 1, 1974, an annual permit shall not be required and an initial registration permit shall be sufficient.

(5) The application for a registration permit shall be provided by and filed with the State Fire Marshal's office and shall require, but not be limited to, the following information:

- (a) The date the tank was placed in or taken out of operation;
- (b) The age of the tank;
- (c) The size, type, and location of the tank; and
- (d) The type of substances stored in the tank and the quantity of such substances remaining in the tank if the tank has been permanently closed.

(6) The registration permit fee collected pursuant to this section shall be deposited in the Underground Storage Tank Fund which is hereby created as a cash fund. The fund shall also consist of any money appropriated to the fund by the state. The fund shall be administered by the State Fire Marshal to carry out the purposes of the Petroleum Products and Hazardous Substances Storage and Handling Act. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 121. That section 81-15,151, Revised Statutes Supplement, 1993, be amended to read as follows:

81-15,151. (1) The Wastewater Treatment Facilities Construction Loan Fund is hereby created. The fund shall be held as a trust fund for the purposes and uses described in the Wastewater Treatment Facilities Construction Assistance Act.

The fund shall consist of federal capitalization grants, state matching appropriations, repayments of principal and interest on loans, and other money designated for the fund. The Director of Environmental Quality may make loans from the fund pursuant to the act and may use up to four percent of all federal capitalization grant awards to the fund for the reasonable cost of administering the fund and conducting activities under Title VI of the Clean Water Act. The state investment officer shall invest any money in the fund available for investment pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act, except that any bond proceeds in the fund shall be invested in accordance with the terms of the documents under which the bonds are issued. The state investment officer may direct that the bond proceeds shall be

deposited with the bond trustee for investment. Investment earnings shall be credited to the fund.

The department may create or direct the creation of accounts within the fund as the department determines to be appropriate and useful in administering the fund and in providing for the security, investment, and repayment of bonds.

The fund and the assets thereof may be used, to the extent permitted by the Clean Water Act, as amended, and the regulations adopted and promulgated pursuant to such act, to pay or to secure the payment of bonds and the interest thereon, except that amounts deposited into the fund from state appropriations and the earnings on such appropriations may not be used to pay or to secure the payment of bonds or the interest thereon.

(2) There is hereby created the Construction Administration Fund. Any funds available for administering loans or fees collected pursuant to the Wastewater Treatment Facilities Construction Assistance Act shall be deposited in such fund. The fund shall be administered by the department for the purposes of the act. The state investment officer shall invest any money in the fund available for investment pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Investment earnings shall be credited to the fund.

Sec. 122. That section 81-15,160, Revised Statutes Supplement, 1993, be amended to read as follows:

81-15,160. (1) There is hereby created a Waste Reduction and Recycling Incentive Fund to be administered by the Department of Environmental Quality. The fund shall consist of proceeds from the fees imposed pursuant to ~~section 81-15,162~~ sections 81-15,159 to 81-15,165.

(2) The fund may be used for purposes which include, but are not limited to:

(a) Technical and financial assistance to political subdivisions for creation of recycling systems and for modification of present recycling systems;

(b) Recycling and waste reduction projects, including public education, planning, and technical assistance;

(c) Market development for recyclable materials separated by generators, including public education, planning, and technical assistance;

(d) Capital assistance for establishing private and public intermediate processing facilities for recyclable materials and facilities using recyclable materials in new products;

(e) Programs which develop and implement composting of yard waste and composting with sewage sludge;

(f) Technical assistance for waste reduction and waste exchange for waste generators;

(g) Programs to assist communities and counties to develop and implement household hazardous waste management programs;

(h) Incentive grants to political subdivisions to assist and encourage the closure of landfills operating without a permit, the regional consolidation of solid waste disposal facilities operating with a permit, and the use of transfer stations. Grants awarded for programs involving land disposal shall include provisions for waste reduction and recycling; and

(i) Capital assistance for establishing private and public facilities to manufacture combustible waste products and to incinerate waste to generate and recover energy resources.

(3) No grant shall be made under section 81-15,161 to a political subdivision which operates a landfill operating without a permit unless the grant will be used to meet permit standards and the landfill is issued a permit within two years after the award of the grant.

(4) Priority for grants made under section 81-15,161 shall be given to grant proposals that will be used for the recycling of tires or tire waste reduction.

(5) The Department of Environmental Quality may receive gifts, bequests, and any other contributions for deposit in the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 123. That section 81-15,165, Revised Statutes Supplement, 1993, be amended to read as follows:

81-15,165. The Tax Commissioner shall deduct and withhold from the fees collected pursuant to ~~section 81-15,162~~ sections 81-15,159 to 81-15,165 a fee sufficient to reimburse himself or herself for the actual cost of collecting and administering such fees and shall credit such collection fee to the Waste Reduction and Recycling Incentive Fees Collection Fund which is hereby created. The Legislature shall appropriate money from the fund to the

Department of Revenue to cover the actual costs of the department in administering sections 81-15,159 to 81-15,165. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 124. That section 81-15,174, Revised Statutes Supplement, 1992, be amended to read as follows:

81-15,174. There is hereby established the Nebraska Environmental Trust Fund which shall be a cash fund. The fund shall be used to carry out the purposes of the Nebraska Environmental Trust Act, including administrative costs. Money in the fund shall include proceeds credited pursuant to section 9-812 and any monetary gifts, grants, or donations. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 125. That section 81-15,177, Revised Statutes Supplement, 1992, be amended to read as follows:

81-15,177. (1) There is hereby established the Solid Waste Landfill Closure Assistance Fund which shall be a cash fund administered by the Department of Environmental Quality. The fund shall be used:

(a) To receive proceeds credited pursuant to section 9-812;

(b) To provide state aid to political subdivisions for landfill site closing assessment, closure, monitoring, and remediation costs related to landfills existing or already closed on July 15, 1992; and

(c) To provide funds to the department for expenses incurred in carrying out its duties under sections 81-15,178 and 81-15,179.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The Environmental Quality Council shall adopt and promulgate rules and regulations regarding the form and procedure for applications for grants from the fund, procedures for determining claims for payment or reimbursement, procedures for determining the amount and type of costs that are eligible for payment or reimbursement from the fund, procedures for determining priority among applicants, procedures for auditing persons who have received payments from the fund, and other provisions necessary to carry out sections 81-15,178 and 81-15,179.

Sec. 126. That section 81-1607.01, Revised Statutes Supplement, 1992, be amended to read as follows:

81-1607.01. The State Energy Office Cash Fund is hereby created. The fund shall consist of funds received pursuant to section 57-705. The fund shall be used for the administration of sections 81-1601 to 81-1607, for energy conservation activities, and for providing technical assistance to communities in the area of natural gas other than assistance regarding ownership of regulated utilities. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 127. That section 81-2004.05, Revised Statutes Supplement, 1992, be amended to read as follows:

81-2004.05. There is hereby created the Public Safety Cash Fund. All forfeitures and proceeds received by the Nebraska State Patrol under the federal Equitable Sharing Provisions or any other federal agreement from any agency of the federal government on or after July 10, 1990, shall be deposited in the fund. This section and section 81-2004.06 shall not apply to funds otherwise subject to sections 28-431 and 28-1439.02. The fund shall be used only in accordance with the applicable requirements of the federal government. The fund shall be administered by the Superintendent of Law Enforcement and Public Safety. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 128. That section 81-2022, Revised Statutes Supplement, 1992, be amended to read as follows:

81-2022. Any funds of the Nebraska State Patrol Retirement System available for investment shall be invested by the Nebraska Investment Council pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Payment for investment services by the council shall be charged directly against the gross investment returns of the funds. Charges so incurred shall not be a part of the board's annual budget request. The amounts of payment for such services, as of December 31 of each year, shall be reported not later than March 31 of the following year

to the council, the board, and the Nebraska Retirement Systems Committee.

The state investment officer shall sell any securities upon request from the director so as to provide money for the payment of benefits or annuities.

Sec. 129. That section 83-150, Revised Statutes Supplement, 1993, be amended to read as follows:

83-150. All funds received by the Department of Correctional Services under sections 83-144 to 83-152 shall be remitted to the State Treasurer for credit to the Correctional Industries Revolving Fund, which fund is hereby created. The fund shall be administered by the Director of Correctional Services. The fund shall be used to pay all proper expenses incident to the administration of sections 83-144 to 83-152, except that transfers from the fund to the General Fund may be made at the direction of the Legislature. Any money in the Correctional Industries Revolving Fund available for investment shall be invested by the state investment officer pursuant to sections ~~72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

~~Any money in the Nebraska State Use System of Department of Correctional Services Employment Fund on October 6, 1992, shall be transferred to the Correctional Industries Revolving Fund on such date.~~

Sec. 130. That section 83-913.01, Revised Statutes Supplement, 1993, be amended to read as follows:

83-913.01. (1) There is hereby created the Department of Correctional Services Facility Cash Fund.

Except as otherwise provided, all money derived from any source in any facility under the supervision of the Department of Correctional Services shall be remitted to the State Treasurer in accordance with the policies and procedures established by the Director of Correctional Services for credit to the fund. Any money in the fund available for investment may be invested pursuant to sections ~~72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) All disbursements from the fund shall be made by the Director of Administrative Services by warrants drawn on the fund only upon certification of expenses by the chief executive officer of the appropriate facility within the Department of Correctional Services and upon presentation of proper vouchers for such expenses by the Director of Correctional Services or his or her authorized agent.

Sec. 131. That section 84-135, Revised Statutes Supplement, 1992, be amended to read as follows:

84-135. The Governor's Policy Research Office shall be the principal state agency to coordinate policy development relating to the state's social, economic, and physical resources and to coordinate programs administered by the state and its political subdivisions. It shall provide available information, assistance, and staff support to the executive and legislative branches by all appropriate means. Furthermore, the office may, except as otherwise specified by the Governor:

(1) Identify long-range state problems and development opportunities and propose alternative policy options which may be submitted by the Governor to the Legislature for its consideration;

(2) Formulate for the Governor or the Legislature policy options for the orderly and coordinated growth of the state, except that functional plans shall only be formulated by the Governor's Policy Research Office when no department, agency, or institution has been given the responsibility for such planning or when such a body is not fulfilling its assigned planning responsibilities;

(3) Prepare special reports and furnish the results of the office's research and other activities through publications, memoranda, briefings, and expert testimony;

(4) Establish and require the use of standard basic population and economic data for all state departments, agencies, and institutions;

(5) Analyze and project the quality and quantity of services which may be necessary for the continued and orderly growth of the state, taking into consideration the relationship of activities, capabilities, and future plans of local units of government, area planning commissions, transportation authorities, development districts, regional councils, private enterprise, state government, the federal government, and other public and private bodies;

(6) Encourage the coordination of the planning activities of all state departments, agencies, and institutions and political subdivisions of the state;

(7) Advise, if requested, and consult with regional, joint, and local planning agencies;

(8) Monitor and participate in interstate policy development,

planning, and other activities related thereto;

(9) Survey, review, and appraise the accomplishments of state government in achieving the goals and objectives set forth in legislation or reflected in directives from the Governor or state agencies;

(10) Assist the Department of Administrative Services with the capital improvement programming process;

(11) Apply for and accept advances, loans, grants, contributions, and any other form of assistance from the federal government, the state, or any public or private sources for the purposes of sections 84-131 to 84-141 under such conditions as may be required and execute contracts or agreements in connection therewith. The office may include in any contract for financial assistance with the federal government such conditions imposed pursuant to federal laws as it may deem reasonable and appropriate and which are not inconsistent with the purposes of sections 84-131 to 84-141. There is hereby created a fund to be known as the Governor's Policy Research Cash Fund. All money credited to the fund shall be used by the Governor's Policy Research Office to carry out the responsibilities and duties of this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act;

(12) Serve as state government's applicant agency, or coapplicant when existing or future federal legislation specifically requires another applicant, but not necessarily administering agency, for all planning, programming, or research grants to transportation authorities and to state departments, agencies, or institutions. The Governor's Policy Research Office may delegate its applicant or coapplicant role upon such terms and for such periods of time as it shall deem appropriate;

(13) Enter into agreements with state departments and other agencies of state government and Nebraska state institutions of higher education for the temporary use of personnel in pursuit of the purposes of sections 84-131 to 84-141;

(14) Contract for professional or consultant services with state departments and agencies, Nebraska institutions of higher education, other public bodies, and private sources in pursuit of the purposes of sections 84-131 to 84-141;

(15) Review and comment on all local and regional applications for federal planning assistance. This authority may be delegated to regional planning commissions, development districts, regional councils, or such other state agency upon such terms as it deems appropriate; and

(16) Exercise all other powers necessary and proper for the discharge of its duties, including the promulgation of reasonable rules and regulations.

The Governor's Policy Research Office shall periodically review the organization and programs of state government and make recommendations to the Governor on ways to more effectively organize state government, eliminate duplication of units of government and of programs, and encourage efficiency and economy.

Sec. 132. That section 84-617, Revised Statutes Supplement, 1993, be amended to read as follows:

84-617. (1) There is hereby created the State Treasurer Administrative Fund. Funds received by the State Treasurer pursuant to his or her administrative duties shall be credited to the fund. Such funds shall include:

(a) Payments for returned check charges;

(b) Payments for wire transfers initiated by the State Treasurer at the request of state agencies;

(c) Payments for copies of cashed state warrants;

(d) Payments for copies, including microfilm, computer disk, or magnetic tape, of listings relating to outstanding state warrants; and

(e) Payments for copies, including microfilm, computer disk, or magnetic tape, of listings of owners of unclaimed property held by the State Treasurer pursuant to the Uniform Disposition of Unclaimed Property Act.

Money in the fund received pursuant to subdivisions (1)(a) through (d) of this section shall be credited to the General Fund quarterly. Money in the State Treasurer Administrative Fund received pursuant to subdivision (1)(e) of this section shall be credited to the Unclaimed Property Cash Fund. The State Treasurer may retain such amount as he or she deems appropriate in the State Treasurer Administrative Fund for purposes of making change for cash payments. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276~~ the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The State Treasurer may establish a fee schedule for any of the

services listed in subsection (1) of this section. The fees shall approximate the cost of providing the service.

(3) At any time that the State Treasurer assesses a returned check charge against a state agency, that agency may assess the charge to the payor of the check. The charges assessed by the state agency against the payor of the check shall be used to make payment to the State Treasurer or to reimburse the state agency for the assessments for returned checks.

Sec. 133. That section 84-1613, Revised Statutes Supplement, 1992, be amended to read as follows:

84-1613. There is hereby established in the state treasury the State Employees Insurance Fund, to be administered by the department, to which shall be credited all funds appropriated to pay the state's share of the cost of the coverages provided by sections 84-1601 to 84-1615 and all payroll deductions made under sections 84-1601 to 84-1615. The department shall make premium payments to the carrier, carriers, or combinations of carriers selected under section 84-1603 from this fund.

Any funds in the State Employees Insurance Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 134. That section 85-106, Revised Statutes Supplement, 1992, be amended to read as follows:

85-106. The Board of Regents shall have the power:

(1) To enact laws for the government of the university;  
 (2) To elect a president, vice presidents, chancellors, vice chancellors, deans, associate deans, assistant deans, directors, associate directors, assistant directors, professors, associate professors, assistant professors, instructors, other members of the faculty staff, and employees generally of the university and to provide for academic tenure for professors, associate professors, and assistant professors;

(3) To prescribe the duties of such persons not inconsistent with section 85-1,105;

(4) To fix their compensation;

(5) To provide, in its discretion, retirement benefits for present and future employees of the university, subject to the following:

(a) The cost of such retirement benefits shall be funded in accordance with sound actuarial principles with the necessary contributions for both past service and future service being treated in the university budget in the same way as any other operating expense;

(b) The university contribution under any such retirement plan shall be (i) the rate established by the Board of Regents and not more than eight percent of each university employee's full-time salary or wage earnings for any calendar year before any agreement for reduction of salary or wage earnings and (ii) pursuant to an agreement for reduction of salary or wage earnings, the amount of the reduction of salary or wage earnings;

(c) Each employee's contribution shall be the rate established by the Board of Regents and shall not be required to exceed the university's contribution under subdivision (5)(b)(i) of this section, except that in lieu of making such contribution, each such employee may enter into an agreement for reduction of salary or wages for the purchase by the Board of Regents of annuity contracts for such employee, under the provisions of the Internal Revenue Code, as amended, but the amount of the reduction of salary or wages allowable under this subdivision may not include credit for service prior to March 29, 1972;

(d) The retirement benefits of any employee for service prior to September 1, 1961, shall be those provided under the retirement plan then in force, which benefits shall not be abridged, except that such retirement benefits shall become fully vested in the event of an employee's termination of employment if such employee has at least ten years of service at the date of termination;

(e) Continued contributions to the system until the date of retirement as provided in section 85-606; and

(f) The investment of retirement funds shall be pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act, but no change in the type of investment of such funds shall be made without the prior approval of the Board of Regents;

(6) To equalize and provide for uniform benefits for all present and future employees, including group life insurance, group hospital-medical insurance, group long-term disability income insurance, and retirement benefits;

(7) To provide, through the University Extension Division, for the holding of classes at various localities throughout the state avoiding

unnecessary duplication of courses offered by other educational institutions in such localities and consistent with the orders of the Coordinating Commission for Postsecondary Education issued pursuant to sections 85-1413 and 85-1414;

(8) To remove the president, vice presidents, chancellors, vice chancellors, deans, associate deans, assistant deans, directors, associate directors, assistant directors, professors, associate professors, assistant professors, instructors, other members of the faculty staff, and employees generally, when the interests of the university require it; and

(9) To pay expenses for recruitment of academic, administrative, professional, and managerial personnel.

The Board of Regents shall institute a continuing program of preventive maintenance and a program of deferred maintenance consistent with the provisions of the Deferred Building Renewal Act and shall consult with the Nebraska Arts Council and acquire works of art for the original construction of any public building under its supervision consistent with sections 82-317 to 82-329 and 85-106.01 to 85-106.03.

Sec. 135. That section 85-122, Revised Statutes Supplement, 1993, be amended to read as follows:

85-122. The several funds for the support of the university shall be constituted and designated as follows: (1) The Permanent Endowment Fund; (2) the Temporary University Fund; (3) the University Cash Fund; (4) the United States Morrill Fund; (5) the United States Experiment Station Fund; (6) the University Trust Fund; (7) the United States Agricultural Extension Fund; (8) the Veterinary School Fund; (9) the University of Nebraska at Omaha Cash Fund; (10) the University of Nebraska at Omaha Trust Fund; (11) the University of Nebraska at Kearney Cash Fund; (12) the University of Nebraska at Kearney Trust Fund; (13) the Agricultural Field Laboratory Fund; (14) the Animal Research and Diagnosis Revolving Fund; (15) the University Buildings Renovation and Land Acquisition Fund; (16) the University Facility Improvement Fund; (17) the University of Nebraska Eppley Science Hall Construction Fund; and (18) the University Facilities Fund. No portion of the funds designated above derived from taxation shall be disbursed for mileage or other traveling expenses except as authorized by sections 81-1174 to 81-1177. No expenditures shall be made for or on behalf of the School of Veterinary Medicine and Surgery except from money appropriated to the Veterinary School Fund. Any money in the funds designated in this section available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.~~

Sec. 136. That section 85-1,128, Revised Statutes Supplement, 1992, be amended to read as follows:

85-1,128. There is hereby created the University of Nebraska Eppley Science Hall Construction Fund. All money accruing to the fund is hereby appropriated to the Board of Regents of the University of Nebraska and shall be used exclusively for the project authorized pursuant to this section. No expenditures shall be made from such fund without prior approval by a resolution of the Board of Regents. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.~~

The Board of Regents may make expenditures from the University of Nebraska Eppley Science Hall Construction Fund for the following project:

University of Nebraska Eppley Science Hall construction project, four hundred seventy-five thousand dollars, excluding federal funds, institutional cash funds, and private donations. The total cost of the project is currently estimated at eight million seven hundred forty thousand dollars, which amount also includes five million dollars of federal funds and two million dollars of private donations. Any unexpended balance existing in the University of Nebraska Eppley Science Hall Construction Fund shall be transferred to the General Fund either on June 15, 1993, or when any financial obligations incurred in the contracts entered into by the Board of Regents for the completion of the University of Nebraska Eppley Science Hall construction project are discharged, whichever occurs first.

Sec. 137. That section 85-403, Revised Statutes Supplement, 1992, be amended to read as follows:

85-403. Supplemental to any existing law on the subject and subject to the provisions of section 85-1415, the Board of Regents of the University of Nebraska, and the Board of Trustees of the Nebraska State Colleges, respectively, may construct, purchase, or otherwise acquire, remodel, repair, furnish, and equip dormitories, residence halls, single-dwelling or multiple-dwelling units, or other facilities for the housing and boarding of

students, single or married, faculties, or other employees of the institutions under their control, buildings and structures for athletic purposes, student and faculty unions or centers, and for the medical care and physical development and other activities of the students of the institutions, and buildings or other facilities for parking on real estate then owned or controlled by either of such boards or on real estate purchased, leased, or otherwise acquired for such purposes and pay the cost thereof, including such real estate, by issuing revenue bonds payable solely out of their revenue other than funds derived from taxation, except that any building or facility for parking shall be located on or adjacent to campuses controlled by such boards.

Bonds issued under the provisions of sections 85-403 to 85-411 are not an obligation of the State of Nebraska, and no tax shall ever be levied to raise funds for the payment thereof or interest thereon. The bonds shall not constitute a debt of the board issuing the same and shall be paid solely out of money derived from their revenue and earnings as provided in sections 85-403 to 85-411. If any proceeds from such bonds shall be available for investment, such investment shall be by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 138. That section 85-1419, Revised Statutes Supplement, 1992, be amended to read as follows:

85-1419. There is hereby created the Coordinating Commission for Postsecondary Education Cash Fund. The fund shall contain money 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 from private colleges seeking provisional accreditation and money received by the commission for services rendered incident to the administration of its statutory or contractual functions. The fund shall be expended for the administrative costs of reviewing applications, publishing and duplicating reports, coordinating studies, conducting conferences, and other related activities as may be authorized by the Legislature or by contract. All such money received by the commission shall be remitted to the State Treasurer for credit to the fund. A report on the receipts and expenditures from the fund shall be included as a part of the operating budget request submitted to the Legislature and the Governor. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276. Any money in the Nebraska Coordinating Commission for Postsecondary Education Cash Fund and the Nebraska Coordinating Commission for Postsecondary Education Administrative Cash Fund on January 1, 1992, shall be transferred to the Coordinating Commission for Postsecondary Education Cash Fund on such date the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 139. That section 85-1420, Revised Statutes Supplement, 1992, be amended to read as follows:

85-1420. There is hereby created the Coordinating Commission for Postsecondary Education Trust Fund. The 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. The grant money shall be used only for purposes specified in the grant. A report of the findings of any studies done pursuant to the grants shall be included as a part of the operating budget request submitted to the Legislature and the Governor. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276. Any money in the Nebraska Coordinating Commission for Postsecondary Education Trust Fund on January 1, 1992, shall be transferred to the Coordinating Commission for Postsecondary Education Trust Fund on such date the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 140. That section 85-1540, Revised Statutes Supplement, 1993, be amended to read as follows:

85-1540. There is hereby created the Nebraska Community College Aid Cash Fund. The fund shall be under the direction of the Nebraska Community College Aid, Grant, and Contract Review Committee. The Legislature may appropriate nongeneral funds and transfers pursuant to subdivision (b)(3) of section 48-621 to the fund. The fund shall be used to provide aid, grants, or contracts to the community colleges for the purposes of funding grants for applied technology and occupational faculty training, instructional equipment upgrades, employee assessment, preemployment training, employment training, and dislocated worker programs benefiting the State of Nebraska. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.



Sec. 141. That section 86-1304, Revised Statutes Supplement, 1993, be amended to read as follows:

86-1304. There is hereby created the Nebraska Telecommunications Relay System Fund. The fund shall be used to provide a statewide telecommunications relay system.

Any money in the Nebraska Telephone Relay System Fund on October 1, 1993, shall be transferred to the Nebraska Telecommunications Relay System Fund on such date.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 142. That section 89-1,100, Revised Statutes Supplement, 1992, be amended to read as follows:

89-1,100. The director shall collect registration, permit, laboratory, test, and inspection fees, penalties, and money required to be reimbursed as provided for in the Weights and Measures Act and shall remit such funds to the State Treasurer. The State Treasurer shall credit such funds to the Weights and Measures Administrative Fund, which fund is hereby created. All fees, penalties, and reimbursements collected pursuant to the act and credited to the fund shall be appropriated to the uses of the department to aid in defraying the expenses of administering the act. Any unexpended balance in such fund at the close of any biennium shall, when reappropriated, be available for the uses and purposes of the fund for the succeeding biennium. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The registration, permit, laboratory, test, and inspection fees, penalties, and money required to be reimbursed as provided for in the act Weights and Measures Act shall constitute a lien on the weighing and measuring devices or standards required to be registered or approved for use in this state until such fees, penalties, and reimbursements are paid. The director may sue for such fees, penalties, and reimbursements and may seek to foreclose on any lien in the name of the state. The county attorney of the county in which the device is located or the Attorney General's office shall, upon the request of the director, take appropriate action to establish and foreclose on any such lien.

Sec. 143. That section 89-1,104.01, Revised Statutes Supplement, 1992, be amended to read as follows:

89-1,104.01. The fees charged pursuant to section 89-1,104 shall be remitted by the Public Service Commission to the State Treasurer. The State Treasurer shall credit the first twenty thousand dollars of such fees to the Moisture Testing Examination Fund, which fund is hereby created. The fund shall be appropriated to the Public Service Commission to purchase or repair moisture field and laboratory equipment. The money in such fund may be used at any time by the commission. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276 the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

The State Treasurer shall credit any fees in excess of twenty thousand dollars to the General Fund. If at any time the funds in the Moisture Testing Examination Fund drop below twenty thousand dollars, the fees remitted by the Public Service Commission to the State Treasurer shall be credited to the Moisture Testing Examination Fund until such fund has a balance of twenty thousand dollars.

Sec. 144. (1) By January 1 of each year, the state investment officer shall (a) compile a list of corporations that directly or through a subsidiary do business in Northern Ireland and in whose stocks or obligations the state investment officer has invested state funds and (b) determine whether each corporation on the list has during the preceding year taken affirmative action to eliminate religious or ethnic discrimination in Northern Ireland.

(2) In making the determination required by this section, the state investment officer shall consider whether a corporation has during the preceding year taken substantial action designed to lead toward the achievement of the following goals, known internationally as the MacBride principles:

(a) Increasing representation of persons from underrepresented religious groups at all levels on its workforce;

(b) Providing adequate security for employees who are members of minority religious groups, both at the workplace and while traveling to and from work;

(c) Banning provocative religious or political emblems from the

workplace:

(d) Publicly advertising all job openings and making special recruiting efforts to attract applicants from underrepresented religious groups;

(e) Providing that layoff, recall, and termination procedures do not in practice favor or discriminate against workers who are members of particular religious groups;

(f) Abolishing job reservations, apprenticeship restrictions, and differential employment criteria that discriminate on the basis of religious or ethnic origin;

(g) Developing new programs and expanding existing programs to prepare current employees who are members of minority religious groups for skilled jobs;

(h) Establishing procedures to assess, identify, and recruit employees who are members of minority religious groups and who have potential for advancement; and

(i) Appointing senior management employees to oversee affirmative action efforts and the setting of timetables for carrying out this section.

(3) The state investment officer shall provide to the Legislature a copy of his or her report and findings on the first day of each regular session of the Legislature.

Sec. 145. (1) With respect to corporations doing business in Northern Ireland, the state investment officer shall, consistent with section 72-1246, invest in corporate stocks or obligations in a manner to encourage corporations that in the state investment officer's determination pursue a policy of affirmative action in Northern Ireland.

(2) Whenever feasible, the Nebraska Investment Council shall sponsor, cosponsor, or support shareholder resolutions designed to encourage corporations in which the state investment officer has invested to pursue a policy of affirmative action in Northern Ireland.

Sec. 146. Nothing in sections 144 to 146 of this act shall be construed to require the state investment officer to dispose of existing investments.

Sec. 147. Sections 67 and 148 of this act shall become operative on September 1, 1994. The other sections of this act shall become operative on their effective date.

Sec. 148. That original section 71-1,334, Revised Statutes Supplement, 1993, is repealed.

Sec. 149. That original sections 9-1,105, 9-629.02, 18-2604, 67-293, 68-612, 68-613, 72-1260, 77-2341, 77-3616, 77-4025, and 77-4104, Reissue Revised Statutes of Nebraska, 1943, sections 2-1222, 2-3960, 13-2041, 21-17,117.05, 24-704, 28-429, 29-2259.01, 37-206, 37-439, 37-1503, 39-2215, 39-2215.01, 43-1320, 43-2607, 43-2622, 45-716, 46-212.02, 48-418.10, 48-621, 49-1446.01, 49-14,140, 50-438, 54-2293, 60-305.09, 60-311, 60-1303, 60-2132, 66-4,100, 66-733, 66-739, 66-1414, 66-1521, 68-1604, 71-172.02, 71-1,147.02, 71-2618, 71-3708, 71-7010, 71-7521, 72-816, 74-1420, 74-1420.01, 76-2226, 77-3,113, 77-1342, 77-4310.03, 79-4,239, 79-1556, 79-3504, 79-3812, 80-301, 81-201.04, 81-2,291, 81-1110.02, 81-1120.23, 81-1188, 81-1201.21, 81-1278, 81-1429.01, 81-15,101.01, 81-15,104, 81-15,121, 81-15,174, 81-15,177, 81-1607.01, 81-2004.05, 81-2022, 84-135, 84-1613, 85-106, 85-1,128, 85-403, 85-1419, 85-1420, 89-1,100, and 89-1,104.01, Revised Statutes Supplement, 1992, and sections 2-127, 2-958, 2-10,117, 2-2627, 2-3930, 9-1,101, 9-812, 19-4617, 23-3594.04, 24-227, 32-1610, 44-116, 45-621, 46-1224, 48-1,116, 48-446, 53-117.06, 57-919, 60-1513, 60-1514, 66-1334, 66-1345, 66-1519, 69-1317, 70-1020, 71-5675, 72-1802, 77-3,110, 77-918, 79-1247.07, 79-1545, 79-2859, 81-179, 81-528, 81-805, 81-815.59, 81-1120.38, 81-1201.10, 81-1287, 81-1354.02, 81-1505.01, 81-1558, 81-1561, 81-1566.01, 81-15,113.01, 81-15,120, 81-15,151, 81-15,160, 81-15,165, 83-150, 83-913.01, 84-617, 85-122, 85-1540, and 86-1304, Revised Statutes Supplement, 1993, and also sections 72-1270 to 72-1276, Reissue Revised Statutes of Nebraska, 1943, and section 79-1051.06, Revised Statutes Supplement, 1992, are repealed.

Sec. 150. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.