

## LEGISLATIVE BILL 13

Approved by the Acting Governor January 27, 1989

Introduced by Labeledz, 5, Chairperson, Executive Board

AN ACT relating to the state treasury; to amend sections 77-2405, 77-2417, and 77-2418, Reissue Revised Statutes of Nebraska, 1943, and section 85-505.01, Revised Statutes Supplement, 1988; to transfer statutes relating to the sale of judgments and mortgages, to appropriations, and to debts owed to and by the state; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 77-2405, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~77-2405-~~ The State Treasurer is authorized to sell, assign, and transfer any judgment held and owned by the state against any person ~~or persons or body corporate~~; and to sell, assign, and transfer any security in the nature of a mortgage held on behalf of the permanent school fund to any person ~~or persons or body corporate~~ that who will pay the full amount thereof. The sale and assignment shall transfer to and confer upon such purchaser ~~or purchasers~~ all the rights of the state in such judgments ~~or mortgages~~ judgment or security.

Sec. 2. That section 77-2417, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~77-2417-~~ All appropriations of money from the state treasury, whether such money be is derived from the levy of state taxes or from any other source, shall be by the appropriation of specific sums.

Sec. 3. That section 77-2418, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~77-2418-~~ When any person, ~~including any firm or corporation, or any public corporation or political subdivision~~, is indebted to the State of Nebraska on account of any tax or other obligation then due and owing to the state, the officer, commission, or other division of state government charged with administration of the law under which such tax or other obligation

arose, may file with the Director of Administrative Services a statement of the amount so owing and shall at the same time mail a copy of such statement to the person owing such tax or other obligation. When such statement is filed, the Director of Administrative Services shall withhold an amount, not exceeding the amount of the statement, from any debt then owing by the State of Nebraska to such person, and by warrant or other order shall direct the State Treasurer to credit the amount so withheld to the proper fund. If the amount so withheld is not sufficient to satisfy the statement in full, successive statements may be filed with the Director of Administrative Services whenever the State of Nebraska becomes further indebted to such person. The withholding referred to in this section shall apply solely to money owing by the state.

Sec. 4. That section 85-505.01, Revised Statutes Supplement, 1988, be amended to read as follows:

85-505.01. (1) The tuition assistance program prescribed in sections 85-505 to 85-508 shall not be available to:

(a) More than one thousand two hundred members during any fiscal year, except that for the fiscal year ending June 30, 1988, the limit shall be one thousand two hundred and fifty members;

(b) Commissioned and warrant officers who have a baccalaureate degree or are eligible for any other equivalent federal benefits;

(c) Enlisted personnel entitled to any equivalent federal educational benefits, except that this subdivision shall not apply to personnel receiving assistance from the federal Educational Assistance Program for Members of the Selected Reserve; and

(d) Enlisted personnel who have a baccalaureate degree.

(2) The tuition assistance program prescribed in sections 85-505 to 85-508 shall be available to members of the Nebraska National Guard for a period of ten years from the date of initial membership.

(3) Any member of the Nebraska National Guard receiving tuition assistance under sections 85-505 to 85-508 may obtain only one undergraduate degree under such tuition assistance program. Only credit-bearing courses which meet degree requirements shall be approved for tuition assistance. Members shall not receive tuition assistance for any noncredit courses.

(4) If a member of the Nebraska National Guard

voluntarily withdraws from a course for which he or she is receiving tuition assistance, the member shall be liable for all costs relating to such withdrawal, including, but not limited to, all of the costs billed by the educational institution to the Nebraska National Guard. Reimbursement shall be in accordance with section ~~77-2418~~ 3 of this act.

(5) All non-prior-service enlistees shall have completed basic military training, military occupational specialty training, or skill-level training prior to being eligible for tuition assistance.

(6) Any member of the Nebraska National Guard who receives tuition assistance shall agree in writing to serve in the Nebraska National Guard for three years after the completion of the courses for which tuition assistance was given. Any member who receives tuition assistance may be asked to reimburse the State of Nebraska if any such member leaves the Nebraska National Guard during such three-year period. Reimbursement shall be in accordance with section ~~77-2418~~ 3 of this act.

(7) The Military Department shall retain the responsibility and authority to establish any limitations and controls it deems necessary to ensure maximum fiscal efficiency and productivity of the tuition assistance program prescribed in sections 85-505 to 85-508.

Sec. 5. That original sections 77-2405, 77-2417, and 77-2418, Reissue Revised Statutes of Nebraska, 1943, and section 85-505.01, Revised Statutes Supplement, 1988, are repealed.