

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 949

Introduced by Legislative Performance Audit Committee: Harms, 48,
Chairperson; Dubas, 34; Flood, 19; Heidemann, 1;
Krist, 10; Mello, 5; Wightman, 36; Campbell, 25;
Wallman, 30.

Read first time January 11, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to agency budgeting; to amend sections 81-132 and
2 81-1113, Reissue Revised Statutes of Nebraska; to provide
3 duties for the Department of Health and Human Services
4 and the budget division of the Department of
5 Administrative Services; to harmonize provisions; and to
6 repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) Beginning in 2012, on October 1, January
2 1, April 1, and June 1 of each year, the Division of Children and
3 Family Services of the Department of Health and Human Services shall
4 report in writing its expenditures for the immediately preceding
5 calendar quarter to the Appropriations Committee of the Legislature
6 and the Health and Human Services Committee of the Legislature. Such
7 report shall identify any changes or movement of funds in excess of
8 two hundred fifty thousand dollars relating to child welfare between
9 subprograms within budget program 347.

10 (2)(a) For FY2013-14 and FY2014-15, the Division of
11 Children and Family Services of the Department of Health and Human
12 Services shall, as part of the appropriations request process
13 pursuant to section 81-132, include a strategic plan that identifies
14 the main purpose or purposes of each program, verifiable and
15 auditable key goals that the division believes are fair measures of
16 its progress in meeting each program's main purpose or purposes, and
17 benchmarks for improving performance on the key goals for the state
18 as a whole and for each Department of Health and Human Services
19 service area. The division shall also report whether the benchmarks
20 are being met and, if not, the expected timeframes for meeting them.
21 Such goals and benchmarks shall be developed by the Division of
22 Children and Family Services with the assistance of the budget
23 division of the Department of Administrative Services pursuant to
24 subdivision (2) of section 81-1113.

25 (b) In September 2013 and September 2015, the division

1 shall report to the Health and Human Services Committee and the
2 Appropriations Committee of the Legislature on the progress towards
3 its key goals that occurred in the previous twelve months.

4 (3) It is the intent of the Legislature that
5 appropriations of funds for child welfare aid be designated as a
6 separate budget program beginning with the FY2013-14 biennial budget.

7 Sec. 2. Section 81-132, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 81-132 All departments, offices, and institutions of the
10 state government requesting appropriations shall file in the office
11 of the Director of Administrative Services the budget forms furnished
12 them by the director under the provisions of sections 81-1113 and
13 81-1113.01. The budget forms required by this section shall be filed
14 on or before September 15 of each even-numbered year, except that in
15 2002, the budget administrator of the budget division of the
16 Department of Administrative Services may extend the filing deadline
17 for budget forms to a date no later than October 15, 2002. The forms
18 shall show their total estimated requirements for the next biennium
19 for each unit of their organization and activity classified as to
20 object of expenditure. With such forms, each department, office,
21 institution, and expending agency shall file a report showing all
22 money received by such department, office, institution, or expending
23 agency together with the estimated receipts for the coming biennium.
24 Such estimates shall be accompanied by a statement in writing giving
25 facts and explanations of reasons for each item of increased

1 appropriation requested. The report submitted by the Department of
2 Health and Human Services shall include, but not be limited to, the
3 goals, benchmarks, and progress reports required pursuant to section
4 1 of this act.

5 Sec. 3. Section 81-1113, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 81-1113 The budget division shall prepare the executive
8 budget in accordance with the wishes and policies of the Governor.
9 The budget division shall have the following duties, powers, and
10 responsibilities:

11 (1) Shall prescribe the forms and procedures to be
12 employed by all departments and agencies of the state in compiling
13 and submitting their individual budget requests and shall set up a
14 budget calendar which shall provide for (a) the date, not later than
15 July 15 of each even-numbered year, for distribution of instructions,
16 (b) the date by which time requests for appropriations by each agency
17 shall be submitted, and (c) the period during which such public
18 hearings as the Governor may elect shall be held for each department
19 and agency. The budget request shall be submitted each even-numbered
20 year no later than the date provided in section 81-132, shall include
21 the intended receipts and expenditures by programs, subprograms, and
22 activities and such additional information as the administrator may
23 deem appropriate for each fiscal year, shall be made upon a biennial
24 basis, and shall include actual receipts and actual expenditures for
25 each fiscal year of the most recently completed biennium and the

1 first year of the current biennium and estimates for the second year
2 of the current biennium and each year of the next ensuing biennium;

3 (2) Shall work with each governmental department and
4 agency in developing performance standards for each program,
5 subprogram, and activity to measure and evaluate present as well as
6 projected levels of expenditures. The budget division shall also work
7 with the Division of Children and Family Services of the Department
8 of Health and Human Services to develop goals, benchmarks, and
9 methods of quantification of progress required pursuant to section 1
10 of this act;

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

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

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

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

24 (b) A requirement that permanent full-time positions
25 which have been vacant for ninety days or more be reviewed and

1 reauthorized prior to being filled. If requested by the budget
2 division, the personnel division of the Department of Administrative
3 Services shall review such vacant position to determine the proper
4 classification for the position;

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

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

10 Sec. 4. Original sections 81-132 and 81-1113, Reissue
11 Revised Statutes of Nebraska, are repealed.