

March 10, 1994

LB 1191-1199, 1211A

ASSISTANT CLERK: 26 yeas, 0 nays on the motion to advance the bill.

PRESIDENT ROBAK: LB 1211A is advanced. We move now to LB 1194.

ASSISTANT CLERK: Madam President, LB 1194 was introduced by the Appropriations Committee. (Read title.) The bill was read for the first time on January 19th of this year, referred to the Appropriations Committee. They report the bill to General File with committee amendments.

PRESIDENT ROBAK: Senator Moore, to open on LB 1194.

SENATOR MOORE: Thank you very much, Madam President. LB 1194 is actually a bill that has rolled several bills into it. Actually, bills...LB 1191-1199, or nine bills introduced by the Appropriations Committee that took some administratively created cash funds and put them in statute. Basically what the situation is, is that these specific cash funds had no statutory language guiding how the money was going to be spent. And for whatever reasons, I mean what occurs is, is at least at this point in time, and some of these predated this to tell you the truth, but under our present law what happens is if, for some reason, an amount of money becomes available to the state for a specific agency, what occurs is the Department of Administrative Services administratively creates a cash fund to allow, under gifts and bequests section in the appropriations bill, to take in the money and to expend the money. And there's no...there is the broad statutory authority to do that, but there's no specific statutory authority. Whereas I had mentioned there is like 200 and some cash funds in statute that have a statutory provision on how the money can be spent and collected. These nine cash funds are, for a variety of reasons, administratively created cash funds that had no statutory provisions saying specifically how the money could be spent. Now the fact is these cash funds have always come through the appropriations process, and so we've always had some oversight on how they're spent, and so I don't want to lead anybody to believe that there's been...nobody has kept track of what's going on, that's not the case. But the fact is there's no statutory provisions in these things to say what exactly can and cannot be spent with these cash funds. Some of these date back 20, 30 years, to tell you the truth, and so the Appropriations Committee had isolated these 9 that we thought had existed longer than 2 years, and