

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 782

Introduced by McCoy, 39.

Read first time January 04, 2012

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to state government; to amend sections 2-15,106,
2 2-2812, 2-4245, 2-5303, 3-801, 9-1,105, 9-809, 9-811.01,
3 11-203, 13-1205, 13-2114, 18-2117.01, 20-325, 23-2313,
4 24-704, 24-705, 24-1205, 24-1206, 25-1809, 25-2920,
5 29-2252.01, 35-1207, 37-327.01, 37-352, 38-1216, 39-1111,
6 39-1365.02, 39-1391, 39-1392, 42-930, 43-405, 43-512.11,
7 43-1905, 43-2412, 43-3326, 43-3342.04, 43-3402, 44-113,
8 44-7507, 46-1304, 46-1305, 48-1,104, 48-1,118, 48-606,
9 48-621, 48-1117, 48-1625, 48-2213, 48-2307, 48-2909,
10 49-770, 49-904, 49-1483, 49-1483.03, 49-1488, 49-1492.01,
11 50-114.03, 50-405, 50-413, 50-414, 50-1205, 50-1210,
12 50-1211, 50-1302, 54-642, 54-2428, 58-246, 58-270,
13 66-4,144, 66-1336, 68-959, 68-1207.01, 68-1518, 69-503,
14 69-2409, 69-2423, 71-219.03, 71-707, 71-810, 71-816,
15 71-825, 71-827, 71-830, 71-1134, 71-1628.05, 71-1628.07,
16 71-17,115, 71-1904, 71-2516, 71-3407, 71-4728, 71-4741,
17 71-51,103, 71-5206.01, 71-5210, 71-5322, 71-6226,

1 71-7611, 71-8313, 71-8613, 71-8804, 72-240.26, 72-813,
2 72-1278, 72-1710, 73-305, 76-1521, 77-385, 77-3,116,
3 77-4110, 77-4933, 77-5204, 77-5210, 77-5214, 77-5412,
4 77-5542, 77-5544, 77-5731, 79-760.03, 79-909, 79-976,
5 79-1905, 81-106, 81-166, 81-187, 81-638, 81-650,
6 81-6,116, 81-829.43, 81-829.47, 81-829.56, 81-830,
7 81-8,226, 81-8,239.05, 81-8,251, 81-8,300, 81-1107.05,
8 81-1108.15, 81-1108.22, 81-1108.31, 81-1108.41, 81-1114,
9 81-1114.01, 81-1114.02, 81-1117, 81-1120.15, 81-1120.16,
10 81-1125.01, 81-1307.01, 81-1360, 81-1376, 81-1504.01,
11 81-15,101, 81-15,153, 81-1606, 81-1607, 81-1637, 81-1845,
12 81-2004.04, 81-2023, 81-2213, 81-2233, 81-2408, 82-333,
13 83-111, 83-4,147, 83-908, 83-924, 83-963, 84-205, 84-304,
14 84-322, 84-605, 84-702, 84-907.06, 84-1205.03,
15 84-1205.05, 84-1219, 84-1315, 84-1617, 85-414, 85-417,
16 85-424, 85-1413, 85-1414, 85-1415, 85-1429, 85-1811,
17 86-163, 86-518, 86-530, 86-572, and 90-309, Reissue
18 Revised Statutes of Nebraska, sections 2-111, 2-968,
19 2-1588, 2-3226.01, 4-113, 9-1,101, 13-1210, 20-504,
20 25-3309, 28-429, 43-2404.02, 68-908, 70-1003, 79-527.01,
21 79-2118, 81-1833, 83-1209, 84-602, 85-421, 85-1416,
22 85-1807, 85-2106, 86-516, and 86-5,100, Revised Statutes
23 Cumulative Supplement, 2010, and sections 23-362,
24 29-2252, 37-919, 43-3720, 44-4225, 47-624, 50-417,
25 54-857, 61-218, 66-1345, 68-909, 68-971, 68-1017.02,

1 71-529, 71-7606, 77-367, 77-6309, 79-318, 79-722, 79-759,
2 79-760.05, 79-8,139, 79-987, 79-1007.07, 79-1022,
3 79-1103, 79-2104.02, 81-8,239.02, 81-1108.33, 81-1201.11,
4 81-1201.13, 81-12,142, 81-12,151, 81-12,166, 81-1384,
5 81-1505.04, 81-15,175, 84-901.01, 84-910, and 85-1412,
6 Revised Statutes Supplement, 2011; to require that
7 reports submitted to the Legislature, Clerk of the
8 Legislature, Executive Board of the Legislative Council,
9 Legislative Fiscal Analyst, members of the Legislature,
10 committees of the Legislature, and a task force of the
11 Legislature be submitted electronically; to eliminate
12 provisions involving obsolete reports, plans, a task
13 force, and a program; to harmonize provisions; to repeal
14 the original sections; and to outright repeal sections
15 2-5304, 3-806, 43-4002, 43-4003, 50-422, 71-5213,
16 81-12,122, and 85-1,130, Reissue Revised Statutes of
17 Nebraska, section 71-465, Revised Statutes Cumulative
18 Supplement, 2010, and sections 46-2,140 and 54-1916,
19 Revised Statutes Supplement, 2011.

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

1 Section 1. Section 2-111, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 2-111 The Nebraska State Fair Board shall, no later than
4 November 1 of each year, provide an annual report to the Governor and
5 the Legislature regarding the use of the Nebraska State Fair Support
6 and Improvement Cash Fund. The report submitted to the Legislature
7 shall be submitted electronically. The report shall include (1) a
8 detailed listing of how the proceeds of the fund were expended in the
9 prior fiscal year and (2) any distributions from the fund that remain
10 unexpended and on deposit in Nebraska State Fair accounts.

11 Sec. 2. Section 2-968, Revised Statutes Cumulative
12 Supplement, 2010, is amended to read:

13 2-968 The Riparian Vegetation Management Task Force, in
14 consultation with appropriate federal agencies, shall develop and
15 prioritize vegetation management goals and objectives, analyze the
16 cost-effectiveness of available vegetation treatment, and develop
17 plans and policies to achieve such goals and objectives. Any plan
18 shall utilize the principles of integrated vegetation management and
19 sound science. The task force shall convene within thirty days after
20 the appointment of the members is complete to elect a chairperson and
21 conduct such other business as deemed necessary. The efforts of the
22 task force shall be initially directed toward river basins designated
23 by the Department of Natural Resources as fully appropriated or
24 overappropriated. Task force meetings shall be held in communities
25 within the Republican River and Platte River basins with a final

1 report due to the Governor and the Legislature prior to June 30,
2 2013. The report submitted to the Legislature shall be submitted
3 electronically. It is the intent of the Legislature that expenses of
4 the task force not exceed twenty-five thousand dollars per fiscal
5 year. This section terminates on June 30, 2013.

6 Sec. 3. Section 2-1588, Revised Statutes Cumulative
7 Supplement, 2010, is amended to read:

8 2-1588 (1) Any money in the Nebraska Resources
9 Development Fund may be allocated by the commission in accordance
10 with sections 2-1586 to 2-1595 for utilization by the department, by
11 any state office, agency, board, or commission, or by any political
12 subdivision of the state which has the authority to develop the
13 state's water and related land resources. Such money may be allocated
14 in the form of grants or loans or for acquiring state interests in
15 water and related land resources programs and projects undertaken
16 within the state. The allocation of funds to a program or project in
17 one form shall not of itself preclude additional allocations in the
18 same or any other form to the same program or project. Funds may also
19 be allocated to assist natural resources districts in the preparation
20 of management plans as provided in section 46-709. Funds so allocated
21 shall not be subject to sections 2-1589 to 2-1595.

22 (2) No project, including all related phases, segments,
23 parts, or divisions, shall receive more than ten million dollars from
24 the fund. On July 1 of each year after 1993, the director shall
25 adjust the project cost and payment limitation of this subsection by

1 an amount equal to the average percentage change in a readily
2 available construction cost index for the prior three years.

3 (3) Prior to September 1 of each even-numbered year, a
4 biennial report shall be made to the Governor and the Clerk of the
5 Legislature describing the work accomplished by the use of such
6 development fund during the immediately preceding two-year period.
7 The report submitted to the Clerk of the Legislature shall be
8 submitted electronically. The report shall include a complete
9 financial statement. Each member of the Legislature shall receive a
10 an electronic copy of such report upon making a request to the
11 director.

12 Sec. 4. Section 2-15,106, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 2-15,106 On or before September 15 for each odd-numbered
15 year and on or before the date provided in section 81-132 for each
16 even-numbered year, the director shall submit an annual report and
17 plan of work for the state water planning and review process to the
18 Legislature and Governor. The report submitted to the Legislature
19 shall be submitted electronically. The report shall include a listing
20 of expenditures for the past fiscal year, a summary and analysis of
21 work completed in the past fiscal year, funding requirements for the
22 next fiscal year, and a projection and analysis of work to be
23 completed and estimated funding requirements for such work for the
24 next succeeding four years. The explanation of future funding
25 requirements shall include an explanation of the proposed use of such

1 funds and the anticipated results of the expenditure of such funds.
2 The report shall, to the extent possible, identify such information
3 as it affects each agency or other recipient of program funds. The
4 explanation of future funding requirements shall be in a form
5 suitable for providing an explanation of that portion of the budget
6 request pertaining to the state water planning and review process.

7 Sec. 5. Section 2-2812, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 2-2812 Funds may be appropriated by the Legislature for
10 the use of ~~such qualified~~ the qualifying organizations enumerated in
11 section 2-2803 and shall be made available through the University of
12 Nebraska budgeting and accounting facilities or such other channel as
13 the Legislature may direct. Each organization shall electronically
14 file a separate biennial budget request with the Legislature.

15 Sec. 6. Section 2-3226.01, Revised Statutes Cumulative
16 Supplement, 2010, is amended to read:

17 2-3226.01 (1) In order to implement its duties and
18 obligations under the Nebraska Ground Water Management and Protection
19 Act and in addition to other powers authorized by law, the board of a
20 district with jurisdiction that is part of a river basin for which
21 the district has, in accordance with section 46-715, adopted an
22 integrated management plan which references section 2-3226.04 and
23 explicitly states its intent in the plan to utilize qualified
24 projects described in section 2-3226.04 may issue negotiable bonds
25 and refunding bonds of the district and entitled river-flow

1 enhancement bonds, with terms determined appropriate by the board,
2 payable by (a) funds granted to such district by the state or federal
3 government for one or more qualified projects, (b) the occupation tax
4 authorized by section 2-3226.05, or (c) the levy authorized by
5 section 2-3225. The district may issue the bonds or refunding bonds
6 directly, or such bonds may be issued by any joint entity as defined
7 in section 13-803 whose member public agencies consist only of
8 qualified natural resources districts or by any joint public agency
9 as defined in section 13-2503 whose participating public agencies
10 consist only of qualified natural resources districts, in connection
11 with any joint project which is to be owned, operated, or financed by
12 the joint entity or joint public agency for the benefit of its member
13 natural resources districts. For the payment of such bonds or
14 refunding bonds, the district may pledge one or more permitted
15 payment sources.

16 (2) Within forty-five days after receipt of a written
17 request by the Natural Resources Committee of the Legislature, the
18 qualified natural resources districts shall submit ~~a written~~ an
19 electronic report to the committee containing an explanation of
20 existing or planned activities for river-flow enhancement, the
21 revenue source for implementing such activities, and a description of
22 the estimated benefit or benefits to the district or districts.

23 (3) ~~Beginning on April 1, 2008, if~~ If a district uses the
24 proceeds of a bond issued pursuant to this section for the purposes
25 described in subdivision (1) of section 2-3226.04 or the state uses

1 funds for those same purposes, the agreement to acquire water rights
2 by purchase or lease pursuant to such subdivision shall identify (a)
3 the method of payment, (b) the distribution of funds by the party or
4 parties receiving payments, (c) the water use or rights subject to
5 the agreement, and (d) the water use or rights allowed by the
6 agreement. If any irrigation district is party to the agreement, the
7 irrigation district shall allocate funds received under such
8 agreement among its users or members in a reasonable manner, giving
9 consideration to the benefits received and the value of the rights
10 surrendered for the specified contract period.

11 Sec. 7. Section 2-4245, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 2-4245 The corporation shall, following the close of each
14 fiscal year, submit an annual report of its activities for the
15 preceding year to the Governor and the Clerk of the Legislature. The
16 report submitted to the Clerk of the Legislature shall be submitted
17 electronically. Each member of the Legislature shall receive a ~~a~~an
18 electronic copy of such report by making a request for it to the
19 administrator of the corporation. Each report shall set forth a
20 complete operating and financial statement for the corporation during
21 the fiscal year it covers. An independent certified public accountant
22 shall at least once in each year audit the books and accounts of the
23 corporation.

24 Sec. 8. Section 2-5303, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 2-5303 The Carbon Sequestration Advisory Committee shall:

2 (1) Advise and assist the Director of Natural Resources
3 in preparing the ~~reports pursuant to sections 2-5304 and 2-5305~~
4 report and in conducting the assessment pursuant to section 2-5305;

5 (2) Recommend policies or programs to enhance the ability
6 of Nebraska agricultural landowners to participate in systems of
7 carbon trading. Such recommendations shall include potential policies
8 or programs designed to optimize economic benefits to agricultural
9 producers participating in carbon trading transactions. Such policies
10 or programs may include, but are not limited to, identifying existing
11 or the potential of creating nonprofit organizations or other public
12 or private entities capable of serving as assemblers of carbon
13 credits or as intermediaries on behalf of producers in carbon trading
14 systems;

15 (3) Encourage the production of educational and advisory
16 materials regarding carbon sequestration on agricultural lands and
17 participation in systems of carbon or greenhouse emissions trading;
18 and

19 (4) Identify and recommend areas of research needed to
20 better understand and quantify the processes of carbon sequestration
21 on agricultural lands.

22 Sec. 9. Section 3-801, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 3-801 Sections 3-801 to ~~3-806~~3-805 shall be known and
25 may be cited as the Nebraska State Airline Authority Act.

1 Sec. 10. Section 4-113, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 4-113 Each state agency which administers any program of
4 public benefits shall provide an annual report not later than January
5 31 for the prior year to the Governor and the Clerk of the
6 Legislature with respect to compliance with sections 4-108 to 4-113.
7 The report submitted to the Clerk of the Legislature shall be
8 submitted electronically. The report shall include, but not be
9 limited to, the total number of applicants for benefits and the
10 number of applicants rejected pursuant to such sections.

11 Sec. 11. Section 9-1,101, Revised Statutes Cumulative
12 Supplement, 2010, is amended to read:

13 9-1,101 (1) The Nebraska Bingo Act, the Nebraska County
14 and City Lottery Act, the Nebraska Lottery and Raffle Act, the
15 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and
16 Raffle Act, and section 9-701 shall be administered and enforced by
17 the Charitable Gaming Division of the Department of Revenue, which
18 division is hereby created. The Department of Revenue shall make
19 annual reports to the Governor, Legislature, Auditor of Public
20 Accounts, and Attorney General on all tax revenue received, expenses
21 incurred, and other activities relating to the administration and
22 enforcement of such acts. The report submitted to the Legislature
23 shall be submitted electronically.

24 (2) The Charitable Gaming Operations Fund is hereby
25 created. Any money in the fund available for investment shall be

1 invested by the state investment officer pursuant to the Nebraska
2 Capital Expansion Act and the Nebraska State Funds Investment Act.

3 (3)(a) Forty percent of the taxes collected pursuant to
4 sections 9-239, 9-344, 9-429, and 9-648 shall be available to the
5 Charitable Gaming Division for administering and enforcing the acts
6 listed in subsection (1) of this section. The remaining sixty percent
7 shall be transferred to the General Fund. Any portion of the forty
8 percent not used by the division in the administration and
9 enforcement of such acts and section shall be distributed as provided
10 in this subsection.

11 (b) On or before November 1 each year, the State
12 Treasurer shall transfer fifty thousand dollars from the Charitable
13 Gaming Operations Fund to the Compulsive Gamblers Assistance Fund,
14 except that no transfer shall occur if the Charitable Gaming
15 Operations Fund contains less than fifty thousand dollars.

16 (c) Any money remaining in the Charitable Gaming
17 Operations Fund after the transfer pursuant to subdivision (b) of
18 this subsection not used by the Charitable Gaming Division in its
19 administration and enforcement duties pursuant to this section may be
20 transferred to the General Fund at the direction of the Legislature.

21 (4) The Tax Commissioner shall employ investigators who
22 shall be vested with the authority and power of a law enforcement
23 officer to carry out the laws of this state administered by the Tax
24 Commissioner or the Department of Revenue and to enforce sections
25 28-1101 to 28-1117 relating to possession of a gambling device. For

1 purposes of enforcing sections 28-1101 to 28-1117, the authority of
2 the investigators shall be limited to investigating possession of a
3 gambling device, notifying local law enforcement authorities, and
4 reporting suspected violations to the county attorney for
5 prosecution.

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

13 Sec. 12. Section 9-1,105, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 9-1,105 (1) The Tax Commissioner may apply to the
16 Director of Administrative Services and the Auditor of Public
17 Accounts to establish and maintain a Charitable Gaming Investigation
18 Petty Cash Fund. The funds used to initiate and maintain the
19 Charitable Gaming Investigation Petty Cash Fund shall be drawn solely
20 from the Charitable Gaming Operations Fund. The Tax Commissioner
21 shall determine the amount of money to be held in the Charitable
22 Gaming Investigation Petty Cash Fund, consistent with carrying out
23 the duties and responsibilities of the Charitable Gaming Division of
24 the Department of Revenue but not to exceed five thousand dollars for
25 the entire division. This restriction shall not apply to funds

1 otherwise appropriated to the Charitable Gaming Operations Fund for
2 investigative purposes. When the Director of Administrative Services
3 and the Auditor of Public Accounts have approved the establishment of
4 the Charitable Gaming Investigation Petty Cash Fund, a voucher shall
5 be submitted to the Department of Administrative Services accompanied
6 by such information as the department may require for the
7 establishment of the fund. The Director of Administrative Services
8 shall issue a warrant for the amount specified and deliver it to the
9 Charitable Gaming Division. The fund may be replenished as necessary,
10 but the total amount in the fund shall not exceed ten thousand
11 dollars in any fiscal year. The fund shall be audited by the Auditor
12 of Public Accounts.

13 (2) Any prize amounts won, less any charitable gaming
14 investigative expenditures, by Charitable Gaming Division personnel
15 with funds drawn from the Charitable Gaming Investigation Petty Cash
16 Fund or reimbursed from the Charitable Gaming Operations Fund shall
17 be deposited into the Charitable Gaming Investigation Petty Cash
18 Fund.

19 (3) For the purpose of establishing and maintaining
20 legislative oversight and accountability, the Department of Revenue
21 shall maintain records of all expenditures, disbursements, and
22 transfers of cash from the Charitable Gaming Investigation Petty Cash
23 Fund.

24 (4) By September 15 of each year, the department shall
25 report to the budget division of the Department of Administrative

1 Services and to the Legislative Fiscal Analyst the unexpended balance
2 existing on June 30 of the previous fiscal year relating to
3 investigative expenses in the Charitable Gaming Investigation Petty
4 Cash Fund and any funds existing on June 30 of the previous fiscal
5 year in the possession of Charitable Gaming Division personnel
6 involved in investigations. The report submitted to the Legislative
7 Fiscal Analyst shall be submitted electronically. Any money in the
8 fund available for investment shall be invested by the state
9 investment officer pursuant to the Nebraska Capital Expansion Act and
10 the Nebraska State Funds Investment Act.

11 Sec. 13. Section 9-809, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 9-809 (1) The books, records, funds, and accounts of the
14 division shall be audited at least annually by or under the direction
15 of the Auditor of Public Accounts who shall submit a report of the
16 audit to the Governor and the Legislature. The report submitted to
17 the Legislature shall be submitted electronically. The expenses of
18 the audit shall be paid from the State Lottery Operation Cash Fund.

19 (2) The Tax Commissioner shall make an annual written
20 report by November 1 of each year to the Governor and the
21 Legislature, which report shall include a summary of the activities
22 of the division for the previous fiscal year through June 30, a
23 statement detailing lottery revenue, prize disbursements, expenses of
24 the division, and allocation of remaining revenue, and any
25 recommendations for change in the statutes which the Tax Commissioner

1 deems necessary or desirable. The report submitted to the Legislature
2 shall be submitted electronically. The report shall be a public
3 record.

4 Sec. 14. Section 9-811.01, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 9-811.01 (1) The Tax Commissioner may apply to the
7 Director of Administrative Services and the Auditor of Public
8 Accounts to establish and maintain a Lottery Investigation Petty Cash
9 Fund. The money used to initiate and maintain the fund shall be drawn
10 solely from the State Lottery Operation Cash Fund. The Tax
11 Commissioner shall determine the amount of money to be held in the
12 Lottery Investigation Petty Cash Fund, consistent with carrying out
13 the duties and responsibilities of the division but not to exceed
14 five thousand dollars for the entire division. This restriction shall
15 not apply to funds otherwise appropriated to the State Lottery
16 Operation Cash Fund for investigative purposes. When the Director of
17 Administrative Services and the Auditor of Public Accounts have
18 approved the establishment of the Lottery Investigation Petty Cash
19 Fund, a voucher shall be submitted to the Department of
20 Administrative Services accompanied by such information as the
21 department may require for the establishment of the fund. The
22 Director of Administrative Services shall issue a warrant for the
23 amount specified and deliver it to the division. The fund may be
24 replenished as necessary, but the total amount in the fund shall not
25 exceed ten thousand dollars in any fiscal year. The fund shall be

1 audited by the Auditor of Public Accounts.

2 (2) Any prize amounts won, less any investigative
3 expenditures, by department personnel with funds drawn from the
4 Lottery Investigation Petty Cash Fund or reimbursed from the State
5 Lottery Operation Cash Fund shall be deposited into the Lottery
6 Investigation Petty Cash Fund.

7 (3) For the purpose of establishing and maintaining
8 legislative oversight and accountability, the Department of Revenue
9 shall maintain records of all expenditures, disbursements, and
10 transfers of cash from the Lottery Investigation Petty Cash Fund.

11 (4) By September 15 of each year, the department shall
12 report to the budget division of the Department of Administrative
13 Services and to the Legislative Fiscal Analyst the unexpended balance
14 existing on June 30 of the previous fiscal year relating to
15 investigative expenses in the Lottery Investigation Petty Cash Fund
16 and any funds existing on June 30 of the previous fiscal year in the
17 possession of division personnel involved in investigations. The
18 report submitted to the Legislative Fiscal Analyst shall be submitted
19 electronically. Any money in the fund available for investment shall
20 be invested by the state investment officer pursuant to the Nebraska
21 Capital Expansion Act and the Nebraska State Funds Investment Act.

22 Sec. 15. Section 11-203, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 11-203 The Risk Manager shall, during each regular
25 session of the Legislature, file electronically with the Clerk of the

1 Legislature a complete list of the officers and employees who are
2 bonded and the amount of each bond.

3 Sec. 16. Section 13-1205, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 13-1205 The department shall have the following powers,
6 duties, and responsibilities:

7 (1) To collect and maintain data on the level of public
8 transportation services and needs in the state and identify areas not
9 being adequately served by existing public or private transportation
10 services;

11 (2) To assess the regional and statewide effect of
12 changes, improvement, and route abandonments in the state's public
13 transportation system;

14 (3) To develop a six-year statewide transit plan and
15 programs for public transportation in coordination with local plans
16 and programs developed by municipalities, counties, and transit
17 authorities;

18 (4) To provide planning and technical assistance to
19 agencies of the state, political subdivisions, or groups seeking to
20 improve public transportation;

21 (5) To advise, consult, and cooperate with agencies of
22 the state, the federal government, and other states, interstate
23 agencies, political subdivisions, and groups concerned with public
24 transportation;

25 (6) To cooperate with the Public Service Commission by

1 providing periodic assessments to the commission when determining the
2 effect of proposed regulatory decisions on public transportation;

3 (7) To administer federal and state programs providing
4 financial assistance to public transportation, except those federal
5 and state programs in which a municipality, county, transit
6 authority, or other state agency is designated as the administrator;

7 (8) To prepare and submit a biennial report to the
8 Governor, the State Energy Office, and the Clerk of the Legislature
9 detailing its activities under the Nebraska Public Transportation
10 Act. The report submitted to the Clerk of the Legislature shall be
11 submitted electronically. The report shall make recommendations to
12 strengthen, expand, and improve public transportation in the state;
13 and

14 (9) To exercise all other powers necessary and proper for
15 the discharge of its duties, including the adoption and promulgation
16 of reasonable rules and regulations to carry out the act.

17 Each member of the Legislature shall receive a—an
18 electronic copy of the report required by subdivision (8) of this
19 section by making a request for such report to the director.

20 Sec. 17. Section 13-1210, Revised Statutes Cumulative
21 Supplement, 2010, is amended to read:

22 13-1210 (1) The Department of Roads shall annually
23 certify the amount of operating costs eligible for funding under the
24 public transportation assistance program established under section
25 13-1209.

1 (2) The department shall submit an annual report to the
2 chairperson of the Appropriations Committee of the Legislature on or
3 before December 1 of each year regarding funds requested by each
4 applicant for eligible operating costs in the current fiscal year
5 pursuant to subsection (2) of section 13-1209 and the total amount of
6 state grants projected to be awarded in the current fiscal year
7 pursuant to the public transportation assistance program. The report
8 submitted to the committee shall be submitted electronically. The
9 report shall separate into two categories the requests and grants
10 awarded for handicapped vans, otherwise known as paratransit
11 vehicles, and requests and grants awarded for handicapped-accessible
12 fixed-route bus systems.

13 Sec. 18. Section 13-2114, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 13-2114 Within one hundred twenty days ~~of~~after the end
16 of the third year following the designation of an area as an
17 enterprise zone and at the end of each two-year period thereafter,
18 the original applying political subdivision shall file with the
19 department a report on the enterprise zone detailing the status of
20 the zone on the qualifying economic distress criteria, the current
21 status of economic activity within the zone, including the number and
22 type of new business enterprises which have located within the zone
23 and their levels of employment, the status of local efforts to carry
24 out the enterprise zone economic development plan outlined in the
25 original application, the status of local efforts to comply with

1 commitments made under subdivisions (9) and (10) of section 13-2104,
2 the membership and activities of the enterprise zone association, and
3 such other items as the department shall request to enable it to
4 assess the current status of the enterprise zone and to make
5 appropriate recommendations to the Legislature upon the enterprise
6 zone program as set out in the Enterprise Zone Act. Prior to filing
7 such report, the applying political subdivision shall provide copies
8 of the report to its enterprise zone association which shall attach
9 thereto for filing with the department such comments or additional
10 information or recommendations as it deems appropriate. Prior to the
11 commencement of the next following legislative session, the
12 department shall file electronic copies of such reports with the
13 Clerk of the Legislature along with any comments or recommendations
14 it may have with regard thereto or with regard to the act.

15 Sec. 19. Section 18-2117.01, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 18-2117.01 (1) On or before December 1 each year, each
18 city which has approved one or more redevelopment plans which are
19 financed in whole or in part through the use of tax-increment
20 financing as provided in section 18-2147 shall provide a report to
21 the Property Tax Administrator on each such redevelopment plan which
22 includes the following information:

23 (a) A copy of the redevelopment plan and any amendments
24 thereto if they have not been previously filed, including the date
25 upon which the redevelopment plan was approved, the effective date

1 for dividing the ad valorem tax as provided to the county assessor
2 pursuant to subsection (3) of section 18-2147, and the location and
3 boundaries of the property in the redevelopment project; and

4 (b) A short narrative description of the type of
5 development undertaken by the city or village with the financing and
6 the type of business or commercial activity locating within the
7 redevelopment project area as a result of the redevelopment project.

8 (2) The Property Tax Administrator shall compile a report
9 for each active redevelopment project, based upon information
10 provided by the cities pursuant to subsection (1) of this section and
11 information reported by the county assessor or county clerk on the
12 certificate of taxes levied pursuant to section 77-1613.01. Each
13 report shall be electronically transmitted to the Clerk of the
14 Legislature not later than March 1 each year. The report may include
15 any recommendations of the Property Tax Administrator as to what
16 other information should be included in the report from the cities so
17 as to facilitate analysis of the uses, purposes, and effectiveness of
18 tax-increment financing and the process for its implementation or to
19 streamline the reporting process provided for in this section to
20 eliminate unnecessary paperwork.

21 Sec. 20. Section 20-325, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 20-325 The commission shall:

24 (1) Make studies with respect to the nature and extent of
25 discriminatory housing practices in representative urban, suburban,

1 and rural communities throughout the state;

2 (2) Publish and disseminate reports, recommendations, and
3 information derived from such studies, including an annual report to
4 the Legislature to be submitted electronically:

5 (a) Specifying the nature and extent of progress made
6 statewide in eliminating discriminatory housing practices and
7 furthering the purposes of the Nebraska Fair Housing Act, obstacles
8 remaining to achieving equal housing opportunity, and recommendations
9 for further legislative or executive action; and

10 (b) Containing tabulations of the number of instances and
11 the reasons therefor in the preceding year in which:

12 (i) Investigations have not been completed as required by
13 subdivision (1)(b) of section 20-326;

14 (ii) Determinations have not been made within the time
15 specified in section 20-333; and

16 (iii) Hearings have not been commenced or findings and
17 conclusions have not been made as required by section 20-337;

18 (3) Cooperate with and render technical assistance to
19 state, local, and other public or private agencies, organizations,
20 and institutions which are formulating or carrying on programs to
21 prevent or eliminate discriminatory housing practices;

22 (4) ~~Annually~~ Electronically submit an annual report to
23 the Legislature and make available to the public data on the age,
24 race, color, religion, national origin, handicap, familial status,
25 and sex of persons and households who are applicants for,

1 participants in, or beneficiaries or potential beneficiaries of
2 programs administered by the commission. In order to develop the data
3 to be included and made available to the public under this
4 subdivision, the commission shall, without regard to any other
5 provision of law, collect such information relating to those
6 characteristics as the commission determines to be necessary or
7 appropriate;

8 (5) Adopt and promulgate rules and regulations, subject
9 to the approval of the members of the commission, regarding the
10 investigative and conciliation process that provide for testing
11 standards, fundamental due process, and notice to the parties of
12 their rights and responsibilities; and

13 (6) Have authority to enter into agreements with the
14 United States Department of Housing and Urban Development in
15 cooperative agreements under the Fair Housing Assistance Program. The
16 commission shall further have the authority to enter into agreements
17 with testing organizations to assist in investigative activities. The
18 commission shall not enter into any agreements under which
19 compensation to the testing organization is partially or wholly based
20 on the number of conciliations, settlements, and reasonable cause
21 determinations.

22 Sec. 21. Section 20-504, Revised Statutes Cumulative
23 Supplement, 2010, is amended to read:

24 20-504 (1) On or before January 1, 2002, the Nebraska
25 State Patrol, the county sheriffs, all city and village police

1 departments, and any other law enforcement agency in this state shall
2 adopt a written policy that prohibits the detention of any person or
3 a motor vehicle stop when such action is motivated by racial
4 profiling and the action would constitute a violation of the civil
5 rights of the person.

6 (2) With respect to a motor vehicle stop, on and after
7 January 1, 2002, and until January 1, 2014, the Nebraska State
8 Patrol, the county sheriffs, all city and village police departments,
9 and any other law enforcement agency in this state shall record and
10 retain the following information using the form developed and
11 promulgated pursuant to section 20-505:

12 (a) The number of motor vehicle stops;

13 (b) The characteristics of race or ethnicity of the
14 person stopped. The identification of such characteristics shall be
15 based on the observation and perception of the law enforcement
16 officer responsible for reporting the motor vehicle stop and the
17 information shall not be required to be provided by the person
18 stopped;

19 (c) If the stop is for a law violation, the nature of the
20 alleged law violation that resulted in the motor vehicle stop;

21 (d) Whether a warning or citation was issued, an arrest
22 made, or a search conducted as a result of the motor vehicle stop.
23 Search does not include a search incident to arrest or an inventory
24 search; and

25 (e) Any additional information that the Nebraska State

1 Patrol, the county sheriffs, all city and village police departments,
2 or any other law enforcement agency in this state, as the case may
3 be, deems appropriate.

4 (3) The Nebraska Commission on Law Enforcement and
5 Criminal Justice may develop a uniform system for receiving
6 allegations of racial profiling. The Nebraska State Patrol, the
7 county sheriffs, all city and village police departments, and any
8 other law enforcement agency in this state shall provide to the
9 commission (a) a copy of each allegation of racial profiling received
10 and (b) written notification of the review and disposition of such
11 allegation. No information revealing the identity of the law
12 enforcement officer involved in the stop shall be used, transmitted,
13 or disclosed in violation of any collective-bargaining agreement
14 provision or personnel rule under which such law enforcement officer
15 is employed. No information revealing the identity of the complainant
16 shall be used, transmitted, or disclosed in the form alleging racial
17 profiling.

18 (4) Any law enforcement officer who in good faith records
19 information on a motor vehicle stop pursuant to this section shall
20 not be held civilly liable for the act of recording such information
21 unless the law enforcement officer's conduct was unreasonable or
22 reckless or in some way contrary to law.

23 (5) On or before October 1, 2002, and annually thereafter
24 until January 1, 2014, the Nebraska State Patrol, the county
25 sheriffs, all city and village police departments, and all other law

1 enforcement agencies in this state shall provide to the commission,
2 in such form as the commission prescribes, a summary report of the
3 information recorded pursuant to subsection (2) of this section.

4 (6) On and after January 1, 2002, and until April 1,
5 2014, the commission may, within the limits of its existing
6 appropriations, provide for a review of the prevalence and
7 disposition of motor vehicle stops based on racial profiling and
8 allegations reported pursuant to this section. The results of such
9 review shall be reported annually to the Governor and the Legislature
10 beginning on or before April 1, 2004, until April 1, 2014. The report
11 submitted to the Legislature shall be submitted electronically.

12 Sec. 22. Section 23-362, Revised Statutes Supplement,
13 2011, is amended to read:

14 23-362 In order to equitably distribute the added burden
15 of law enforcement imposed upon certain counties of this state by
16 reason of the passage of Public Law 280 of the Eighty-third Congress
17 dealing with state jurisdiction and the resulting withdrawal of
18 federal law enforcement in such counties, there shall each fiscal
19 year be paid out of the state treasury, on the warrant of the
20 Director of Administrative Services as directed by the chairperson of
21 the Nebraska Commission on Law Enforcement and Criminal Justice, not
22 to exceed one hundred one thousand dollars for the benefit of Indians
23 in any county which has land held in trust by the United States
24 Government for the benefit of Indians to be used for purposes of law
25 enforcement and jail operations. Such funds shall be divided as

1 equally as possible between the areas of law enforcement and jail
2 operations. The Auditor of Public Accounts or his or her designee
3 shall conduct, at such time as he or she determines necessary, an
4 audit of the funds distributed pursuant to this section. A detailed
5 report shall be submitted on December 31 of each year, including
6 discussion of the operation and expenditures of the office of the
7 county sheriff and, when completed, a copy of the audit, to the
8 Executive Board of the Legislative Council and the Governor. The
9 report submitted to the executive board shall be submitted
10 electronically. Such payment shall be made to any county of this
11 state meeting the following conditions:

12 (1) Such county shall have on file in the office of the
13 Nebraska Commission on Law Enforcement and Criminal Justice a
14 certificate of the county assessor that there are within such county
15 over twenty-five hundred acres of land held in trust by the United
16 States or subject to restriction against alienation imposed by the
17 United States; and

18 (2) The county board of each such county may participate
19 in alcohol-related programs with nonprofit corporations.

20 Sec. 23. Section 23-2313, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 23-2313 It shall be the duty of the Auditor of Public
23 Accounts to make an annual audit of the retirement system and an
24 annual report to the retirement board and to the Clerk of the
25 Legislature of the condition of the retirement system. The report

1 submitted to the Clerk of the Legislature shall be submitted
2 electronically. Each member of the Legislature shall receive a ~~an~~
3 electronic copy of the report required by this section by making a
4 request for such report to either the Auditor of Public Accounts or
5 the retirement board.

6 Sec. 24. Section 24-704, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 24-704 (1) The general administration of the retirement
9 system for judges provided for in the Judges Retirement Act, except
10 the investment of funds, is hereby vested in the board. The Auditor
11 of Public Accounts shall make an annual audit of the retirement
12 system and electronically file an annual report of its condition with
13 the Clerk of the Legislature. Each member of the Legislature shall
14 receive a ~~an electronic~~ copy of the annual report by making a request
15 for such report to the Auditor of Public Accounts. The board shall
16 adopt and promulgate rules and regulations as may be necessary to
17 carry out the Judges Retirement Act.

18 (2)(a) The board shall employ a director and such
19 assistants and employees as may be necessary to efficiently discharge
20 the duties imposed by the act. The director shall keep a record of
21 all acts and proceedings taken by the board.

22 (b) The director shall keep a complete record of all
23 members with respect to name, current address, age, contributions,
24 length of service, compensation, and any other facts as may be
25 necessary in the administration of the act. The information in the

1 records shall be provided by the State Court Administrator in an
2 accurate and verifiable form, as specified by the director. The
3 director shall, from time to time, carry out testing procedures
4 pursuant to section 84-1512 to verify the accuracy of such
5 information. For the purpose of obtaining such facts and information,
6 the director shall have access to the records of the various state
7 departments and agencies and the holder of the records shall comply
8 with a request by the director for access by providing such facts and
9 information to the director in a timely manner. A certified copy of a
10 birth certificate or delayed birth certificate shall be prima facie
11 evidence of the age of the person named in the certificate.

12 (c) The director shall develop and implement an employer
13 education program using principles generally accepted by public
14 employee retirement systems so that all employers have the knowledge
15 and information necessary to prepare and file reports as the board
16 requires.

17 (3) Information necessary to determine membership in the
18 retirement system shall be provided by the State Court Administrator.

19 (4) Any funds of the retirement system available for
20 investment shall be invested by the Nebraska Investment Council
21 pursuant to the Nebraska Capital Expansion Act and the Nebraska State
22 Funds Investment Act. Payment for investment services by the council
23 shall be charged directly against the gross investment returns of the
24 funds. Charges so incurred shall not be a part of the board's annual
25 budget request. The amounts of payment for such services, as of

1 December 31 of each year, shall be reported not later than March 31
2 of the following year to the council, the board, and the Nebraska
3 Retirement Systems Committee. The state investment officer shall sell
4 any such securities upon request from the director so as to provide
5 money for the payment of benefits or annuities.

6 Sec. 25. Section 24-705, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 24-705 The board shall have the power to secure and
9 employ the services of such technical and administrative employees as
10 are necessary to carry out the ~~provisions of the~~ Judges Retirement
11 Act. Pursuant to subdivision (2)(e) of section 84-1503, the board
12 shall have an annual report prepared by a member of the American
13 Academy of Actuaries showing a complete valuation of the present and
14 prospective assets and liabilities of the fund created by the act.
15 Such valuation shall be on the basis of actuarial assumptions
16 recommended by the actuary, approved by the board, and kept on file
17 with the board. The report shall further include a prospectus of the
18 amount of the appropriation that will be required from the
19 Legislature for the succeeding year. This report shall be furnished
20 electronically to the Clerk of the Legislature at each regular
21 session. Each member of the Legislature shall receive ~~a~~ an electronic
22 copy of such report by making a request for it to the director. The
23 employees of the board shall be paid at such rates as the board shall
24 approve. All administrative expenses shall be paid from the
25 retirement fund.

1 Sec. 26. Section 24-1205, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 24-1205 By December 15, 1995, and each year thereafter,
4 the Judicial Resources Commission shall hold a hearing to determine
5 whether (1) a new judgeship is appropriate in any judicial district
6 or a reduction in judgeships is appropriate in any judicial district
7 or (2) the judicial district boundaries or the number of judicial
8 districts should be changed for the district or county courts. The
9 commission shall also examine current caseload statistics and make
10 any appropriate recommendations for the more balanced use of existing
11 judicial resources. The State Court Administrator shall provide
12 adequate administrative support and information as requested by the
13 commission. A report of this hearing and any recommendations shall be
14 filed by the commission with the Legislature, the Governor, and the
15 Supreme Court on or before December 31 of each year. The report
16 submitted to the Legislature shall be submitted electronically.

17 Sec. 27. Section 24-1206, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 24-1206 (1) The Judicial Resources Commission's
20 determination of whether a judicial vacancy exists or a new
21 judgeship, a reduction in judgeships, a change in number of judicial
22 districts or boundaries, or the reallocation of a judgeship from a
23 district, county, or separate juvenile court in one judicial district
24 to a district, county, or separate juvenile court in another judicial
25 district is appropriate pursuant to section 24-1204 or 24-1205 shall

1 be based upon ~~(1)~~(a) its analysis of judicial workload statistics
2 compiled pursuant to section 24-1007, ~~(2)~~(b) whether litigants in
3 the judicial district have adequate access to the courts, ~~(3)~~(c) the
4 population of the judicial district, ~~(4)~~(d) other judicial duties
5 and travel time involved within the judicial district, and ~~(5)~~(e)
6 other factors determined by the Supreme Court to be necessary to
7 assure efficiency and maximum service. The State Court Administrator
8 shall provide adequate administrative support and information as
9 requested by the commission.

10 (2) After making a determination, the commission shall
11 report the results electronically to the Legislature and recommend
12 any legislative changes which are needed. If no changes in existing
13 law are needed and none are recommended by the commission, no
14 legislative action shall be necessary to fill any judicial vacancy
15 determined to exist. The Legislature shall not create a new judgeship
16 unless the commission recommends the creation of a new judgeship in
17 its report. If legislative action is required but none is taken in
18 the first legislative session commencing after receipt of the report
19 by the Legislature, the commission shall hold another hearing on the
20 matter and shall determine whether a judicial vacancy exists or again
21 recommend legislative changes to the Legislature in its report.

22 Sec. 28. Section 25-1809, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 25-1809 There is hereby created the Legal Services Fund
25 to be administered by the Director of Administrative Services. All

1 money received by the Attorney General or directed to be deposited in
2 the fund by any state agency, board, commission, or constitutional
3 officer or the Legislature pursuant to section 25-1808 shall be
4 deposited into the fund. At the end of each fiscal year, the director
5 shall transfer from the fund into the budget of the appropriate state
6 agency, board, commission, or constitutional office or the
7 Legislature those fees and expenses that have been awarded by the
8 court. In those instances when the Attorney General has billed a
9 state agency, board, commission, or constitutional officer or the
10 Legislature, the money awarded shall be appropriated to the budget of
11 the Attorney General. The director shall ~~report~~ electronically submit
12 a summary of such transfers to the Legislature at the end of each
13 fiscal year.

14 Sec. 29. Section 25-2920, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 25-2920 The director shall report annually to the Chief
17 Justice, the Governor, and the Legislature on the implementation of
18 the Dispute Resolution Act. The report submitted to the Legislature
19 shall be submitted electronically. The report shall include the
20 number and types of disputes received, the disposition of the
21 disputes, any problems encountered, any recommendations to address
22 problems, and a comparison of the cost of mediation and litigation.

23 Sec. 30. Section 25-3309, Revised Statutes Cumulative
24 Supplement, 2010, is amended to read:

25 25-3309 (1) The Secretary of State shall issue a

1 certificate of registration to a civil litigation funding company who
2 complies with subsection (2) of section 25-3307 or a renewal of
3 registration under subsection (3) of section 25-3307.

4 (2) The Secretary of State may refuse to issue a
5 certificate of registration if the Secretary of State determines that
6 the character, fitness, or financial responsibility of the civil
7 litigation funding company are such as to warrant belief that the
8 business will not be operated honestly or fairly within the purposes
9 of the Nonrecourse Civil Litigation Act.

10 (3) The Secretary of State may suspend, revoke, or refuse
11 to renew a certificate of registration for conduct that would have
12 justified denial of registration under subsection (2) of section
13 25-3307 or for violating section 25-3304.

14 (4) The Secretary of State may deny, suspend, revoke, or
15 refuse to renew a certificate of registration only after proper
16 notice and an opportunity for a hearing. The Administrative Procedure
17 Act applies to the Nonrecourse Civil Litigation Act.

18 (5) The Secretary of State may issue a temporary
19 certificate of registration while an application for registration or
20 renewal of registration is pending.

21 (6) The Secretary of State shall require a civil
22 litigation funding company registered pursuant to the act to annually
23 submit certain data, in a form prescribed by the Secretary of State
24 that contains:

25 (a) The number of nonrecourse civil litigation fundings;

1 (b) The amount of nonrecourse civil litigation fundings;

2 (c) The number of nonrecourse civil litigation fundings
3 required to be repaid by the consumer;

4 (d) The amount charged to the consumer, including, but
5 not limited to, the annual percentage fee charged to the consumer and
6 the itemized fees charged to the consumer; and

7 (e) The dollar amount and number of cases in which the
8 realization to the civil litigation funding company was less than
9 contracted.

10 (7) The Secretary of State shall annually prepare and
11 electronically submit a report to the Clerk of the Legislature and to
12 the Judiciary Committee of the Legislature on the status of
13 nonrecourse civil litigation funding activities in the state. The
14 report shall include aggregate information reported by registered
15 civil litigation funding companies.

16 Sec. 31. Section 28-429, Revised Statutes Cumulative
17 Supplement, 2010, is amended to read:

18 28-429 (1) There is hereby established in the Nebraska
19 State Patrol a Division of Drug Control. The division shall consist
20 of such personnel as may be designated by the Superintendent of Law
21 Enforcement and Public Safety. It shall be the duty of the division
22 to enforce all of the provisions of the Uniform Controlled Substances
23 Act and any other provisions of the law dealing with controlled
24 substances and to conduct drug education activities as directed by
25 the superintendent. The Nebraska State Patrol shall cooperate with

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

1 Enforcement and Education Fund Boards.

2 (2) There is hereby created the Nebraska State Patrol
3 Drug Control and Education Cash Fund which shall be used for the
4 purposes of (a) obtaining evidence for enforcement of any state law
5 relating to the control of drug abuse and (b) drug education
6 activities conducted pursuant to subsection (1) of this section,
7 except that transfers may be made from the fund to the General Fund
8 at the direction of the Legislature. Any money in the Nebraska State
9 Patrol Drug Control and Education Cash Fund available for investment
10 shall be invested by the state investment officer pursuant to the
11 Nebraska Capital Expansion Act and the Nebraska State Funds
12 Investment Act.

13 (3) For the purpose of establishing and maintaining
14 legislative oversight and accountability, the Appropriations
15 Committee of the Legislature shall formulate record-keeping
16 procedures to be adhered to by the Nebraska State Patrol for all
17 expenditures, disbursements, and transfers of cash from the Nebraska
18 State Patrol Drug Control and Education Cash Fund. Based on these
19 record-keeping procedures, the Nebraska State Patrol shall prepare
20 and electronically deliver to the Clerk of the Legislature at the
21 commencement of each succeeding session a detailed report which shall
22 contain, but not be limited to: (a) Current total in the cash fund;
23 (b) total amount of expenditures; (c) purpose of the expenditures to
24 include: (i) Salaries and any expenses of all agents and informants;
25 (ii) front money for drug purchases; (iii) names of drugs and

1 quantity of purchases; (iv) amount of front money recovered; and (v)
2 drug education activities; (d) total number of informers on payroll;
3 (e) amounts delivered to patrol supervisors for distribution to
4 agents and informants and the method of accounting for such
5 transactions and the results procured through such transactions; and
6 (f) a description of the drug education activities conducted since
7 the date of the previous report. Each member of the Legislature shall
8 receive ~~a~~an electronic copy of such report by making a request for
9 it to the superintendent.

10 (4) The superintendent shall adopt and promulgate rules
11 and regulations to carry out this section.

12 Sec. 32. Section 29-2252, Revised Statutes Supplement,
13 2011, is amended to read:

14 29-2252 The administrator shall:

15 (1) Supervise and administer the office;

16 (2) Establish and maintain policies, standards, and
17 procedures for the system, with the concurrence of the Supreme Court;

18 (3) Prescribe and furnish such forms for records and
19 reports for the system as shall be deemed necessary for uniformity,
20 efficiency, and statistical accuracy;

21 (4) Establish minimum qualifications for employment as a
22 probation officer in this state and establish and maintain such
23 additional qualifications as he or she deems appropriate for
24 appointment to the system. Qualifications for probation officers
25 shall be established in accordance with subsection (4) of section

1 29-2253. An ex-offender released from a penal complex or a county
2 jail may be appointed to a position of deputy probation or parole
3 officer. Such ex-offender shall maintain a record free of arrests,
4 except for minor traffic violations, for one year immediately
5 preceding his or her appointment;

6 (5) Establish and maintain advanced periodic inservice
7 training requirements for the system;

8 (6) Cooperate with all agencies, public or private, which
9 are concerned with treatment or welfare of persons on probation;

10 (7) Organize and conduct training programs for probation
11 officers;

12 (8) Collect, develop, and maintain statistical
13 information concerning probationers, probation practices, and the
14 operation of the system;

15 (9) Interpret the probation program to the public with a
16 view toward developing a broad base of public support;

17 (10) Conduct research for the purpose of evaluating and
18 improving the effectiveness of the system;

19 (11) Adopt and promulgate such rules and regulations as
20 may be necessary or proper for the operation of the office or system;

21 (12) Transmit a report during each even-numbered year to
22 the Supreme Court on the operation of the office for the preceding
23 two calendar years which shall include a historical analysis of
24 probation officer workload, including participation in non-probation-
25 based programs and services. The report shall be transmitted by the

1 Supreme Court to the Governor and the Clerk of the Legislature. The
2 report submitted to the Clerk of the Legislature shall be submitted
3 electronically;

4 (13) Administer the payment by the state of all salaries,
5 travel, and actual and necessary expenses incident to the conduct and
6 maintenance of the office;

7 (14) Use the funds provided under section 29-2262.07 to
8 augment operational or personnel costs associated with the
9 development, implementation, and evaluation of enhanced probation-
10 based programs and non-probation-based programs and services in which
11 probation personnel or probation resources are utilized pursuant to
12 an interlocal agreement authorized by subdivision (16) of this
13 section and to purchase services to provide such programs aimed at
14 enhancing adult probationer or non-probation-based program
15 participant supervision in the community and treatment needs of
16 probationers and non-probation-based program participants. Enhanced
17 probation-based programs include, but are not limited to, specialized
18 units of supervision, related equipment purchases and training, and
19 programs that address a probationer's vocational, educational, mental
20 health, behavioral, or substance abuse treatment needs;

21 (15) Ensure that any risk or needs assessment instrument
22 utilized by the system be periodically validated;

23 (16) Have the authority to enter into interlocal
24 agreements in which probation resources or probation personnel may be
25 utilized in conjunction with or as part of non-probation-based

1 programs and services. Any such interlocal agreement shall comply
2 with section 29-2255;

3 (17) Collaborate with the Community Corrections Division
4 of the Nebraska Commission on Law Enforcement and Criminal Justice
5 and the Office of Parole Administration to develop rules governing
6 the participation of parolees in community corrections programs
7 operated by the Office of Probation Administration; and

8 (18) Exercise all powers and perform all duties necessary
9 and proper to carry out his or her responsibilities.

10 Each member of the Legislature shall receive ~~a~~an
11 electronic copy of the report required by subdivision (12) of this
12 section by making a request for it to the administrator.

13 Sec. 33. Section 29-2252.01, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 29-2252.01 On December 31 and June 30 of each fiscal
16 year, the administrator shall provide a report to the budget division
17 of the Department of Administrative Services and the Legislative
18 Fiscal Analyst which shall include, but not be limited to:

19 (1) The total number of felony cases supervised by the
20 office in the previous six months for both regular and intensive
21 supervision probation;

22 (2) The total number of misdemeanor cases supervised by
23 the office in the previous six months for both regular and intensive
24 supervision probation;

25 (3) The felony caseload per officer for both regular and

1 intensive supervision probation on the last day of the reporting
2 period;

3 (4) The misdemeanor caseload per officer for both regular
4 and intensive supervision probation on the last day of the reporting
5 period;

6 (5) The total number of juvenile cases supervised by the
7 office in the previous six months for both regular and intensive
8 supervision probation;

9 (6) The total number of predisposition investigations
10 completed by the office in the previous six months;

11 (7) The total number of presentence investigations
12 completed by the office in the previous six months; and

13 (8) The total number of juvenile intake screening
14 interviews conducted and detentions authorized by the office in the
15 previous six months, using the detention screening instrument
16 described in section 43-260.01.

17 The report submitted to the Legislative Fiscal Analyst
18 shall be submitted electronically.

19 Sec. 34. Section 35-1207, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 35-1207 (1) Any rural or suburban fire protection
22 district or mutual finance organization seeking funds pursuant to the
23 Mutual Finance Assistance Act shall submit an application for funding
24 to the State Treasurer by July 1. The State Treasurer shall develop
25 the application which requires calculations showing assumed

1 population eligibility under section 35-1205 and the distribution
2 amount under section 35-1206. If the applicant is a mutual finance
3 organization, it shall attach to its first application a copy of the
4 agreement pursuant to section 35-1204 and attach to any subsequent
5 application a copy of an amended agreement or an affidavit stating
6 that the previously submitted agreement is still accurate and
7 effective. Any mutual finance organization making application
8 pursuant to this section shall include with the application
9 additional financial information regarding the manner in which any
10 funds received by the mutual finance organization based upon the
11 prior year's application pursuant to the act have been expended or
12 distributed by that mutual finance organization. The State Treasurer
13 shall provide electronic copies of such reports on mutual finance
14 organization expenditures and distributions to the Clerk of the
15 Legislature by December 1 of each year in which any reports are
16 filed.

17 (2) The State Treasurer shall review all applications for
18 eligibility for funds under the act and approve any application which
19 is accurate and demonstrates that the applicant is eligible for
20 funds. On or before August 15, the State Treasurer shall notify the
21 applicant of approval or denial of the application and certify the
22 amount of funds for which an approved applicant is eligible. The
23 decision of the State Treasurer may be appealed as provided in the
24 Administrative Procedure Act.

25 (3) Except as provided in subsection (4) of this section,

1 funds shall be disbursed by the State Treasurer in two payments which
2 are as nearly equal as possible, to be paid on or before November 1
3 and May 1. If the Mutual Finance Assistance Fund is insufficient to
4 make all payments to all applicants in the amounts provided in
5 section 35-1206, the State Treasurer shall prorate payments to
6 approved applicants. Funds remaining in the Mutual Finance Assistance
7 Fund on June 1 shall be transferred to the General Fund before July
8 1.

9 (4) No funds shall be disbursed to an eligible mutual
10 finance organization until it has provided to the State Treasurer the
11 financial information regarding the manner in which it has expended
12 or distributed prior disbursements made pursuant to the Mutual
13 Finance Assistance Act as provided in subsection (2) of this section.

14 Sec. 35. Section 37-327.01, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 37-327.01 (1) The Game Law Investigation Cash Fund is
17 created. The commission shall use the fund for the purpose of
18 obtaining evidence for enforcement of the Game Law. The fund shall be
19 funded through revenue collected under the Game Law and budgeted or
20 allocated to the fund by the commission, and through donations from
21 persons, wildlife groups, and other charitable sources. Any money in
22 the fund available for investment shall be invested by the state
23 investment officer pursuant to the Nebraska Capital Expansion Act and
24 the Nebraska State Funds Investment Act.

25 (2) For the purpose of establishing and maintaining

1 legislative oversight and accountability, the commission shall
2 formulate record-keeping procedures for all expenditures,
3 disbursements, and transfers of cash from the Game Law Investigation
4 Cash Fund. Based on these record-keeping procedures, the commission
5 shall prepare and deliver electronically to the Clerk of the
6 Legislature by September 15 of each year a detailed report of the
7 previous fiscal year which includes, but is not limited to: (a) The
8 June 30 balance in the Game Law Investigation Cash Fund and the
9 amounts delivered to the commission for distribution to agents and
10 informants; (b) the total amount of expenditures; (c) the purpose of
11 the expenditures including: (i) Salaries and any expenses of all
12 agents and informants; (ii) front money for wildlife purchases; (iii)
13 type of wildlife and amount purchased; and (iv) amount of front money
14 recovered; (d) the total number of informants on payroll; and (e) the
15 results procured through such transactions. Each member of the
16 Legislature shall receive ~~a~~an electronic copy of such report by
17 making a request for it to the secretary of the commission.

18 (3) The commission shall adopt and promulgate rules and
19 regulations to carry out this section.

20 Sec. 36. Section 37-352, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 37-352 (1) No appropriation shall be made from the
23 Nebraska Outdoor Recreation Development Cash Fund until the
24 commission has presented electronically a multiyear recreational
25 development plan to the Legislature for its review, modification, and

1 final approval. An updated version of such plan shall also be
2 submitted electronically to the Legislature annually for its
3 modification and approval. The money in such fund shall be
4 administered according to this section by the commission for the
5 development, operation, and maintenance of areas of the state park
6 system. The money in such fund may be used in whole or in part for
7 the matching of federal funds. All disbursements from the fund shall
8 be made upon warrants drawn by the Director of Administrative
9 Services.

10 (2) When a recreational plan is prepared for any state
11 park system area or part of a state park system area cooperatively
12 managed by the commission and the Nebraska State Historical Society,
13 such plan shall insure that adequate funds are appropriated to
14 develop and maintain historical aspects.

15 Sec. 37. Section 37-919, Revised Statutes Supplement,
16 2011, is amended to read:

17 37-919 On or before December 1, 2012, the commission
18 shall report to the Legislature on the Nebraska Youth Conservation
19 Program. The report shall be submitted electronically and shall
20 include, at a minimum, the number and ages of the participants, the
21 areas in which they reside, the rate of compensation of participants,
22 the number and type of projects in which participants engaged, the
23 significance of those projects to the environment and the economy of
24 the state, and any other matters the commission deems significant for
25 inclusion in the report.

1 Sec. 38. Section 38-1216, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 38-1216 In addition to any other responsibilities
4 prescribed by the Emergency Medical Services Practice Act, the board
5 shall:

6 (1) Promote the dissemination of public information and
7 education programs to inform the public about out-of-hospital
8 emergency medical care and other out-of-hospital medical information,
9 including appropriate methods of medical self-help, first aid, and
10 the availability of out-of-hospital emergency medical services
11 training programs in the state;

12 (2) Provide for the collection of information for
13 evaluation of the availability and quality of out-of-hospital
14 emergency medical care, evaluate the availability and quality of out-
15 of-hospital emergency medical care, and serve as a focal point for
16 discussion of the provision of out-of-hospital emergency medical
17 care;

18 (3) Review and comment on all state agency proposals and
19 applications that seek funding for out-of-hospital emergency medical
20 care;

21 (4) Establish model procedures for patient management in
22 out-of-hospital medical emergencies that do not limit the authority
23 of law enforcement and fire protection personnel to manage the scene
24 during an out-of-hospital medical emergency;

25 (5) Not less than once each five years, undertake a

1 review and evaluation of the act and its implementation together with
2 a review of the out-of-hospital emergency medical care needs of the
3 citizens of the State of Nebraska and submit electronically a report
4 to the Legislature with any recommendations which it may have; and

5 (6) Identify communication needs of emergency medical
6 services and make recommendations for development of a communications
7 plan for a communications network for out-of-hospital emergency care
8 providers and emergency medical services.

9 Sec. 39. Section 39-1111, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 39-1111 The State Highway Commission shall file with the
12 Governor each quarter a report fully and accurately showing
13 conditions existing in the state with reference to the state's
14 highway building and as to construction and maintenance work. Such
15 reports shall further contain an itemized statement of all
16 expenditures and the purposes for such expenditures since the last
17 report submitted to the Governor. Each of such reports shall further
18 contain an itemized budget of all proposed expenditures for the
19 ensuing quarter. A copy of such report shall be filed electronically
20 with the Clerk of the Legislature and be made available to the
21 public. Each member of the Legislature shall receive ~~a~~an electronic
22 copy of such report by making a request for it to the secretary of
23 the commission.

24 Sec. 40. Section 39-1365.02, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 39-1365.02 (1) The Department of Roads shall apply for
2 and make maximum use of available federal funding, including
3 discretionary funding, on all highway construction projects which are
4 eligible for such assistance.

5 (2) The Department of Roads shall transmit electronically
6 to the Legislature, by December 1 of each year, a report on the needs
7 of the state highway system and the department's planning procedures.
8 Such report shall include:

9 (a) The criteria by which highway needs are determined;

10 (b) The standards established for each classification of
11 highways;

12 (c) An assessment of current and projected needs of the
13 state highway system, such needs to be defined by category of
14 improvement required to bring each segment up to standards. Projected
15 fund availability shall not be a consideration by which needs are
16 determined;

17 (d) Criteria and data, including factors enumerated in
18 section 39-1365.01, upon which decisions may be made on possible
19 special priority highways for commercial growth; and

20 (e) A review of the department's procedure for selection
21 of projects for the annual construction program, the five-year
22 planning program, and extended planning programs.

23 Sec. 41. Section 39-1391, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 39-1391 The Game and Parks Commission shall develop and

1 file with the Governor and the Legislature a one-year plan and a
2 long-range five-year plan of proposed construction and improvements
3 for all exterior access roads and interior service roads as provided
4 in section 39-1390, based on priority of needs and calculated to
5 contribute to the orderly development of an integrated system of
6 roads with the facilities maintained or managed by the Game and Parks
7 Commission. The first such plan shall be filed on or before January
8 1, 1974. The plans shall be reviewed and extended annually, on or
9 before January 1 of each year, so that there shall always be a
10 current one-year and five-year plan on file. The plans submitted to
11 the Legislature shall be submitted electronically. All plans shall
12 specify the criteria employed in setting the priorities and shall
13 also identify any additional recreation road requirements which may
14 exist but are not reflected in the one-year and five-year plans. The
15 commission shall also, at the time it files such plans and extensions
16 thereof, report the construction and improvements certified during
17 each of the two immediately preceding calendar years.

18 Sec. 42. Section 39-1392, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 39-1392 The Department of Roads shall develop and file
21 with the Governor and the Legislature a one-year and a long-range
22 five-year plan of scheduled design, construction, and improvement for
23 all exterior access roads and interior service roads as certified to
24 it by the Game and Parks Commission. The first such plans shall be
25 filed on or before January 1, 1974. The plans shall be reviewed and

1 extended annually, on or before January 1 of each year, so that there
2 shall always be a current one-year and five-year plan on file. The
3 plans submitted to the Legislature shall be submitted electronically.

4 The department shall also, at the time it files such plans and
5 extensions thereof, report the design, construction, and improvement
6 accomplished during each of the two immediately preceding calendar
7 years.

8 Sec. 43. Section 42-930, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 42-930 (1) ~~By January 1, 1998, each law enforcement~~
11 ~~agency shall develop a system for recording incidents of domestic~~
12 ~~abuse within its jurisdiction.~~ All incidents of domestic abuse,
13 whether or not an arrest was made, shall be documented with a written
14 incident report form that includes a domestic abuse identifier.

15 (2) ~~By January 1, 1998, the Nebraska Commission on Law~~
16 ~~Enforcement and Criminal Justice shall develop or shall approve a~~
17 ~~monthly reporting process.~~ Each law enforcement agency shall compile
18 and submit a monthly report to the commission on the number of
19 domestic abuse incidents recorded within its jurisdiction.

20 (3) The commission shall submit a report annually to the
21 Governor, the Legislature, and the public indicating the total number
22 of incidents of domestic abuse reported by each reporting agency. The
23 report submitted to the Legislature shall be submitted
24 electronically.

25 Sec. 44. Section 43-405, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 43-405 The administrative duties of the Office of
3 Juvenile Services are to:

4 (1) Manage, establish policies for, and administer the
5 office, including all facilities and programs operated by the office
6 or provided through the office by contract with a provider;

7 (2) Supervise employees of the office, including
8 employees of the facilities and programs operated by the office;

9 (3) Have separate budgeting procedures and develop and
10 report budget information separately from the Department of Health
11 and Human Services;

12 (4) Adopt and promulgate rules and regulations for the
13 levels of treatment and for management, control, screening,
14 evaluation, treatment, rehabilitation, parole, transfer, and
15 discharge of juveniles placed with or committed to the Office of
16 Juvenile Services;

17 (5) Ensure that statistical information concerning
18 juveniles placed with or committed to facilities or programs of the
19 office is collected, developed, and maintained for purposes of
20 research and the development of treatment programs;

21 (6) Monitor commitments, placements, and evaluations at
22 facilities and programs operated by the office or through contracts
23 with providers and submit electronically an annual report of its
24 findings ~~annually~~ to the Legislature. The report shall include an
25 assessment of the administrative costs of operating the facilities,

1 the cost of programming, and the savings realized through reductions
2 in commitments, placements, and evaluations;

3 (7) Coordinate the programs and services of the juvenile
4 justice system with other governmental agencies and political
5 subdivisions;

6 (8) Coordinate educational, vocational, and social
7 counseling;

8 (9) Coordinate community-based services for juveniles and
9 their families;

10 (10) Supervise and coordinate juvenile parole and
11 aftercare services; and

12 (11) Exercise all powers and perform all duties necessary
13 to carry out its responsibilities under the Health and Human
14 Services, Office of Juvenile Services Act.

15 Sec. 45. Section 43-512.11, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 43-512.11 The Department of Health and Human Services
18 shall submit electronically an annual report, ~~annually~~, not later
19 than February 1 of each year, to the Legislature regarding the
20 effectiveness of programs established pursuant to subdivision (5)(a)
21 of section 43-512. The report shall include, but not be limited to:

22 (1) The number of program participants;

23 (2) The number of program participants who become
24 employed, whether such employment is full time or part time or
25 subsidized or unsubsidized, and whether the employment was retained

1 for at least thirty days;

2 (3) Supportive services provided to participants in the
3 program;

4 (4) Grant reductions realized; and

5 (5) A cost and benefit statement for the program.

6 Sec. 46. Section 43-1905, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 43-1905 The department shall:

9 (1) Have the power to deny any grant award, or portion of
10 such award, made by the board;

11 (2) Review and monitor expenditures of money from the
12 fund on a periodic basis; and

13 (3) Submit to the Governor and the Legislature an annual
14 report of all receipts and disbursements of funds, including the
15 recipients, the nature of the program funded, the dollar amount
16 awarded, and the percentage of the total annually available funds the
17 grant represents. The report submitted to the Legislature shall be
18 submitted electronically. The report may be made available to the
19 public upon request.

20 Sec. 47. Section 43-2404.02, Revised Statutes Cumulative
21 Supplement, 2010, is amended to read:

22 43-2404.02 (1) There is created a separate and distinct
23 budgetary program within the commission to be known as the County
24 Juvenile Services Aid Program. Funding acquired from participation in
25 the federal act, state General Funds, and funding acquired from other

1 sources which may be used for purposes consistent with the Juvenile
2 Services Act and the federal act shall be used to aid counties in the
3 establishment and provision of community-based services for accused
4 and adjudicated juvenile offenders and to increase capacity for
5 community-based services to juveniles.

6 (2) The annual General Fund appropriation to the County
7 Juvenile Services Aid Program shall be apportioned to the counties as
8 aid in accordance with a formula established in rules and regulations
9 adopted and promulgated by the commission. The formula shall be based
10 on the total number of residents per county who are twelve years of
11 age through eighteen years of age and other relevant factors as
12 determined by the commission. The commission may require a local
13 match of up to forty percent from counties receiving aid under such
14 program. Any local expenditures for community-based programs for
15 juveniles may be applied toward such match requirement.

16 (3) Funds provided to counties under the County Juvenile
17 Services Aid Program shall be used exclusively to assist counties in
18 implementation and operation of programs or services identified in
19 their comprehensive juvenile services plan, including, but not
20 limited to, programs for assessment and evaluation, prevention of
21 delinquent behavior, diversion, shelter care, intensive juvenile
22 probation services, restitution, family support services, and family
23 group conferencing. In distributing funds provided under the County
24 Juvenile Services Aid Program, counties shall prioritize programs and
25 services that will reduce the juvenile detention population. No funds

1 appropriated or distributed under the County Juvenile Services Aid
2 Program shall be used for construction of secure detention
3 facilities, secure youth treatment facilities, or secure youth
4 confinement facilities. Aid received under this section shall not be
5 used for capital construction or the lease or acquisition of
6 facilities and shall not be used to replace existing funding for
7 programs or services. Any funds not distributed to counties under
8 this subsection shall be retained by the commission to be distributed
9 on a competitive basis under the County Juvenile Services Aid
10 Program.

11 (4) Any county receiving funding under the County
12 Juvenile Services Aid Program shall file an annual report as required
13 by rules and regulations adopted and promulgated by the commission.
14 The report shall include, but not be limited to, information on the
15 total number of juveniles served, the units of service provided, a
16 listing of the county's annual juvenile justice budgeted and actual
17 expenditures, and a listing of expenditures for detention,
18 residential treatment, and nonresidential treatment.

19 (5) The commission shall report annually to the Governor
20 and the Legislature on the distribution and use of funds appropriated
21 under the County Juvenile Services Aid Program. The report submitted
22 to the Legislature shall be submitted electronically.

23 (6) The commission shall adopt and promulgate rules and
24 regulations to implement this section.

25 Sec. 48. Section 43-2412, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 43-2412 (1) Consistent with the purposes and objectives
3 of the Juvenile Services Act and the federal act, the coalition
4 shall:

5 (a) Make recommendations to the commission on the
6 awarding of grants under the Commission Grant Program to eligible
7 applicants;

8 (b) Identify juvenile justice issues, share information,
9 and monitor and evaluate programs in the juvenile justice system;

10 (c) Recommend guidelines and supervision procedures to
11 the Office of Juvenile Services to be used to develop or expand local
12 diversion programs for juveniles from the juvenile justice system;

13 (d) Prepare an annual report to the Governor, the
14 Legislature, and the Office of Juvenile Services including
15 recommendations on administrative and legislative actions which would
16 improve the juvenile justice system. The report submitted to the
17 Legislature shall be submitted electronically;

18 (e) Ensure widespread citizen involvement in all phases
19 of its work; and

20 (f) Meet at least four times each year.

21 (2) Consistent with the purposes and objectives of the
22 acts and within the limits of available time and appropriations, the
23 coalition may:

24 (a) Recommend criteria to the Office of Juvenile Services
25 for administrative procedures, including, but not limited to,

1 procedures for intake, detention, petition filing, and probation
2 supervision;

3 (b) Recommend to the Office of Juvenile Services minimum
4 professional standards, including requirements for continuing
5 professional training, for employees of community-based, youth-
6 serving agencies;

7 (c) Recommend to the Office of Juvenile Services
8 curricula for and cause to have conducted training sessions for
9 juvenile court judges and employees of other community-based, youth-
10 serving agencies;

11 (d) Assist and advise state and local agencies in the
12 establishment of volunteer training programs and the utilization of
13 volunteers;

14 (e) Apply for and receive funds from federal and private
15 sources for carrying out its powers and duties; and

16 (f) Provide technical assistance to eligible applicants.

17 (3) In formulating, adopting, and promulgating the
18 standards, recommendations, and guidelines provided for in this
19 section, the coalition shall consider the differences among counties
20 in population, in geography, and in the availability of local
21 resources.

22 Sec. 49. Section 43-3326, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 43-3326 The department shall issue electronically a
25 report to the Legislature on or before January 31 of each year which

1 discloses the number of professional, occupational, or recreational
2 licenses which were suspended and the number which were erroneously
3 suspended and restored as a result of the License Suspension Act for
4 the prior year. The Director of Motor Vehicles shall issue
5 electronically a report to the Legislature on or before January 31 of
6 each year which discloses the number of operators' licenses which
7 were suspended and the number which were erroneously suspended and
8 restored as a result of the License Suspension Act for the prior
9 year.

10 Sec. 50. Section 43-3342.04, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 43-3342.04 (1) The Title IV-D Division shall establish a
13 Customer Service Unit. In hiring the initial staff for the unit, a
14 hiring preference shall be given to employees of the clerks of the
15 district court. The duties of the Customer Service Unit include, but
16 are not limited to:

17 (a) Providing account information as well as addressing
18 inquiries made by customers of the State Disbursement Unit; and

19 (b) Administering two statewide toll-free telephone
20 systems, one for use by employers and one for use by all other
21 customers, to provide responses to inquiries regarding income
22 withholding, the collection and disbursement of support order
23 payments made to the State Disbursement Unit, and other child support
24 enforcement issues, including establishing a call center with
25 sufficient telephone lines, a voice response unit, and adequate

1 personnel available during normal business hours to ensure that
2 responses to inquiries are made by the division's personnel or the
3 division's designee.

4 (2) The physical location of the Customer Service Unit
5 shall be in Nebraska and shall result in the hiring of a number of
6 new employees or contractor's staff equal to at least one-fourth of
7 one percent of the labor force in the county or counties in which the
8 Customer Service Unit is located. Customer service staff responsible
9 for providing account information related to the State Disbursement
10 Unit may be located at the same location as the State Disbursement
11 Unit.

12 (3) The department shall issue a report to the Governor
13 and to the Legislature on or before January 31 of each year which
14 discloses information relating to the operation of the State
15 Disbursement Unit for the preceding calendar year including, but not
16 limited to:

17 (a) The number of transactions processed by the State
18 Disbursement Unit;

19 (b) The dollar amount collected by the State Disbursement
20 Unit;

21 (c) The dollar amount disbursed by the State Disbursement
22 Unit;

23 (d) The percentage of identifiable collections disbursed
24 within two business days;

25 (e) The percentage of identifiable collections that are

1 matched to the correct case;

2 (f) The number and dollar amount of insufficient funds
3 checks received by the State Disbursement Unit;

4 (g) The number and dollar amount of insufficient funds
5 checks received by the State Disbursement Unit for which restitution
6 is subsequently made to the State Disbursement Unit;

7 (h) The number of incoming telephone calls processed
8 through the Customer Service Unit;

9 (i) The average length of incoming calls from employers;

10 (j) The average length of incoming calls from all other
11 customers;

12 (k) The percentage of incoming calls resulting in
13 abandonment by the customer;

14 (l) The percentage of incoming calls resulting in a
15 customer receiving a busy signal;

16 (m) The average holding time for all incoming calls; and

17 (n) The percentage of calls handled by employees of the
18 Customer Service Unit that are resolved within twenty-four hours.

19 (4) The report issued to the Legislature pursuant to
20 subsection (3) of this section shall be issued electronically.

21 Sec. 51. Section 43-3402, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 43-3402 With respect to the Early Intervention Act, the
24 Quality Child Care Act, and sections 79-1101 to 79-1104, the Early
25 Childhood Interagency Coordinating Council shall serve in an advisory

1 capacity to state agencies responsible for early childhood care and
2 education, including care for school-age children, in order to:

3 (1) Promote the policies set forth in the Early
4 Intervention Act, the Quality Child Care Act, and sections 79-1101 to
5 79-1104;

6 (2) Facilitate collaboration with the federally
7 administered Head Start program;

8 (3) Make recommendations to the Department of Health and
9 Human Services, the State Department of Education, and other state
10 agencies responsible for the regulation or provision of early
11 childhood care and education programs on the needs, priorities, and
12 policies relating to such programs throughout the state;

13 (4) Make recommendations to the lead agency or agencies
14 which prepare and submit applications for federal funding;

15 (5) Review new or proposed revisions to rules and
16 regulations governing the registration or licensing of early
17 childhood care and education programs;

18 (6) Study and recommend additional resources for early
19 childhood care and education programs; and

20 (7) Report biennially to the Governor and Legislature on
21 the status of early intervention and early childhood care and
22 education in the state. The report submitted to the Legislature shall
23 be submitted electronically. Such report shall include (a) the number
24 of license applications received under section 71-1911, (b) the
25 number of such licenses issued, (c) the number of such license

1 applications denied, (d) the number of complaints investigated
2 regarding such licensees, (e) the number of such licenses revoked,
3 (f) the number and dollar amount of civil penalties levied pursuant
4 to section 71-1920, and (g) information which may assist the
5 Legislature in determining the extent of cooperation provided to the
6 Department of Health and Human Services by other state and local
7 agencies pursuant to section 71-1914.

8 Sec. 52. Section 43-3720, Revised Statutes Supplement,
9 2011, is amended to read:

10 43-3720 Each applicant who is awarded a grant under
11 section 43-3719 shall provide the Supreme Court, Clerk of the
12 Legislature, and Governor prior to December 31 of each year a report
13 regarding the grant detailing:

14 (1) The number of court appointed special advocate
15 volunteers trained during the previous fiscal year;

16 (2) The cost of training the court appointed special
17 advocate volunteers trained during the previous fiscal year;

18 (3) The number of court appointed special advocate
19 volunteers recruited during the previous fiscal year;

20 (4) A description of any programs described in
21 subdivision (2)(d) of section 43-3719;

22 (5) The total number of courts being served by court
23 appointed special advocate programs during the previous fiscal year;
24 and

25 (6) The total number of children being served by court

1 appointed special advocate volunteers during the previous fiscal
2 year.

3 The report submitted to the Clerk of the Legislature
4 shall be submitted electronically.

5 Sec. 53. Section 44-113, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 44-113 The Department of Insurance shall transmit to the
8 Governor, ten days prior to the opening of each session of the
9 Legislature, a report of its official transactions, containing in a
10 condensed form the statements made to the department by every
11 insurance company authorized to do business in this state pursuant to
12 the provisions of Chapter 44, as audited and corrected by it,
13 arranged in tabular form or in abstracts, in classes according to the
14 kind of insurance, which report shall also contain (1) a statement of
15 all insurance companies authorized to do business in this state
16 during the year ending December 31 next preceding, with their names,
17 locations, amounts of capital, dates of incorporation, and of the
18 commencement of business and kinds of insurance in which they are
19 engaged respectively; and (2) a statement of the insurance companies
20 whose business has been closed since making the last report, and the
21 reasons for closing the same, with the amount of their assets and
22 liabilities, so far as the same are known or can be ascertained by
23 the department. The report shall also be transmitted electronically
24 to the Clerk of the Legislature. Each member of the Legislature shall
25 receive a copy of such report by making a request for it to the

1 director. The department may transmit the report by electronic format
2 through the gateway or electronic network established under section
3 84-1204 after notification of such type of delivery is given to the
4 recipient. The department shall maintain the report in a form capable
5 of accurate duplication on paper.

6 Sec. 54. Section 44-4225, Revised Statutes Supplement,
7 2011, is amended to read:

8 44-4225 (1) Following the close of each calendar year,
9 the board shall report the board's determination of the paid and
10 incurred losses for the year, taking into account investment income
11 and other appropriate gains and losses. The board shall distribute
12 copies of the report to the director, the Governor, and each member
13 of the Legislature. The report submitted to each member of the
14 Legislature shall be submitted electronically.

15 (2) The Comprehensive Health Insurance Pool Distributive
16 Fund is created. Commencing with the premium and related retaliatory
17 taxes for the taxable year ending December 31, 2001, and for each
18 taxable year thereafter, any premium and related retaliatory taxes
19 imposed by section 44-150 or 77-908 paid by insurers writing health
20 insurance in this state, except as otherwise set forth in
21 subdivisions (1) and (2) of section 77-912, shall be remitted to the
22 State Treasurer for credit to the fund. The fund shall be used for
23 the operation of and payment of claims made against the pool. Any
24 money in the fund available for investment shall be invested by the
25 state investment officer pursuant to the Nebraska Capital Expansion

1 Act and the Nebraska State Funds Investment Act.

2 (3) The board shall make periodic estimates of the amount
3 needed from the fund for payment of losses resulting from claims,
4 including a reasonable reserve, and administrative, organizational,
5 and interim operating expenses and shall notify the director of the
6 amount needed and the justification of the board for the request.

7 (4) The director shall approve all withdrawals from the
8 fund and may determine when and in what amount any additional
9 withdrawals may be necessary from the fund to assure the continuing
10 financial stability of the pool.

11 (5) No later than May 1, 2002, and each May 1 thereafter,
12 after funding of the net loss from operation of the pool for the
13 prior premium and related retaliatory tax year, taking into account
14 the policyholder premiums, account investment income, claims, costs
15 of operation, and other appropriate gains and losses, the director
16 shall transmit any money remaining in the fund as directed by section
17 77-912, disregarding the provisions of subdivisions (1) through (3)
18 of such section. Interest earned on money in the fund shall be
19 credited proportionately in the same manner as premium and related
20 retaliatory taxes set forth in section 77-912.

21 Sec. 55. Section 44-7507, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 44-7507 (1) The director shall monitor competition and
24 the availability of insurance in commercial insurance markets. Such
25 monitoring may include requests for information from insurers

1 regarding the lines, types, and classes of insurance that the insurer
2 is seeking and able to write. When requested by an insurer with its
3 response, the director shall keep such responses confidential except
4 as they may be compiled in summaries.

5 (2) If the director finds that a commercial insurance
6 coverage is contributing to problems in the insurance marketplace due
7 to excessive rates or lack of availability, the director shall submit
8 electronically a report of this finding to the Legislature. Such
9 report may be a separate report or a supplement to the annual report
10 required by section 44-113.

11 (3) A competitive market is presumed to exist unless the
12 director, after notice and hearing in accordance with the
13 Administrative Procedure Act, determines by order that a degree of
14 competition sufficient to warrant reliance upon competition as a
15 regulator of rating systems, policy forms, or both does not exist in
16 the market. In determining whether a sufficient degree of competition
17 exists, the director may consider:

18 (a) Relevant tests of workable competition pertaining to
19 market structure, market performance, and market conduct;

20 (b) The practical opportunities available to consumers in
21 the market to acquire pricing and other consumer information and to
22 compare and obtain insurance from competing insurers;

23 (c) Whether long-term and short-term profitability
24 provides evidence of excessive rates;

25 (d) Whether rating systems filed under section 44-7508

1 would frequently require amendment or disapproval if filed under
2 sections 44-7510 and 44-7511;

3 (e) Whether additional competition would appear likely to
4 significantly lower rates or improve the policy forms offered to
5 insureds;

6 (f) Whether rates would be lowered or policy forms would
7 be improved by the imposition of a system of prior approval
8 regulation;

9 (g) Whether policy forms filed under section 44-7508.02
10 would frequently require amendment or disapproval if filed under
11 section 44-7513; and

12 (h) Any other relevant factors.

13 (4) If a market for a particular type of insurance is
14 found to lack sufficient competition to warrant reliance upon
15 competition as a regulator of rating systems or policy forms, the
16 director shall identify factors that appear to be the cause and the
17 extent to which remediation can be achieved on a short-term or long-
18 term basis. To the extent that significant remediation can be
19 achieved consistent with the other goals of the Property and Casualty
20 Insurance Rate and Form Act, the director shall take such action as
21 may be within the director's authority to accomplish such remediation
22 or to promote the accomplishment of such remediation.

23 (5) If the director finds pursuant to a hearing held in
24 accordance with subsection (3) of this section that the lack of
25 sufficient competition warrants the application of sections 44-7510

1 and 44-7511 to the rates charged for a type of insurance, an order
2 shall be issued pursuant to this section that applies sections
3 44-7510 and 44-7511 to the type of insurance. If the director finds
4 pursuant to a hearing held in accordance with subsection (3) of this
5 section that the lack of sufficient competition warrants the
6 application of section 44-7513 to regulate the forms offered for a
7 type of insurance, an order shall be issued pursuant to this section
8 that applies section 44-7513 to the type of insurance. An order
9 issued under this subsection shall expire no later than one year
10 after its original issue unless the director renews the order after a
11 hearing and a finding of a continued lack of sufficient competition.
12 Any order that is renewed after its first year shall not exceed three
13 years after reissue unless the director renews the order after a
14 hearing and a finding of a continued lack of sufficient competition.

15 (6) The director shall keep on file in one location all
16 complaints from the public and insurance industry sources alleging
17 that a competitive market does not exist. The director shall
18 investigate each complaint to the extent necessary to determine the
19 truth of the allegations. The director shall keep a summary of his or
20 her findings and conclusions with the complaint.

21 Sec. 56. Section 46-1304, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 46-1304 The Department of Environmental Quality shall
24 prepare a report outlining the extent of ground water quality
25 monitoring conducted by natural resources districts during the

1 preceding calendar year. The department shall analyze the data
2 collected for the purpose of determining whether or not ground water
3 quality is degrading or improving and shall present the results
4 electronically to the Natural Resources Committee of the Legislature
5 beginning December 1, 2001, and each year thereafter. The districts
6 shall submit in a timely manner all ground water quality monitoring
7 data collected to the department or its designee. The department
8 shall use the data submitted by the districts in conjunction with all
9 other readily available and compatible data for the purposes of the
10 annual ground water quality trend analysis.

11 Sec. 57. Section 46-1305, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 46-1305 Each natural resources district shall submit
14 electronically an annual report to the Natural Resources Committee of
15 the Legislature detailing all water quality programs conducted by the
16 district in the preceding calendar year. The report shall include the
17 funds received and expended for water quality projects and a listing
18 of any unfunded projects. The first report shall be submitted on or
19 before December 1, 2001, and then each December 1 thereafter.

20 Sec. 58. Section 47-624, Revised Statutes Supplement,
21 2011, is amended to read:

22 47-624 The division shall:

23 (1) Develop standards for eligible community correctional
24 facilities and programs in which offenders can participate, taking
25 into consideration the following factors:

- 1 (a) Qualifications of staff;
- 2 (b) Suitability of programs;
- 3 (c) Offender needs;
- 4 (d) Probation population;
- 5 (e) Parole population; and
- 6 (f) Other applicable criminal justice data;
- 7 (2) Develop and implement a plan to establish statewide
- 8 operation and use of a continuum of community correctional facilities
- 9 and programs;
- 10 (3) Develop, in consultation with the probation
- 11 administrator and the Parole Administrator, standards for the use of
- 12 community correctional facilities and programs by the Nebraska
- 13 Probation System and the parole system;
- 14 (4) Collaborate with the Office of Probation
- 15 Administration, the Office of Parole Administration, and the
- 16 Department of Correctional Services on the development of additional
- 17 reporting centers as set forth in section 47-624.01;
- 18 (5) Analyze and mandate the consistent use of offender
- 19 risk assessment tools;
- 20 (6) Educate the courts, the Board of Parole, criminal
- 21 justice system stakeholders, and the general public about the
- 22 availability and use of community correctional facilities and
- 23 programs;
- 24 (7) Enter into contracts, if necessary, for carrying out
- 25 the purposes of the Community Corrections Act;

1 (8) In order to ensure adequate funding for substance
2 abuse treatment programs for probationers, consult with the probation
3 administrator and develop or assist with the development of programs
4 as provided in subdivision (14) of section 29-2252;

5 (9) In order to ensure adequate funding for substance
6 abuse treatment programs for parolees, consult with the Office of
7 Parole Administration and develop or assist with the development of
8 programs as provided in subdivision (8) of section 83-1,102;

9 (10) Study substance abuse and mental health treatment
10 services in and related to the criminal justice system, recommend
11 improvements, and evaluate the implementation of improvements;

12 (11) Research and evaluate existing community corrections
13 facilities and programs, within the limits of available funding;

14 (12) Develop standardized definitions of outcome measures
15 for community corrections facilities and programs, including, but not
16 limited to, recidivism, employment, and substance abuse;

17 (13) Report annually to the Legislature and the Governor
18 on the development and performance of community corrections
19 facilities and programs. The report submitted to the Legislature
20 shall be submitted electronically. The report shall include the
21 following:

22 (a) A description of community corrections facilities and
23 programs, endorsed by the division, currently serving offenders in
24 Nebraska, which includes the following information:

25 (i) The target population and geographic area served by

1 each facility or program, eligibility requirements, and the total
2 number of offenders utilizing the facility or program over the past
3 year;

4 (ii) Services provided to offenders at the facility or in
5 the program;

6 (iii) The costs of operating the facility or program and
7 the cost per offender; and

8 (iv) The funding sources for the facility or program;

9 (b) The progress made in expanding community corrections
10 facilities and programs statewide and an analysis of the need for
11 additional community corrections services;

12 (c) An analysis of the impact community corrections
13 facilities and programs have on the number of offenders incarcerated
14 within the Department of Correctional Services; and

15 (d) The recidivism rates and outcome data for
16 probationers, parolees, and problem-solving-court clients
17 participating in community corrections programs;

18 (14) Grant funds to entities including local governmental
19 agencies, nonprofit organizations, and behavioral health services
20 which will support the intent of the act;

21 (15) Administer contracts entered into by the division
22 with community correctional facilities or programs;

23 (16) Establish and administer grants, projects, and
24 programs for the operation of the division; and

25 (17) Perform such other duties as may be necessary to

1 carry out the policy of the state established in the act.

2 Sec. 59. Section 48-1,104, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 48-1,104 The Risk Manager shall ~~make~~submit
5 electronically a report to the Clerk of the Legislature by January 15
6 of each year, which report shall include the number of claims for
7 which payments have been made, the amounts paid by categories of
8 medical, hospital, compensation, and other costs separated by the
9 agency and program or activity under which the claim arose. Each
10 member of the Legislature shall receive ~~a~~an electronic copy of such
11 report by making a request for it to the Risk Manager.

12 Sec. 60. Section 48-1,118, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 48-1,118 On January 1, 1997, the Governor shall direct
15 the Director of Insurance and the Commissioner of Labor to conduct
16 and complete a cost-benefit analysis and a review of the
17 effectiveness of the changes made by Laws 1993, LB 757, to control or
18 reduce the cost of workers' compensation premiums. Information for
19 the study may be elicited from interested persons and from the
20 Nebraska Workers' Compensation Court. The director and the
21 commissioner shall submit a report, which may include recommendations
22 for further legislation, to the chairperson of the Business and Labor
23 Committee of the Legislature, the Clerk of the Legislature, and the
24 Governor by October 1, 1997. The Business and Labor Committee of the
25 Legislature shall hold a public hearing on the study and shall submit

1 a report to the Legislature by December 1, 1997. The Governor or the
2 Legislature, by resolution, may require a similar study in 1999 and
3 every two years thereafter. Any report submitted to the committee and
4 the Clerk of the Legislature shall be submitted electronically.

5 Sec. 61. Section 48-606, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 48-606 (1) It shall be the duty of the Commissioner of
8 Labor to administer the Employment Security Law. He or she shall have
9 the power and authority to employ such persons, make such
10 expenditures, require such reports, make such investigations, and
11 take such other action as he or she deems necessary or suitable to
12 that end if the same are consistent with the Employment Security Law.
13 The commissioner shall determine his or her own organization and
14 methods of procedure in accordance with such law and shall have an
15 official seal which shall be judicially noticed. Not later than the
16 thirty-first day of December of each year, the commissioner shall
17 submit to the Governor a report covering the administration and
18 operation of such law during the preceding fiscal year and shall make
19 such recommendations for amendments to such law as he or she deems
20 proper. Such report shall include a balance sheet of the money in the
21 fund in which there shall be provided, if possible, a reserve against
22 the liability in future years to pay benefits in excess of the then
23 current contributions, which reserve shall be set up by the
24 commissioner in accordance with accepted actuarial principles on the
25 basis of statistics of employment, business activity, and other

1 relevant factors for the longest possible period. Whenever the
2 commissioner believes that a change in contribution or benefit rates
3 will become necessary to protect the solvency of the fund, he or she
4 shall promptly inform the Governor and the Clerk of the Legislature
5 thereof and make recommendations with respect thereto. Such
6 information and recommendations submitted to the Clerk of the
7 Legislature shall be submitted electronically. Each member of the
8 Legislature shall receive a an electronic copy of such information by
9 making a request for it to the commissioner.

10 (2) The commissioner may establish a schedule of fees to
11 recover the cost of services including, but not limited to, copying,
12 preparation of forms and other materials, responding to inquiries for
13 information, payments for returned check charges and electronic
14 payments not accepted, and furnishing publications prepared by the
15 commissioner pursuant to the Employment Security Law. Fees received
16 pursuant to this subsection shall be deposited in the Employment
17 Security Administration Fund.

18 (3) Nothing in this section shall be construed to allow
19 the department to charge any fee for making a claim for unemployment
20 benefits or receiving assistance from the state employment service
21 established pursuant to section 48-662 when performing functions
22 within the purview of the federal Wagner-Peyser Act, 29 U.S.C. 49 et
23 seq., as amended.

24 Sec. 62. Section 48-621, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 48-621 (1) The administrative fund shall consist of the
2 Employment Security Administration Fund and the Employment Security
3 Special Contingent Fund. Each fund shall be maintained as a separate
4 and distinct account in all respects, as follows:

5 (a) There is hereby created in the state treasury a
6 special fund to be known as the Employment Security Administration
7 Fund. All money credited to this fund is hereby appropriated and made
8 available to the Commissioner of Labor. All money in this fund shall
9 be expended solely for the purposes and in the amounts found
10 necessary as defined by the specific federal programs, state
11 statutes, and contract obligations for the proper and efficient
12 administration of all programs of the Department of Labor. The fund
13 shall consist of all money appropriated by this state and all money
14 received from the United States of America or any agency thereof,
15 including the Department of Labor and the Railroad Retirement Board,
16 or from any other source for such purpose. Money received from any
17 agency of the United States or any other state as compensation for
18 services or facilities supplied to such agency, any amounts received
19 pursuant to any surety bond or insurance policy for losses sustained
20 by the Employment Security Administration Fund or by reason of damage
21 to equipment or supplies purchased from money in such fund, and any
22 proceeds realized from the sale or disposition of any equipment or
23 supplies which may no longer be necessary for the proper
24 administration of such programs shall also be credited to this fund.
25 All money in this fund shall be deposited, administered, and

1 disbursed in the same manner and under the same conditions and
2 requirements as is provided by law for other special funds in the
3 state treasury. Any balances in this fund, except balances of money
4 therein appropriated from the General Fund of this state, shall not
5 lapse at any time but shall be continuously available to the
6 commissioner for expenditure consistent with the Employment Security
7 Law. Any money in the Employment Security Administration Fund
8 available for investment shall be invested by the state investment
9 officer pursuant to the Nebraska Capital Expansion Act and the
10 Nebraska State Funds Investment Act; and

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

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

6 (i) To replace within a reasonable time any money
7 received by this state pursuant to section 302 of the federal Social
8 Security Act, as amended, and required to be paid under section
9 48-622;

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

16 (iii) To be transferred to the Nebraska Community College
17 Aid Cash Fund; and

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

19 (2)(a) Money credited to the account of this state in the
20 Unemployment Trust Fund by the United States Secretary of the
21 Treasury pursuant to section 903 of the Social Security Act may not
22 be requisitioned from this state's account or used except for the
23 payment of benefits and for the payment of expenses incurred for the
24 administration of the Employment Security Law and public employment
25 offices. Such money may be requisitioned pursuant to section 48-619

1 for the payment of benefits. Such money may also be requisitioned and
2 used for the payment of expenses incurred for the administration of
3 the Employment Security Law and public employment offices but only
4 pursuant to a specific appropriation by the Legislature and only if
5 the expenses are incurred and the money is requisitioned after the
6 date of enactment of an appropriation law which specifies the
7 purposes for which such money is appropriated and the amounts
8 appropriated therefor. Such appropriation is subject to the following
9 conditions:

10 (i) The period within which such money may be obligated
11 is limited to a period ending not more than two years after the
12 effective date of the appropriation law; and

13 (ii) The amount which may be obligated is limited to an
14 amount which does not exceed the amount by which the aggregate of the
15 amounts transferred to the account of this state pursuant to section
16 903 of the Social Security Act exceeds the aggregate of the amounts
17 used by this state pursuant to the Employment Security Law and
18 charged against the amounts transferred to the account of this state.

19 (b) For purposes of subdivision (2)(a)(ii) of this
20 section, the amounts obligated under an appropriation for the
21 administrative purposes described in such subdivision shall be
22 charged against transferred amounts at the exact time the obligation
23 is entered into.

24 (c) The appropriation, obligation, and expenditure or
25 other disposition of money appropriated under this subsection shall

1 be accounted for in accordance with standards established by the
2 United States Secretary of Labor.

3 (d) Money appropriated as provided in this subsection for
4 the payment of expenses of administration shall be requisitioned as
5 needed for the payment of obligations incurred under such
6 appropriation and, upon requisition, shall be credited to the
7 Employment Security Administration Fund from which such payments
8 shall be made. Money so credited shall, until expended, remain a part
9 of the Employment Security Administration Fund and, if it will not be
10 immediately expended, shall be returned promptly to the account of
11 this state in the Unemployment Trust Fund.

12 (e) Notwithstanding subdivision (2)(a) of this section,
13 money credited with respect to federal fiscal years 1999, 2000, and
14 2001 shall be used solely for the administration of the unemployment
15 compensation program and are not subject to appropriation by the
16 Legislature.

17 (3) There is hereby appropriated out of the funds made
18 available to this state in federal fiscal year 2002 under section
19 903(d) of the federal Social Security Act, as amended, the sum of
20 \$6,800,484, or so much thereof as may be necessary, to be used, under
21 the direction of the Department of Labor, for the administration of
22 the Employment Security Law and public employment offices. The
23 expenditure or other disposition of money appropriated under this
24 subsection shall be accounted for in accordance with standards
25 established by the United States Secretary of Labor. Reed Act

1 distributions appropriated pursuant to this subsection may be
2 amortized with federal grant funds provided pursuant to Title III of
3 the federal Social Security Act and the federal Wagner-Peyser Act for
4 the purpose of administering the state unemployment compensation and
5 employment service programs to the extent allowed under such acts and
6 the regulations adopted pursuant thereto. Except as specifically
7 provided in this subsection, all provisions of subsection (2) of this
8 section, except subdivision (2)(a)(i) of this section, shall apply to
9 this appropriation. The commissioner shall submit an annual report to
10 the Governor, the Speaker of the Legislature, and the chairpersons of
11 the Appropriations Committee and the Business and Labor Committee of
12 the Legislature describing expenditures made pursuant to this
13 subsection. The report submitted to the committees and the Speaker of
14 the Legislature shall be submitted electronically.

15 Sec. 63. Section 48-1117, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 48-1117 The commission shall have the following powers
18 and duties:

19 (1) To receive, investigate, and pass upon charges of
20 unlawful employment practices anywhere in the state;

21 (2) To hold hearings, subpoena witnesses, compel their
22 attendance, administer oaths, and take the testimony of any person
23 under oath and, in connection therewith, to require the production
24 for examination of any books and papers relevant to any allegation of
25 unlawful employment practice pending before the commission. The

1 commission may make rules as to the issuance of subpoenas, subject to
2 the approval by a constitutional majority of the elected members of
3 the Legislature;

4 (3) To cooperate with the federal government and with
5 local agencies to effectuate the purposes of the Nebraska Fair
6 Employment Practice Act, including the sharing of information
7 possessed by the commission on a case that has also been filed with
8 the federal government or local agencies if both the employer and
9 complainant have been notified of the filing;

10 (4) To attempt to eliminate unfair employment practices
11 by means of conference, mediation, conciliation, arbitration, and
12 persuasion;

13 (5) To require that every employer, employment agency,
14 and labor organization subject to the act shall (a) make and keep
15 such records relevant to the determinations of whether unlawful
16 employment practices have been or are being committed, (b) preserve
17 such records for such periods, and (c) make such reports therefrom,
18 as the commission shall prescribe by regulation or order, after
19 public hearing, as reasonable, necessary, or appropriate for the
20 enforcement of the act or the regulations or orders thereunder. The
21 commission shall, by regulation, require each employer, labor
22 organization, and joint labor-management committee subject to the act
23 which controls an apprenticeship or other training program to
24 maintain such records as are reasonably necessary to carry out the
25 purposes of the act, including, but not limited to, a list of

1 applicants who wish to participate in such program, including the
2 chronological order in which such applications were received, and to
3 furnish to the commission, upon request, a detailed description of
4 the manner in which persons are selected to participate in the
5 apprenticeship or other training program. Any employer, employment
6 agency, labor organization, or joint labor-management committee which
7 believes that the application to it of any regulation or order issued
8 under this section would result in undue hardship may either apply to
9 the commission for an exemption from the application of such
10 regulation or order or bring a civil action in the district court for
11 the district where such records are kept. If the commission or the
12 court, as the case may be, finds that the application of the
13 regulation or order to the employer, employment agency, or labor
14 organization in question would impose an undue hardship, the
15 commission or the court, as the case may be, may grant appropriate
16 relief;

17 (6) To report, not less than once every two years, to the
18 Clerk of the Legislature and the Governor, on the hearings it has
19 conducted and the decisions it has rendered, the other work performed
20 by it to carry out the purposes of the act, and to make
21 recommendations for such further legislation concerning abuses and
22 discrimination because of race, color, religion, sex, disability,
23 marital status, or national origin, as may be desirable. The report
24 submitted to the Clerk of the Legislature shall be submitted
25 electronically. Each member of the Legislature shall receive a ~~a~~-an

1 electronic copy of the report required by this subdivision by making
2 a request for it to the chairperson of the commission; and

3 (7) To adopt and promulgate rules and regulations
4 necessary to carry out the duties prescribed in the act. ; ~~and~~

5 ~~(8) To examine and review the policies and procedures of~~
6 ~~the commission, its investigators, and staff and deliver to the~~
7 ~~Legislature by January 1, 1994, a report detailing specific proposals~~
8 ~~designed to expedite the complaint, investigation, and hearing~~
9 ~~process of the commission. Such report shall include, but not be~~
10 ~~limited to, an examination of the:~~

11 ~~(a) Intake procedures and guidelines of the commission;~~

12 ~~(b) Mediation, conciliation, arbitration, and informal~~
13 ~~conferences designed to settle cases;~~

14 ~~(c) Investigation and supervisory procedures which~~
15 ~~duplicate similar current procedures or which are burdensome to a~~
16 ~~prompt investigation of a complaint;~~

17 ~~(d) Handling of reports and investigations of the~~
18 ~~commission to develop adequate clerical staff;~~

19 ~~(e) Feasibility of revising and developing standard final~~
20 ~~investigative formats for employment, housing, and harassment cases;~~
21 ~~and~~

22 ~~(f) Proper role and function of the commission in the~~
23 ~~hearing process.~~

24 ~~The review and examination of such policies and~~
25 ~~procedures in subdivision (8) of this section shall include~~

1 ~~information from the executive director, commission members,~~
2 ~~investigators, supervisory personnel, clerical staff, and the public.~~

3 Sec. 64. Section 48-1625, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 48-1625 (1) The state board shall submit to the Governor
6 recommendations for changes in the state plan submitted to the
7 Secretary of Labor outlining the five-year strategy for the statewide
8 workforce investment system for the State of Nebraska in accordance
9 with section 112 of the federal Workforce Investment Act, 29 U.S.C.
10 2822.

11 (2) The state board shall submit to the chairperson and
12 members of the Business and Labor Committee of the Legislature, the
13 chairperson of each of the standing committees of the Legislature,
14 the Speaker of the Legislature, the Clerk of the Legislature, the
15 Department of Health and Human Services, the Department of Economic
16 Development, the State Department of Education, and the Department of
17 Labor a copy of any recommendations for modification of the state
18 plan and the annual report of the state board. The recommendations
19 and report submitted to the committees, the Speaker of the
20 Legislature, and the Clerk of the Legislature shall be submitted
21 electronically. The annual report of the state board shall include
22 information on the number of individuals served, the state's average
23 cost per individual receiving training or placement services, short-
24 term and long-term performance measures of job placements, and
25 training and skill levels of training participants. In order to

1 promote better accountability, such reports shall contain measures of
2 accomplishment of the performance measures set forth at 20 C.F.R.
3 666.100, as the regulation existed on March 2, 2001, and shall use
4 consistent units of measure in order to provide comparability both
5 within a single annual report and between different annual reports.

6 Sec. 65. Section 48-2213, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 48-2213 (1) The position of meatpacking industry worker
9 rights coordinator is established within the department. The
10 coordinator shall be appointed by the Governor.

11 (2) The duties of the coordinator shall be to inspect and
12 review the practices and procedures of meatpacking operations in the
13 State of Nebraska as they relate to the provisions of the Governor's
14 Nebraska Meatpacking Industry Workers Bill of Rights, which rights
15 are outlined as follows:

16 (a) The right to organize;

17 (b) The right to a safe workplace;

18 (c) The right to adequate facilities and the opportunity
19 to use them;

20 (d) The right to complete information;

21 (e) The right to understand the information provided;

22 (f) The right to existing state and federal benefits and
23 rights;

24 (g) The right to be free from discrimination;

25 (h) The right to continuing training, including training

1 of supervisors;

2 (i) The right to compensation for work performed; and

3 (j) The right to seek state help.

4 (3) The coordinator and his or her designated
5 representatives shall have access to all meatpacking operations in
6 the State of Nebraska at any time meatpacking products are being
7 processed and industry workers are on the job.

8 (4) Necessary office space, furniture, equipment, and
9 supplies as well as necessary assistance for the coordinator shall be
10 provided by the commissioner.

11 (5) Preference shall be given to applicants for the
12 coordinator position who are fluent in the Spanish language.

13 (6) The coordinator shall, on or before December 1 of
14 each year, submit a report to the members of the Legislature and the
15 Governor regarding any recommended actions the coordinator deems
16 necessary or appropriate to provide for the fair treatment of workers
17 in the meatpacking industry. The report submitted to the members of
18 the Legislature shall be submitted electronically.

19 Sec. 66. Section 48-2307, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 48-2307 The department shall issue electronically a
22 report to the Legislature on or before January 31 of each year which
23 discloses the number of employees reported to the department and the
24 number of matches during the preceding calendar year for purposes of
25 the New Hire Reporting Act.

1 Sec. 67. Section 48-2909, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 48-2909 The department shall ~~annually~~ provide a
4 electronically an annual report to the Legislature regarding
5 compliance with and enforcement of the Employee Classification Act.
6 The report shall include, but not be limited to, the number of
7 reports received from both its hotline and web site, the number of
8 investigated reports, the findings of the reports, the amount of
9 combined tax, interest, and fines collected, the number of referrals
10 to the Department of Revenue, Nebraska Workers' Compensation Court,
11 and appropriate prosecuting authority, and the outcome of such
12 referrals.

13 Sec. 68. Section 49-770, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 49-770 When one section of the statutes is amended in two
16 or more bills in the same session of the Legislature and has not been
17 correlated as a part of the normal legislative process and the
18 amendments are not entirely reconcilable and are in conflict with
19 each other, it shall be the duty of the Revisor of Statutes to cause
20 only the latest version to pass the Legislature to be published in
21 the statutory supplement followed by a brief note explaining the
22 action taken. The Revisor of Statutes shall report electronically
23 each such case to the ~~chairman~~ chairperson of the appropriate
24 standing committee at or prior to the convening of the next regular
25 session of the Legislature for whatever action may be appropriate.

1 Sec. 69. Section 49-904, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 49-904 Each commissioner shall attend the meeting of the
4 National Conference of Commissioners on Uniform State Laws, and both
5 in and out of such national conference shall do all in his or her
6 power to promote uniformity in state laws, upon all subjects where
7 uniformity may be deemed desirable and practicable. The commission
8 shall report electronically to the Clerk of the Legislature from time
9 to time as the commission may deem proper, an account of its
10 transactions, and its advice and recommendations for legislation.
11 Each member of the Legislature shall receive ~~a~~an electronic copy of
12 such report by making a request for it to the chairperson of the
13 commission. It shall also be the duty of the commission to bring
14 about as far as practicable the uniform judicial interpretation of
15 all uniform laws.

16 Sec. 70. Section 49-1483, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 49-1483 (1) Every lobbyist who is registered or required
19 to be registered shall, for each of his or her principals, file
20 electronically a separate statement for each calendar quarter with
21 the Clerk of the Legislature within thirty days after the end of each
22 calendar quarter. Every principal employing a lobbyist who is
23 registered or required to be registered shall file electronically a
24 separate statement for each calendar quarter with the Clerk of the
25 Legislature within thirty days after the end of each calendar

1 quarter.

2 (2) Each statement shall show the following:

3 (a) The total amount received or expended directly or
4 indirectly for the purpose of carrying on lobbying activities, with
5 the following categories of expenses each being separately itemized:
6 (i) Miscellaneous expenses; (ii) entertainment, including expenses
7 for food and drink as provided in subdivision (3)(a) of this section;
8 (iii) lodging expenses; (iv) travel expenses; (v) lobbyist
9 compensation, except that when a principal retains the services of a
10 person who has only part-time lobbying duties, only the compensation
11 paid which is reasonably attributable to influencing legislative
12 action need be reported; (vi) lobbyist expense reimbursement; (vii)
13 admissions to a state-owned facility or a state-sponsored industry or
14 event as provided in subdivision (3)(a) of this section; and (viii)
15 extraordinary office expenses directly related to the practice of
16 lobbying;

17 (b) A detailed statement of any money which is loaned,
18 promised, or paid by a lobbyist, a principal, or anyone acting on
19 behalf of either to an official in the executive or legislative
20 branch or member of such official's staff. The detailed statement
21 shall identify the recipient and the amount and the terms of the
22 loan, promise, or payment; and

23 (c) The total amount expended for gifts, other than
24 admissions to a state-owned facility or a state-sponsored industry or
25 event, as provided in subdivision (3)(a) of this section.

1 (3)(a) Each statement shall disclose the aggregate
2 expenses for entertainment, admissions, and gifts for each of the
3 following categories of elected officials: Members of the
4 Legislature; and officials in the executive branch of the state. Such
5 disclosures shall be in addition to the entertainment expenses
6 reported under subdivision (2)(a)(ii) of this section, admissions
7 reported under subdivision (2)(a)(vii) of this section, and gifts
8 reported under subdivision (2)(c) of this section.

9 (b) For purposes of reporting aggregate expenses for
10 entertainment for members of the Legislature and officials in the
11 executive branch of the state as required by subdivision (3)(a) of
12 this section, the reported amount shall include the actual amounts
13 attributable to entertaining members of the Legislature and officials
14 in the executive branch of the state. When the nature of an event at
15 which members of the Legislature are entertained makes it impractical
16 to determine the actual cost, the cost of entertainment shall be the
17 average cost per person multiplied by the number of members of the
18 Legislature in attendance. When the nature of an event at which
19 officials in the executive branch of the state are entertained makes
20 it impractical to determine the actual cost, the cost of
21 entertainment shall be the average cost per person multiplied by the
22 number of officials in the executive branch of the state in
23 attendance. For purposes of this subdivision, the average cost per
24 person means the cost of the event divided by the number of persons
25 expected to attend the event.

1 (4) The lobbyist shall also file any changes or
2 corrections to the information set forth in the registration required
3 pursuant to section 49-1480 so as to reflect the correctness of such
4 information as of the end of each calendar quarter for which such
5 statement is required by this section.

6 (5) If a lobbyist does not expect to receive lobbying
7 receipts from or does not expect to make lobbying expenditures for a
8 principal, the quarterly statements required by this section as to
9 such principal need not be filed by the lobbyist if the principal and
10 lobbyist both certify such facts ~~in writing~~ electronically to the
11 Clerk of the Legislature. A lobbyist exempt from filing quarterly
12 statements pursuant to this section shall (a) file a statement of
13 activity pursuant to section 49-1488 and (b) resume or commence
14 filing quarterly statements with regard to such principal starting
15 with the quarterly period the lobbyist receives lobbying receipts or
16 makes lobbying expenditures for such principal.

17 (6) If a principal does not expect to receive lobbying
18 receipts or does not expect to make lobbying expenditures, the
19 quarterly statements required pursuant to this section need not be
20 filed by the principal if the principal and lobbyist both certify
21 such facts ~~in writing~~ electronically to the Clerk of the Legislature.
22 A principal exempt from filing quarterly statements pursuant to this
23 section shall commence or resume filing quarterly statements starting
24 with the quarterly period the principal receives lobbying receipts or
25 makes lobbying expenditures.

1 (7) A principal shall report electronically the name and
2 address of every person from whom it has received more than one
3 hundred dollars in any one month for lobbying purposes.

4 (8) For purposes of sections 49-1480 to 49-1492.01,
5 calendar quarter ~~shall mean~~ means the first day of January through
6 the thirty-first day of March, the first day of April through the
7 thirtieth day of June, the first day of July through the thirtieth
8 day of September, and the first day of October through the thirty-
9 first day of December.

10 Sec. 71. Section 49-1483.03, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 49-1483.03 (1) Any lobbyist or principal who receives or
13 expends more than five thousand dollars for lobbying purposes during
14 any calendar month in which the Legislature is in session shall,
15 within fifteen days after the end of such calendar month, file
16 electronically a special report disclosing for that calendar month
17 all information required by section 49-1483. All information
18 disclosed in a special report shall also be disclosed in the next
19 quarterly report required to be filed. The requirement to file a
20 special report shall not apply to a receipt or expenditure for
21 lobbyist fees for lobbying services which have otherwise been
22 disclosed in the lobbyist's application for registration.

23 (2) Any lobbyist who fails to file a special report
24 required by this section with the Clerk of the Legislature or the
25 commission shall pay to the commission a late filing fee of one

1 hundred dollars for each of the first ten days the report remains not
2 filed in violation of this section. After the tenth day, such
3 lobbyist shall pay, for each day the report remains not filed, an
4 additional late filing fee of one percent of the amount of the
5 receipts and expenditures which were required to be reported, not to
6 exceed ten percent of the amount of the receipts and expenditures
7 which were required to be reported.

8 Sec. 72. Section 49-1488, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 49-1488 Within forty-five days ~~of~~ after the completion of
11 every regular or special session of the Legislature, each registered
12 lobbyist shall submit electronically to the Clerk of the Legislature
13 a statement listing the legislation upon which the lobbyist acted,
14 including identification by number of any bill or resolution and the
15 position taken by the lobbyist.

16 Sec. 73. Section 49-1492.01, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 49-1492.01 (1) Any agency, political subdivision, or
19 publicly funded postsecondary educational institution which gives a
20 gift of an admission to a state-owned facility or a state-sponsored
21 industry or event to a public official, a member of a public
22 official's staff, or a member of the immediate family of a public
23 official shall report the gift on a form prescribed by the
24 commission.

25 (2) The report shall be filed electronically with the

1 Clerk of the Legislature within fifteen days after the end of the
2 calendar quarter in which the gift is given. The report shall include
3 the following:

4 (a) The identity of the agency, political subdivision, or
5 publicly funded postsecondary educational institution;

6 (b) A description of the gift;

7 (c) The value of the gift; and

8 (d) The name of the recipient of the gift and the
9 following:

10 (i) If the recipient is an official in the executive or
11 legislative branch of state government, the office held by the
12 official and the branch he or she serves;

13 (ii) If the recipient is a member of an official's staff
14 in the executive or legislative branch of state government, his or
15 her job title and the name of the official; or

16 (iii) If the recipient is a member of the immediate
17 family of an official in the executive or legislative branch of state
18 government, his or her relationship to the official and the name of
19 the official.

20 (3) For purposes of this section, public official does
21 not include an elected or appointed official of a political
22 subdivision or school board.

23 (4) Any person who knowingly and intentionally violates
24 this section shall be guilty of a Class III misdemeanor.

25 Sec. 74. Section 50-114.03, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 50-114.03 (1) The Clerk of the Legislature shall
3 periodically prepare and distribute electronically to all members of
4 the Legislature a list of all reports received from state agencies,
5 boards, and commissions. Such lists shall be prepared and distributed
6 to each legislator no less frequently than once during the first ten
7 days of each legislative session. Upon request by a legislator, the
8 clerk shall arrange for any legislator to receive ~~a~~ an electronic
9 copy of any such report.

10 (2) A state agency, board, or commission or other public
11 entity which is required to provide a report to the Legislature ~~may~~
12 ~~present~~ shall submit the report ~~by electronic format through the~~
13 ~~gateway or electronic network established under section 84-1204 after~~
14 ~~notification of such type of delivery is given to the Clerk of the~~
15 ~~Legislature. Such report shall be listed by the clerk as provided in~~
16 ~~subsection (1) of this section, and a member of the Legislature may~~
17 ~~receive a paper copy of the report upon request to the clerk.~~
18 electronically.

19 Sec. 75. Section 50-405, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 50-405 It shall be the duty of the council (1) to
22 investigate and study the possibilities for consolidation in state
23 government for elimination of all unnecessary activities and of all
24 duplication in office personnel and equipment and of the coordination
25 of departmental activities or of methods of increasing efficiency and

1 effecting economies, (2) to investigate and study the possibilities
2 of reforming the system of local government with a view to
3 simplifying the organization of government, (3) to study the merit
4 system as it relates to state and local government personnel, (4) to
5 cooperate with the administration in devising means of enforcing the
6 law and improving the effectiveness of administrative methods, (5) to
7 study and inquire into the financial administration of the state
8 government and the subdivisions thereof, the problems of taxation,
9 including assessment and collection of taxes, and the distribution of
10 the tax burden, and (6) to study and inquire into future planning of
11 capital construction of the state and its governmental agencies as to
12 location and sites for expansion. Such, ~~such~~ proposed planning ~~to~~
13 shall be submitted electronically to the executive board ~~Executive~~
14 Board of the Legislative Council for review and recommendation to the
15 Legislature and the Appropriations Committee.

16 Sec. 76. Section 50-413, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 50-413 The ~~council~~ Legislative Council shall keep
19 complete minutes of its meetings and shall ~~make~~ submit electronically
20 periodical reports to ~~all the members thereof.~~ of the Legislature.

21 Sec. 77. Section 50-414, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 50-414 The recommendations of the ~~council~~ Legislative
24 Council shall be completed and made public at least thirty days prior
25 to any regular session of the Legislature at which such

1 recommendations are to be submitted electronically. A copy of ~~said~~
2 the recommendations shall be mailed to the address of each member of
3 the Legislature, to each elective state officer, and to the State
4 Library.

5 Sec. 78. Section 50-417, Revised Statutes Supplement,
6 2011, is amended to read:

7 50-417 The Nebraska Retirement Systems Committee shall
8 study any legislative proposal, bill, or amendment, other than an
9 amendment proposed by the Committee on Enrollment and Review,
10 affecting any public retirement system, existing or proposed,
11 established by the State of Nebraska or any political subdivision
12 thereof and report electronically the results of such study to the
13 Legislature, which report shall, when applicable, include an
14 actuarial analysis and cost estimate and the recommendation of the
15 Nebraska Retirement Systems Committee regarding passage of any bill
16 or amendment. To assist the committee in the performance of such
17 duties, the committee may consult with and utilize the services of
18 any officer, department, or agency of the state and may from time to
19 time engage the services of a qualified and experienced actuary. In
20 the absence of any report from such committee, the Legislature shall
21 consider requests from groups seeking to have retirement plans
22 established for them and such other proposed legislation as is
23 pertinent to existing retirement systems.

24 Sec. 79. Section 50-1205, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 50-1205 The committee shall:

2 (1) Adopt, by majority vote, procedures consistent with
3 the Legislative Performance Audit Act to govern the business of the
4 committee and the conduct of performance audits;

5 (2) Ensure that performance audits done by the committee
6 are not undertaken based on or influenced by special or partisan
7 interests;

8 (3) Review performance audit requests and select, by
9 majority vote, agencies or agency programs for performance audit;

10 (4) Review, amend, if necessary, and approve a scope
11 statement and an audit plan for each performance audit;

12 (5) Respond to inquiries regarding performance audits;

13 (6) Inspect or approve the inspection of the premises, or
14 any parts thereof, of any agency or any property owned, leased, or
15 operated by an agency as frequently as is necessary in the opinion of
16 the committee to carry out a performance audit or preaudit inquiry;

17 (7) Inspect and examine, or approve the inspection and
18 examination of, the records and documents of any agency as a part of
19 a performance audit or preaudit inquiry;

20 (8) Administer oaths, issue subpoenas, compel the
21 attendance of witnesses and the production of any papers, books,
22 accounts, documents, and testimony, and cause the depositions of
23 witnesses either residing within or without the state to be taken in
24 the manner prescribed by law for taking depositions in civil actions
25 in the district court;

1 (9) Review completed performance audit reports prepared
2 by the section, together with comments from the evaluated agency, and
3 adopt recommendations and incorporate them into a committee report;

4 (10) Release the committee report to the public and
5 distribute it electronically to the Legislature with or without
6 benefit of a public hearing;

7 (11) Hold a public hearing, at the committee's
8 discretion, for the purpose of receiving testimony prior to issuance
9 of the committee report;

10 (12) Establish a system to ascertain and monitor an
11 agency's implementation of the recommendations contained in the
12 committee report and compliance with any statutory changes resulting
13 from the recommendations;

14 (13) Issue an annual report each September, to be
15 prepared by the Legislative Auditor and approved by the committee,
16 summarizing recommendations made pursuant to reports of performance
17 audits during the previous fiscal year and the status of
18 implementation of those recommendations;

19 (14) Consult with the Legislative Auditor regarding the
20 staffing and budgetary needs of the section and assist in presenting
21 budget requests to the Appropriations Committee of the Legislature;

22 (15) Approve or reject, within the budgetary limits of
23 the section, contracts to retain consultants to assist with
24 performance audits requiring specialized knowledge or expertise.
25 Requests for consultant contracts shall be approved by the

1 Legislative Auditor and presented to the Legislative Performance
2 Audit Committee by the Legislative Auditor. A majority vote shall be
3 required to approve consultant contract requests. For purposes of
4 section 50-1213, subsection (11) of section 77-2711, and subsections
5 (10) through (13) of section 77-27,119, any consultant retained to
6 assist with a performance audit or preaudit inquiry shall be
7 considered an employee of the section during the course of the
8 contract; and

9 (16) At its discretion, and with the agreement of the
10 Auditor of Public Accounts, conduct joint fiscal or performance
11 audits with the Auditor of Public Accounts. The details of any joint
12 audit shall be agreed upon in writing by the committee and the
13 Auditor of Public Accounts.

14 Sec. 80. Section 50-1210, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 50-1210 (1) Upon completion of a performance audit, the
17 section shall prepare a report of its findings and recommendations
18 for action. The Legislative Auditor shall provide the section's
19 report concurrently to the committee, agency director, and
20 Legislative Fiscal Analyst. The report submitted to the committee and
21 the Legislative Fiscal Analyst shall be submitted electronically. The
22 committee may, by majority vote, release the section's report or
23 portions thereof to other individuals, with the stipulation that the
24 released material shall be kept confidential.

25 (2) When the Legislative Auditor provides the report to

1 the Legislative Fiscal Analyst, the Legislative Fiscal Analyst shall
2 issue an opinion to the committee indicating whether the section's
3 recommendations can be implemented by the agency within its current
4 appropriation.

5 (3) When the Legislative Auditor provides the report to
6 the agency, the agency shall have twenty business days from the date
7 of receipt of the report to provide a written response. Any written
8 response received from the agency shall be attached to the committee
9 report. The agency shall not release any part of the report to any
10 person outside the agency, except that an agency may discuss the
11 report with the Governor. The Governor shall not release any part of
12 the report.

13 (4) Following receipt of any written response from the
14 agency, the Legislative Auditor shall prepare a brief written summary
15 of the response, including a description of any significant
16 disagreements the agency has with the section's report or
17 recommendations.

18 Sec. 81. Section 50-1211, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 50-1211 (1) The committee shall review the section's
21 report, the agency's response, the Legislative Auditor's summary of
22 the agency's response, and the Legislative Fiscal Analyst's opinion
23 prescribed in section 50-1210. The committee may amend and shall
24 adopt or reject each recommendation in the report and indicate
25 whether each recommendation can be implemented by the agency within

1 its current appropriation. The adopted recommendations shall be
2 incorporated into a committee report, which shall be approved by
3 majority vote.

4 (2) The committee report shall include, but not be
5 limited to, the section's report, the agency's written response to
6 the report, the Legislative Auditor's summary of the agency response,
7 the committee's recommendations, and any opinions of the Legislative
8 Fiscal Analyst regarding whether the committee's recommendations can
9 be implemented by the agency within its current appropriation.

10 (3) The committee may decide, by majority vote, to defer
11 adoption of a committee report pending a public hearing. If the
12 committee elects to schedule a public hearing, it shall release, for
13 review by interested persons prior to the hearing, the section's
14 report, the agency's response, the Legislative Auditor's summary of
15 the agency's response, and any opinions of the Legislative Fiscal
16 Analyst. The public hearing shall be held not less than ten nor more
17 than twenty business days following release of the materials.

18 (4) When the committee elects to schedule a hearing, a
19 summary of the testimony received at the hearing shall be attached to
20 the committee report as an addendum. A transcript of the testimony
21 received at the hearing shall be on file with the committee and
22 available for public inspection. Unless the committee votes to delay
23 release of the committee report, the report shall be released within
24 forty business days after the public hearing.

25 (5) Once the committee has approved its report, the

1 committee shall, by majority vote, cause the committee report to be
2 released to all members of the Legislature and to the public. The
3 report submitted to the members of the Legislature shall be submitted
4 electronically. The committee may, by majority vote, release the
5 committee report or portions thereof prior to public release of the
6 report.

7 Sec. 82. Section 50-1302, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 50-1302 (1) Every four years, beginning in 2008, the
10 Government, Military and Veterans Affairs Committee of the
11 Legislature shall prepare and publish a report pertaining to boards,
12 commissions, and similar entities created by law that are made part
13 of or are placed in the executive branch of state government. The
14 committee may also include entities created by executive order or by
15 an agency director. The report shall be submitted electronically to
16 the Legislature on December 1 of such year.

17 (2) The report shall include, but not be limited to, the
18 following:

19 (a) The name of each board, commission, or similar
20 entity;

21 (b) The name of a parent agency, if any;

22 (c) The statutory citation or other authorization for the
23 creation of the board, commission, or entity;

24 (d) The number of members of the board, commission, or
25 entity and how the members are appointed;

1 (e) The qualifications for membership on the board,
2 commission, or entity;

3 (f) The number of times the board, commission, or entity
4 is required to meet during the year and the number of times it
5 actually met;

6 (g) Budget information of the board, commission, or
7 entity for the four most recently completed fiscal years; and

8 (h) A brief summary of the accomplishments of the board,
9 commission, or entity for the past four years.

10 Sec. 83. Section 54-642, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 54-642 On or before November 1 of each year, the
13 department shall submit electronically a report to the Legislature in
14 sufficient detail to document all costs incurred in the previous
15 fiscal year in carrying out the Commercial Dog and Cat Operator
16 Inspection Act. The report shall identify costs incurred by the
17 department to administer the act and shall detail costs incurred by
18 primary activity. The department shall also provide a breakdown by
19 category of all revenue credited to the Commercial Dog and Cat
20 Operator Inspection Program Cash Fund in the previous fiscal year.
21 The Agriculture Committee and Appropriations Committee of the
22 Legislature shall review the report to ascertain program activity
23 levels and to determine funding requirements of the program.

24 Sec. 84. Section 54-857, Revised Statutes Supplement,
25 2011, is amended to read:

1 54-857 All money received pursuant to the Commercial Feed
2 Act shall be remitted by the director to the State Treasurer for
3 credit to the Commercial Feed Administration Cash Fund which is
4 hereby created. Such fund shall be used by the department to aid in
5 defraying the expenses of administering the act, and to aid in
6 defraying the expenses related to a cooperative agreement with the
7 United States Department of Agriculture Market News reporting
8 program, ~~and to provide resources to conduct the investigation and~~
9 ~~feasibility study for implementing a state meat and poultry~~
10 ~~inspection program as identified in section 54-1916.~~ Transfers may be
11 made from the fund to the General Fund at the direction of the
12 Legislature. Any money in the Commercial Feed Administration Cash
13 Fund available for investment shall be invested by the state
14 investment officer pursuant to the Nebraska Capital Expansion Act and
15 the Nebraska State Funds Investment Act.

16 Sec. 85. Section 54-2428, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 54-2428 (1) Any person required to obtain a National
19 Pollutant Discharge Elimination System permit for an animal feeding
20 operation or a construction and operating permit for a livestock
21 waste control facility shall file an application with the department
22 accompanied by the appropriate fees in the manner established by the
23 department. The application fee shall be established by the council
24 with a maximum fee of two hundred dollars. For major modifications to
25 an application or a permit, the fee shall equal the amount of the

1 application fee.

2 (2) On or before March 1, 2006, and each year thereafter,
3 each person who has a National Pollutant Discharge Elimination System
4 permit or who has a large concentrated animal feeding operation, as
5 defined in 40 C.F.R. 122 and 123, as such regulations existed on
6 January 1, 2004, and a state operating permit, a construction and
7 operating permit, or a construction approval issued pursuant to the
8 Environmental Protection Act or the Livestock Waste Management Act
9 shall pay a per head annual fee based on the permitted capacity
10 identified in the permit for that facility. The department shall
11 invoice each permittee by February 1, 2006, and February 1 of each
12 year thereafter.

13 (3) The initial annual fee shall be: Beef cattle, ten
14 cents per head; veal calves, ten cents per head; dairy cows, fifteen
15 cents per head; swine larger than fifty-five pounds, four dollars per
16 one hundred head or fraction thereof; swine less than fifty pounds,
17 one dollar per one hundred head or fraction thereof; horses, twenty
18 cents per head; sheep or lambs, one dollar per one hundred head or
19 fraction thereof; turkeys, two dollars per one thousand head or
20 fraction thereof; chickens or ducks with liquid manure facility,
21 three dollars per one thousand head or fraction thereof; and chickens
22 or ducks with other than liquid manure facility, one dollar per one
23 thousand head or fraction thereof. This fee structure may be reviewed
24 in fiscal year 2007-08.

25 (4) Beginning in fiscal year 2007-08, the department

1 shall annually review and adjust the fee structure in this section
2 and section 54-2423 to ensure that fees are adequate to meet twenty
3 percent of the program costs from the previous fiscal year. All fees
4 collected under this section and sections 54-2423, 54-2435, and
5 54-2436 shall be remitted to the State Treasurer for credit to the
6 Livestock Waste Management Cash Fund which is created for the
7 purposes described in the Livestock Waste Management Act. Transfers
8 may be made from the fund to the General Fund at the direction of the
9 Legislature. Any money in the Livestock Waste Management Cash Fund
10 available for investment shall be invested by the state investment
11 officer pursuant to the Nebraska Capital Expansion Act and the
12 Nebraska State Funds Investment Act.

13 (5) On or before January 1 of each year, the department
14 shall submit electronically a report to the Legislature in sufficient
15 detail to document all direct and indirect costs incurred in the
16 previous fiscal year in carrying out the Livestock Waste Management
17 Act, including the number of inspections conducted, the number of
18 animal feeding operations with livestock waste control facilities,
19 the number of animal feeding operations inspected, the size of the
20 livestock waste control facilities, the results of water quality
21 monitoring programs, and other elements relating to carrying out the
22 act. The Appropriations Committee of the Legislature shall review the
23 report in its analysis of executive programs in order to verify that
24 the revenue generated from fees was used solely to offset appropriate
25 and reasonable costs associated with carrying out the act.

1 Sec. 86. Section 58-246, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 58-246 The reports required pursuant to section 58-245
4 shall be public information. No such report shall reveal the name of
5 any individual borrower. The authority shall, following the close of
6 each fiscal year, deliver to the Governor and to the Clerk of the
7 Legislature a set of the individual reporting forms from the
8 preceding year together with the report required pursuant to
9 subsection (2) of section 58-245. The reporting forms and the report
10 submitted to the Clerk of the Legislature shall be submitted
11 electronically. Any member of the Legislature shall receive a an
12 electronic copy of such reports by making a request to the
13 chairperson of the authority.

14 Sec. 87. Section 58-270, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 58-270 (1) The authority shall, following the close of
17 each fiscal year, submit a report of its activities for the preceding
18 year to the Governor and the Clerk of the Legislature. The report
19 submitted to the Clerk of the Legislature shall be submitted
20 electronically. ~~of this state.~~ Each member of the Legislature shall
21 receive a an electronic copy of such report by making a request for
22 it to the chairperson of the authority. Each report shall set forth a
23 complete operating and financial statement for the authority during
24 the fiscal year it covers. An independent certified public accountant
25 shall at least once in each year audit the books and accounts of the

1 authority.

2 (2) At least fourteen days prior to taking any final
3 action to authorize the issuance of bonds to provide financing for
4 projects, the beneficiaries or borrowers of which are not
5 specifically identified, the authority shall notify the Governor, the
6 Clerk of the Legislature, and any news media requesting notification
7 of such proposed issuance of bonds. Such notice shall include:

8 (a) The public purposes to be effectuated and the needs
9 to be addressed through the issuance of the bonds;

10 (b) The manner in which such need was identified;

11 (c) The anticipated principal amount of the bond issue
12 and the anticipated date of issuance of the bonds;

13 (d) The anticipated size of any reserve funds; and

14 (e) The professionals involved in connection with the
15 issuance of the bonds.

16 (3) Within thirty days following the issuance of bonds
17 subject to subsection (2) of this section, the authority shall notify
18 the Governor and the Clerk of the Legislature of:

19 (a) The final principal amount of the bonds;

20 (b) The net interest cost of the bonds;

21 (c) The costs of issuance paid and to whom paid;

22 (d) The total amount of any reserve funds;

23 (e) The net interest cost to the beneficiaries or
24 borrowers; and

25 (f) The amount of funds available for loans.

1 The notification submitted to the Clerk of the
2 Legislature shall be submitted electronically.

3 (4) With respect to bonds subject to subsection (2) of
4 this section, until ninety-five percent of the proceeds of such bonds
5 to be made available for loans are so used or a corresponding amount
6 of such bonds are redeemed, the authority shall, no less often than
7 quarterly after the issuance of such bonds, report to the Governor
8 and the Clerk of the Legislature the status of the use of the
9 proceeds of such issue of bonds. The report submitted to the Clerk of
10 the Legislature shall be submitted electronically.

11 Once the notice required pursuant to subsection (2) of
12 this section is filed, nothing in this section shall require the
13 authority to amend or supplement the notice prior to the issuance of
14 the bonds.

15 (5) The notice and reporting requirements contained in
16 this section shall be deemed satisfied upon good faith compliance by
17 the authority. The failure to comply with any part of this section
18 shall not affect the validity of any bonds issued by the authority.

19 Sec. 88. Section 61-218, Revised Statutes Supplement,
20 2011, is amended to read:

21 61-218 (1) The Water Resources Cash Fund is created. The
22 fund shall be administered by the Department of Natural Resources.
23 Any money in the fund available for investment shall be invested by
24 the state investment officer pursuant to the Nebraska Capital
25 Expansion Act and the Nebraska State Funds Investment Act.

1 (2) The State Treasurer shall credit to the fund such
2 money as is (a) transferred to the fund by the Legislature, (b) paid
3 to the state as fees, deposits, payments, and repayments relating to
4 the fund, both principal and interest, (c) donated as gifts,
5 bequests, or other contributions to such fund from public or private
6 entities, (d) made available by any department or agency of the
7 United States if so directed by such department or agency, and (e)
8 allocated pursuant to section 81-15,175.

9 (3) The fund shall be expended by the department (a) to
10 aid management actions taken to reduce consumptive uses of water or
11 to enhance streamflows or ground water recharge in river basins,
12 subbasins, or reaches which are deemed by the department
13 overappropriated pursuant to section 46-713 or fully appropriated
14 pursuant to section 46-714 or are bound by an interstate compact or
15 decree or a formal state contract or agreement, (b) for purposes of
16 projects or proposals described in the grant application as set forth
17 in subdivision (2)(h) of section 81-15,175, and (c) to the extent
18 funds are not expended pursuant to subdivisions (a) and (b) of this
19 subsection, the department may conduct a statewide assessment of
20 short-term and long-term water management activities and funding
21 needs to meet statutory requirements in sections 46-713 to 46-718 and
22 46-739 and any requirements of an interstate compact or decree or
23 formal state contract or agreement. The fund shall not be used to pay
24 for administrative expenses or any salaries for the department or any
25 political subdivision.

1 (4) It is the intent of the Legislature that three
2 million three hundred thousand dollars be transferred each fiscal
3 year from the General Fund to the Water Resources Cash Fund for
4 FY2011-12 through FY2018-19.

5 (5)(a) Expenditures from the Water Resources Cash Fund
6 may be made to natural resources districts eligible under subsection
7 (3) of this section for activities to either achieve a sustainable
8 balance of consumptive water uses or assure compliance with an
9 interstate compact or decree or a formal state contract or agreement
10 and shall require a match of local funding in an amount equal to or
11 greater than forty percent of the total cost of carrying out the
12 eligible activity. The department shall, no later than August 1 of
13 each year, beginning in 2007, determine the amount of funding that
14 will be made available to natural resources districts from the Water
15 Resources Cash Fund and notify natural resources districts of this
16 determination. The department shall adopt and promulgate rules and
17 regulations governing application for and use of the Water Resources
18 Cash Fund by natural resources districts. Such rules and regulations
19 shall, at a minimum, include the following components:

20 (i) Require an explanation of how the planned activity
21 will achieve a sustainable balance of consumptive water uses or will
22 assure compliance with an interstate compact or decree or a formal
23 state contract or agreement as required by section 46-715 and the
24 controls, rules, and regulations designed to carry out the activity;
25 and

1 (ii) A schedule of implementation of the activity or its
2 components, including the local match as set forth in subdivision (5)
3 (a) of this section.

4 (b) Any natural resources district that fails to
5 implement and enforce its controls, rules, and regulations as
6 required by section 46-715 shall not be eligible for funding from the
7 Water Resources Cash Fund until it is determined by the department
8 that compliance with the provisions required by section 46-715 has
9 been established.

10 (6) The Department of Natural Resources shall submit
11 electronically an annual report to the Legislature no later than
12 October 1 of each year, beginning in the year 2007, that shall detail
13 the use of the Water Resources Cash Fund in the previous year. The
14 report shall provide:

15 (a) Details regarding the use and cost of activities
16 carried out by the department; and

17 (b) Details regarding the use and cost of activities
18 carried out by each natural resources district that received funds
19 from the Water Resources Cash Fund.

20 (7)(a) Prior to the application deadline for fiscal year
21 2011-12, the Department of Natural Resources shall apply for a grant
22 of nine million nine hundred thousand dollars from the Nebraska
23 Environmental Trust Fund, to be paid out in three annual installments
24 of three million three hundred thousand dollars. The purposes listed
25 in the grant application shall be consistent with the uses of the

1 Water Resources Cash Fund provided in this section and shall be used
2 to aid management actions taken to reduce consumptive uses of water,
3 to enhance streamflows, to recharge ground water, or to support
4 wildlife habitat in any river basin determined to be fully
5 appropriated pursuant to section 46-714 or designated as
6 overappropriated pursuant to section 46-713.

7 (b) If the application is granted, funds received from
8 such grant shall be remitted to the State Treasurer for credit to the
9 Water Resources Cash Fund for the purpose of supporting the projects
10 set forth in the grant application. The department shall include in
11 its grant application documentation that the Legislature has
12 authorized a transfer of three million three hundred thousand dollars
13 from the General Fund into the Water Resources Cash Fund for each of
14 fiscal years 2011-12 and 2012-13 and has stated its intent to
15 transfer three million three hundred thousand dollars to the Water
16 Resources Cash Fund for fiscal year 2013-14.

17 (c) It is the intent of the Legislature that the
18 department apply for an additional three-year grant that would begin
19 in fiscal year 2014-15 if the criteria established in subsection (4)
20 of section 81-15,175 are achieved.

21 (8) The department shall establish a subaccount within
22 the Water Resources Cash Fund for the accounting of all money
23 received as a grant from the Nebraska Environmental Trust Fund as the
24 result of an application made pursuant to subsection (7) of this
25 section. At the end of each calendar month, the department shall

1 calculate the amount of interest earnings accruing to the subaccount
2 and shall notify the State Treasurer who shall then transfer a like
3 amount from the Water Resources Cash Fund to the Nebraska
4 Environmental Trust Fund.

5 Sec. 89. Section 66-4,144, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 66-4,144 (1) In order to insure that an adequate balance
8 in the Highway Restoration and Improvement Bond Fund is maintained to
9 meet the debt service requirements of bonds to be issued by the
10 commission under subsection (2) of section 39-2223, the Director-
11 State Engineer shall certify to the department the excise tax rate to
12 be imposed by sections 66-4,140 and 66-6,108 for each year during
13 which such bonds are outstanding necessary to provide in each such
14 year money equal in amount to not less than one hundred twenty-five
15 percent of such year's bond principal and interest payment
16 requirements. The department shall adjust the rate as certified by
17 the Director-State Engineer. Such rate shall be in addition to the
18 rate of excise tax set pursuant to subsection (2) of this section.
19 Each such rate shall be effective from July 1 of a stated year
20 through June 30 of the succeeding year or during such other period
21 not longer than one year as the Director-State Engineer certifies to
22 be consistent with the principal and interest requirements of such
23 bonds. Such excise tax rates set pursuant to this subsection may be
24 increased, but such excise tax rates shall not be subject to
25 reduction or elimination unless the Director-State Engineer has

1 received from the State Highway Commission notice of reduced
2 principal and interest requirements for such bonds, in which event
3 the Director-State Engineer shall certify the new rate or rates to
4 the department. The new rate or rates, if any, shall become effective
5 on the first day of the following semiannual period.

6 (2) In order to insure that there is maintained an
7 adequate Highway Cash Fund balance to meet expenditures from such
8 fund as appropriated by the Legislature, by June 15 or five days
9 after the adjournment of the regular legislative session each year,
10 whichever is later, the Director-State Engineer shall certify to the
11 department the excise tax rate to be imposed by sections 66-4,140 and
12 66-6,108. The department shall adjust the rate as certified by the
13 Director-State Engineer to be effective from July 1 through June 30
14 of the succeeding year. The rate of excise tax for a given July 1
15 through June 30 period set pursuant to this subsection shall be in
16 addition to and independent of the rate or rates of excise tax set
17 pursuant to subsection (1) of this section for such period. The
18 Director-State Engineer shall determine the cash and investment
19 balances of the Highway Cash Fund at the beginning of each fiscal
20 year under consideration and the estimated receipts to the Highway
21 Cash Fund from each source which provides at least one million
22 dollars annually to such fund. The rate of excise tax shall be an
23 amount sufficient to meet the appropriations made from the Highway
24 Cash Fund by the Legislature. Such rate shall be set in increments of
25 one-tenth of one percent.

1 (3) The Department of Roads shall provide to the
2 Legislative Fiscal Analyst ~~a~~an electronic copy of the information
3 that is submitted to the Department of Revenue and used to set or
4 adjust the excise tax rate.

5 (4) If the actual receipts received to date added to any
6 projections or modified projections of deposits to the Highway Cash
7 Fund for the current fiscal year are less than ninety-nine percent or
8 greater than one hundred two percent of the appropriation for the
9 current fiscal year, the Director-State Engineer shall certify to the
10 department the adjustment in rate necessary to meet the
11 appropriations made from the Highway Cash Fund by the Legislature.
12 The department shall adjust the rate as certified by the Director-
13 State Engineer to be effective on the first day of the following
14 semiannual period.

15 (5) Nothing in this section shall be construed to
16 abrogate the duties of the Department of Roads or attempt to change
17 any highway improvement program schedule.

18 Sec. 90. Section 66-1336, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 66-1336 The board shall retain the services of a full-
21 time administrator to be appointed by the board. The administrator
22 shall hold office at the pleasure of the board. The administrator
23 shall compile a biennial report to be submitted to the board and the
24 Clerk of the Legislature. The report submitted to the Clerk of the
25 Legislature shall be submitted electronically. The report shall set

1 forth the activities, contracts, and projects of the board for the
2 previous biennium and the amount of funds expended. Each member of
3 the Legislature shall receive ~~a~~an electronic copy of such report by
4 making a request for it to the board.

5 Sec. 91. Section 66-1345, Revised Statutes Supplement,
6 2011, is amended to read:

7 66-1345 (1) There is hereby created the Ethanol
8 Production Incentive Cash Fund which shall be used by the board to
9 pay the credits created in section 66-1344 to the extent provided in
10 this section. Any money in the fund available for investment shall be
11 invested by the state investment officer pursuant to the Nebraska
12 Capital Expansion Act and the Nebraska State Funds Investment Act.
13 The State Treasurer shall transfer to the Ethanol Production
14 Incentive Cash Fund such money as shall be (a) appropriated to the
15 Ethanol Production Incentive Cash Fund by the Legislature, (b) given
16 as gifts, bequests, grants, or other contributions to the Ethanol
17 Production Incentive Cash Fund from public or private sources, (c)
18 made available due to failure to fulfill conditional requirements
19 pursuant to investment agreements entered into prior to April 30,
20 1992, (d) received as return on investment of the Ethanol Authority
21 and Development Cash Fund, (e) credited to the Ethanol Production
22 Incentive Cash Fund from the excise taxes imposed by section
23 66-1345.01 through December 31, 2012, (f) credited to the Ethanol
24 Production Incentive Cash Fund pursuant to sections 66-489, 66-726,
25 66-1345.04, and 66-1519, and (g) directed to be transferred pursuant

1 to section 84-612.

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

9 (a) For 1993, 1994, and 1995, the amount generated during
10 the calendar quarter by a one-cent tax on motor fuel pursuant to
11 sections 66-489 and 66-6,107;

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

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

18 (d) For 1998 and each year thereafter, no reduction.

19 For 1993 through 1997, if the amount generated pursuant
20 to subdivisions (a), (b), and (c) of this subsection and the amount
21 transferred pursuant to subsection (1) of this section are not
22 sufficient to fund the credits provided in section 66-1344, then the
23 credits shall be funded through the Ethanol Production Incentive Cash
24 Fund but shall not be funded through either the Highway Cash Fund or
25 the Highway Trust Fund. For 1998 and each year thereafter, the

1 credits provided in such section shall be funded through the Ethanol
2 Production Incentive Cash Fund but shall not be funded through either
3 the Highway Cash Fund or the Highway Trust Fund.

4 If, during any month, the amount of money in the Ethanol
5 Production Incentive Cash Fund is not sufficient to reimburse the
6 Highway Trust Fund for credits earned pursuant to section 66-1344,
7 the Department of Revenue shall suspend the transfer of credits by
8 ethanol producers until such time as additional funds are available
9 in the Ethanol Production Incentive Cash Fund for transfer to the
10 Highway Trust Fund. Thereafter, the Department of Revenue shall, at
11 the end of each month, allow transfer of accumulated credits earned
12 by each ethanol producer on a prorated basis derived by dividing the
13 amount in the fund by the aggregate amount of accumulated credits
14 earned by all ethanol producers.

15 (3) The State Treasurer shall transfer from the Ethanol
16 Production Incentive Cash Fund to the Management Services Expense
17 Revolving Fund the amount reported under subsection (4) of section
18 66-1345.02 for each calendar month of the fiscal year as provided in
19 such subsection.

20 (4) On December 31, 2012, the State Treasurer shall
21 transfer one-half of the unexpended and unobligated funds, including
22 all subsequent investment interest, from the Ethanol Production
23 Incentive Cash Fund to the Nebraska Corn Development, Utilization,
24 and Marketing Fund and the Grain Sorghum Development, Utilization,
25 and Marketing Fund in the same proportion as funds were collected

1 pursuant to section 66-1345.01 from corn and grain sorghum. The
2 Department of Agriculture shall assist the State Treasurer in
3 determining the amounts to be transferred to the funds. The State
4 Treasurer shall transfer the remaining one-half of the unexpended and
5 unobligated funds to the General Fund.

6 (5) Whenever the unobligated balance in the Ethanol
7 Production Incentive Cash Fund exceeds twenty million dollars, the
8 Department of Revenue shall notify the Department of Agriculture at
9 which time the Department of Agriculture shall suspend collection of
10 the excise tax levied pursuant to section 66-1345.01. If, after
11 suspension of the collection of such excise tax, the balance of the
12 fund falls below ten million dollars, the Department of Revenue shall
13 notify the Department of Agriculture which shall resume collection of
14 the excise tax.

15 (6) On or before December 1, 2003, and each December 1
16 thereafter, the Department of Revenue and the Nebraska Ethanol Board
17 shall jointly submit a report electronically to the Legislature which
18 shall project the anticipated revenue and expenditures from the
19 Ethanol Production Incentive Cash Fund through the termination of the
20 ethanol production incentive programs pursuant to section 66-1344.
21 The initial report shall include a projection of the amount of
22 ethanol production for which the Department of Revenue has entered
23 agreements to provide ethanol production credits pursuant to section
24 66-1344.01 and any additional ethanol production which the Department
25 of Revenue and the Nebraska Ethanol Board reasonably anticipate may

1 qualify for credits pursuant to section 66-1344.

2 Sec. 92. Section 68-908, Revised Statutes Cumulative
3 Supplement, 2010, is amended to read:

4 68-908 (1) The department shall administer the medical
5 assistance program.

6 (2) The department may (a) enter into contracts and
7 interagency agreements, (b) adopt and promulgate rules and
8 regulations, (c) adopt fee schedules, (d) apply for and implement
9 waivers and managed care plans for eligible recipients, and (e)
10 perform such other activities as necessary and appropriate to carry
11 out its duties under the Medical Assistance Act. A covered item or
12 service as described in section 68-911 that is furnished through a
13 school-based health center, furnished by a provider, and furnished
14 under a managed care plan pursuant to a waiver does not require prior
15 consultation or referral by a patient's primary care physician to be
16 covered. Any federally qualified health center providing services as
17 a sponsoring facility of a school-based health center shall be
18 reimbursed for such services provided at a school-based health center
19 at the federally qualified health center reimbursement rate.

20 (3) The department shall maintain the confidentiality of
21 information regarding applicants for or recipients of medical
22 assistance and such information shall only be used for purposes
23 related to administration of the medical assistance program and the
24 provision of such assistance or as otherwise permitted by federal
25 law.

1 (4)(a) The department shall prepare an annual summary and
2 analysis of the medical assistance program for legislative and public
3 review, including, but not limited to, a description of eligible
4 recipients, covered services, provider reimbursement, program trends
5 and projections, program budget and expenditures, the status of
6 implementation of the Medicaid Reform Plan, and recommendations for
7 program changes.

8 (b) The department shall provide a draft report of such
9 summary and analysis to the Medicaid Reform Council no later than
10 September 15 of each year. The council shall conduct a public meeting
11 no later than October 1 of each year to discuss and receive public
12 comment regarding such report. The council shall provide any comments
13 and recommendations regarding such report in writing to the
14 department no later than November 1 of each year. The department
15 shall submit a final report of such summary and analysis to the
16 Governor, the Legislature, and the council no later than December 1
17 of each year. The report submitted to the Legislature shall be
18 submitted electronically. Such final report shall include a response
19 to each written recommendation provided by the council.

20 Sec. 93. Section 68-909, Revised Statutes Supplement,
21 2011, is amended to read:

22 68-909 (1) All contracts, agreements, rules, and
23 regulations relating to the medical assistance program as entered
24 into or adopted and promulgated by the department prior to July 1,
25 2006, and all provisions of the medicaid state plan and waivers

1 adopted by the department prior to July 1, 2006, shall remain in
2 effect until revised, amended, repealed, or nullified pursuant to
3 law.

4 (2) Prior to the adoption and promulgation of proposed
5 rules and regulations under section 68-912 or relating to the
6 implementation of medicaid state plan amendments or waivers, the
7 department shall provide a report to the Governor, the Legislature,
8 and the Medicaid Reform Council no later than December 1 before the
9 next regular session of the Legislature summarizing the purpose and
10 content of such proposed rules and regulations and the projected
11 impact of such proposed rules and regulations on recipients of
12 medical assistance and medical assistance expenditures. The report
13 submitted to the Legislature shall be submitted electronically. Any
14 changes in medicaid copayments in fiscal year 2011-12 are exempt from
15 the reporting requirement of this subsection and the requirements of
16 section 68-912.

17 (3) The Medicaid Reform Council, no later than thirty
18 days after the date of receipt of any report under subsection (2) of
19 this section, may conduct a public meeting to receive public comment
20 regarding such report. The council shall promptly provide any
21 comments and recommendations regarding such report in writing to the
22 department. Such comments and recommendations shall be advisory only
23 and shall not be binding on the department, but the department shall
24 promptly provide a written response to such comments or
25 recommendations to the council.

1 (4) The department shall monitor and shall periodically,
2 as necessary, but no less than biennially, report to the Governor,
3 the Legislature, and the Medicaid Reform Council on the
4 implementation of rules and regulations, medicaid state plan
5 amendments, and waivers adopted under the Medical Assistance Act and
6 the effect of such rules and regulations, amendments, or waivers on
7 eligible recipients of medical assistance and medical assistance
8 expenditures. The report submitted to the Legislature shall be
9 submitted electronically.

10 Sec. 94. Section 68-959, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 68-959 (1) No later than January 1, 2012, the division
13 shall design and implement a medical home pilot program, in
14 consultation with the Medical Home Advisory Council, in one or more
15 geographic regions of the state to provide access to medical homes
16 for patients. The division shall apply for any available federal or
17 other funds for the program. The division shall establish necessary
18 and appropriate reimbursement policies and incentives under such
19 program to accomplish the purposes of the Medical Home Pilot Program
20 Act. The reimbursement policies:

21 (a) Shall require the provision of a medical home for
22 clients;

23 (b) Shall be designed to increase the availability of
24 primary health care services to clients;

25 (c) May provide an increased reimbursement rate to

1 providers who provide primary health care services to clients outside
2 of regular business hours or on weekends; and

3 (d) May provide a postevaluation incentive payment.

4 (2) No later than June 1, 2014, the division shall
5 evaluate the medical home pilot program and report the results of
6 such evaluation to the Governor and the Health and Human Services
7 Committee of the Legislature. The report submitted to the committee
8 shall be submitted electronically. Such report shall include an
9 evaluation of health outcomes and cost savings achieved,
10 recommendations for improvement, recommendations regarding
11 continuation and expansion of the program, and such other information
12 as deemed necessary by the division or requested by the committee.

13 Sec. 95. Section 68-971, Revised Statutes Supplement,
14 2011, is amended to read:

15 68-971 (1) On or before January 1, 2012, the department
16 shall submit an application to the federal Centers for Medicare and
17 Medicaid Services of the United States Department of Health and Human
18 Services to amend the medicaid state plan or seek a waiver to provide
19 for utilization of the unused administrative cap to allow for
20 payments to the Nebraska Regional Poison Center funded through the
21 University of Nebraska Medical Center Cash Fund to help offset the
22 cost for treatment of children who are eligible for assistance under
23 the medical assistance program and the Children's Health Insurance
24 Program established pursuant to 42 U.S.C. 1397aa et seq., pursuant to
25 the federal Children's Health Insurance Program Reauthorization Act

1 of 2009, Public Law 111-3, as such act existed on January 1, 2010.

2 (2) Upon approval of the amendment to the medicaid state
3 plan or the granting of the waiver, the University of Nebraska
4 Medical Center shall transfer an amount, not to exceed two hundred
5 fifty thousand dollars, to the Health and Human Services Cash Fund
6 for the Nebraska Department of Health and Human Services to meet the
7 state match to maximize the use of the unused administrative cap
8 money. At the time the department receives the transferred amount or
9 any portion thereof and the corollary federal funds, the department
10 shall transfer the combined funds to the University of Nebraska
11 Medical Center Cash Fund for operation of the Nebraska Regional
12 Poison Center. If no amendment is approved nor waiver granted or if
13 less than two hundred fifty thousand dollars is needed for the match,
14 then the University of Nebraska Medical Center may use the remaining
15 state appropriation for the operation of the Nebraska Regional Poison
16 Center.

17 (3) The University of Nebraska Medical Center shall
18 report electronically to the Legislative Fiscal Analyst on or before
19 October 1 of every year the amount transferred to the department in
20 the prior fiscal year and the amount of matching funds received under
21 this section for the Nebraska Regional Poison Center in the prior
22 fiscal year.

23 Sec. 96. Section 68-1017.02, Revised Statutes Supplement,
24 2011, is amended to read:

25 68-1017.02 (1)(a) The Department of Health and Human

1 Services shall apply for and utilize to the maximum extent possible,
2 within limits established by the Legislature, any and all appropriate
3 options available to the state under the federal Supplemental
4 Nutrition Assistance Program and regulations adopted under such
5 program to maximize the number of Nebraska residents being served
6 under such program within such limits. The department shall seek to
7 maximize federal funding for such program and minimize the
8 utilization of General Funds for such program and shall employ the
9 personnel necessary to determine the options available to the state
10 and issue the report to the Legislature required by subdivision (b)
11 of this subsection.

12 (b) The department shall submit electronically an annual
13 report ~~annually~~ to the Health and Human Services Committee of the
14 Legislature by December 1 on efforts by the department to carry out
15 the provisions of this subsection. Such report shall provide the
16 committee with all necessary and appropriate information to enable
17 the committee to conduct a meaningful evaluation of such efforts.
18 Such information shall include, but not be limited to, a clear
19 description of various options available to the state under the
20 federal Supplemental Nutrition Assistance Program, the department's
21 evaluation of and any action taken by the department with respect to
22 such options, the number of persons being served under such program,
23 and any and all costs and expenditures associated with such program.

24 (c) The Health and Human Services Committee of the
25 Legislature, after receipt and evaluation of the report required in

1 subdivision (b) of this subsection, shall issue recommendations to
2 the department on any further action necessary by the department to
3 meet the requirements of this section.

4 (2)(a) The department shall develop a state outreach plan
5 to promote access by eligible persons to benefits of the Supplemental
6 Nutrition Assistance Program. The plan shall meet the criteria
7 established by the Food and Nutrition Service of the United States
8 Department of Agriculture for approval of state outreach plans. The
9 Department of Health and Human Services may apply for and accept
10 gifts, grants, and donations to develop and implement the state
11 outreach plan.

12 (b) For purposes of developing and implementing the state
13 outreach plan, the department shall partner with one or more counties
14 or nonprofit organizations. If the department enters into a contract
15 with a nonprofit organization relating to the state outreach plan,
16 the contract may specify that the nonprofit organization is
17 responsible for seeking sufficient gifts, grants, or donations
18 necessary for the development and implementation of the state
19 outreach plan and may additionally specify that any costs to the
20 department associated with the award and management of the contract
21 or the implementation or administration of the state outreach plan
22 shall be paid out of private or federal funds received for
23 development and implementation of the state outreach plan.

24 (c) The department shall submit the state outreach plan
25 to the Food and Nutrition Service of the United States Department of

1 Agriculture for approval on or before August 1, 2011, and shall
2 request any federal matching funds that may be available upon
3 approval of the state outreach plan. It is the intent of the
4 Legislature that the State of Nebraska and the Department of Health
5 and Human Services use any additional public or private funds to
6 offset costs associated with increased caseload resulting from the
7 implementation of the state outreach plan.

8 (d) The department shall be exempt from implementing or
9 administering a state outreach plan under this subsection, but not
10 from developing such a plan, if it does not receive private or
11 federal funds sufficient to cover the department's costs associated
12 with the implementation and administration of the plan, including any
13 costs associated with increased caseload resulting from the
14 implementation of the plan.

15 (3)(a)(i) On or before October 1, 2011, the department
16 shall create a TANF-funded program or policy that, in compliance with
17 federal law, establishes categorical eligibility for federal food
18 assistance benefits pursuant to the Supplemental Nutrition Assistance
19 Program to maximize the number of Nebraska residents being served
20 under such program in a manner that does not increase the current
21 gross income eligibility limit.

22 (ii) Such TANF-funded program or policy shall eliminate
23 all asset limits for eligibility for federal food assistance
24 benefits, except that the total of liquid assets which includes cash
25 on hand and funds in personal checking and savings accounts, money

1 market accounts, and share accounts shall not exceed twenty-five
2 thousand dollars pursuant to the Supplemental Nutrition Assistance
3 Program, as allowed under federal law and under 7 C.F.R. 273.2(j)(2).

4 (iii) This subsection becomes effective only if the
5 department receives funds pursuant to federal participation that may
6 be used to implement this subsection.

7 (b) For purposes of this subsection:

8 (i) Federal law means the federal Food and Nutrition Act
9 of 2008, 7 U.S.C. 2011 et seq., and regulations adopted under the
10 act; and

11 (ii) TANF means the federal Temporary Assistance for
12 Needy Families program established in 42 U.S.C. 601 et seq.

13 (4)(a) Within the limits specified in this subsection,
14 the State of Nebraska opts out of the provision of the federal
15 Personal Responsibility and Work Opportunity Reconciliation Act of
16 1996, as such act existed on January 1, 2009, that eliminates
17 eligibility for the Supplemental Nutrition Assistance Program for any
18 person convicted of a felony involving the possession, use, or
19 distribution of a controlled substance.

20 (b) A person shall be ineligible for Supplemental
21 Nutrition Assistance Program benefits under this subsection if he or
22 she (i) has had three or more felony convictions for the possession
23 or use of a controlled substance or (ii) has been convicted of a
24 felony involving the sale or distribution of a controlled substance
25 or the intent to sell or distribute a controlled substance. A person

1 with one or two felony convictions for the possession or use of a
2 controlled substance shall only be eligible to receive Supplemental
3 Nutrition Assistance Program benefits under this subsection if he or
4 she is participating in or has completed a state-licensed or
5 nationally accredited substance abuse treatment program since the
6 date of conviction. The determination of such participation or
7 completion shall be made by the treatment provider administering the
8 program.

9 Sec. 97. Section 68-1207.01, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 68-1207.01 The Department of Health and Human Services
12 shall annually provide a report to the Legislature and Governor
13 outlining the caseloads of child protective services, the factors
14 considered in their establishment, and the fiscal resources necessary
15 for their maintenance. The report submitted to the Legislature shall
16 be submitted electronically. Such report shall include:

17 (1) A comparison of caseloads established by the
18 department with the workload standards recommended by national child
19 welfare organizations along with the amount of fiscal resources
20 necessary to maintain such caseloads in Nebraska;

21 (2)(a) The number of child welfare services caseworkers
22 and case managers employed by the State of Nebraska and child welfare
23 services workers, providing services directly to children and
24 families, who are under contract with the State of Nebraska or
25 employed by a private entity under contract with the State of

1 Nebraska and (b) statistics on the average length of employment in
2 such positions, statewide and by health and human services area;

3 (3)(a) The average caseload of child welfare services
4 caseworkers and case managers employed by the State of Nebraska and
5 child welfare services workers, providing services directly to
6 children and families, who are under contract with the State of
7 Nebraska or employed by a private entity under contract with the
8 State of Nebraska and (b) the outcomes of such cases, including the
9 number of children reunited with their families, children adopted,
10 children in guardianships, placement of children with relatives, and
11 other permanent resolutions established, statewide and by health and
12 human services area; and

13 (4) The average cost of training child welfare services
14 caseworkers and case managers employed by the State of Nebraska and
15 child welfare services workers, providing services directly to
16 children and families, who are under contract with the State of
17 Nebraska or employed by a private entity under contract with the
18 State of Nebraska, statewide and by health and human services area.

19 Sec. 98. Section 68-1518, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 68-1518 The department shall file an annual report with
22 the Governor and the Clerk of the Legislature on or before January 1
23 of each year beginning January 1, 1983. The report submitted to the
24 Clerk of the Legislature shall be submitted electronically. Such
25 report shall include:

1 (1) The number of families and disabled persons applying
2 for support pursuant to ~~sections 68-1501 to 68-1519~~ the Disabled
3 Persons and Family Support Act and the number of families and
4 disabled persons receiving support pursuant to ~~sections 68-1501 to~~
5 ~~68-1519;~~ the act;

6 (2) The types of services and programs being applied for
7 and those being provided through ~~sections 68-1501 to 68-1519;~~ the
8 act;

9 (3) The effects of the support provided under ~~sections~~
10 ~~68-1501 to 68-1519~~ the act on the disabled and their families; and

11 (4) Any proposals for amendment of ~~sections 68-1501 to~~
12 ~~68-1519.~~ the act.

13 Sec. 99. Section 69-503, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 69-503 (1) Except as provided in subsection (7) of this
16 section, no cigarettes may be sold or offered for sale in this state
17 or offered for sale or sold to persons located in this state unless
18 the cigarettes have been tested in accordance with the following test
19 method and meet the performance standard specified in this section, a
20 written certification has been filed by the manufacturer with the
21 State Fire Marshal in accordance with section 69-504, and the
22 cigarettes have been marked in accordance with section 69-505.
23 Testing shall be as follows:

24 (a) Testing of cigarettes shall be conducted in
25 accordance with the American Society of Testing and Materials

1 Standard E2187-04, Standard Test Method for Measuring the Ignition
2 Strength of Cigarettes;

3 (b) Testing shall be conducted on ten layers of filter
4 paper;

5 (c) No more than twenty-five percent of the cigarettes
6 tested in a test trial in accordance with this subsection shall
7 exhibit full-length burns. Forty replicate tests shall comprise a
8 complete test trial for each cigarette tested;

9 (d) The performance standard required by this subsection
10 shall only be applied to a complete test trial;

11 (e) Written certifications shall be based upon testing
12 conducted by a laboratory that has been accredited pursuant to
13 standard ISO/IEC 17025 of the International Organization for
14 Standardization or other comparable accreditation standard required
15 by the State Fire Marshal;

16 (f) Laboratories conducting testing in accordance with
17 this subsection shall implement a quality control and quality
18 assurance program that includes a procedure that will determine the
19 repeatability of the testing results. The repeatability value shall
20 be no greater than 0.19;

21 (g) This subsection does not require additional testing
22 if cigarettes are tested consistent with the Reduced Cigarette
23 Ignition Propensity Act for any other purpose; and

24 (h) Testing performed or sponsored by the State Fire
25 Marshal to determine a cigarette's compliance with the performance

1 standard required by this section shall be conducted in accordance
2 with this subsection.

3 (2) Each cigarette listed in a certification submitted
4 pursuant to section 69-504 that uses lowered permeability bands in
5 the cigarette paper to achieve compliance with the performance
6 standard set forth in this section shall have at least two nominally
7 identical bands on the paper surrounding the tobacco column. At least
8 one complete band shall be located at least fifteen millimeters from
9 the lighting end of the cigarette. For cigarettes on which the bands
10 are positioned by design, there shall be at least two bands fully
11 located at least fifteen millimeters from the lighting end and ten
12 millimeters from the filter end of the tobacco column, or ten
13 millimeters from the labeled end of the tobacco column for
14 nonfiltered cigarettes.

15 (3) A manufacturer of a cigarette that the State Fire
16 Marshal determines cannot be tested in accordance with the test
17 method prescribed in subdivision (1)(a) of this section shall propose
18 a test method and performance standard for the cigarette to the State
19 Fire Marshal. If the State Fire Marshal determines that another state
20 has enacted reduced cigarette ignition propensity standards that
21 include a test method and performance standard that are the same as
22 those contained in the Reduced Cigarette Ignition Propensity Act and
23 the State Fire Marshal finds that the officials responsible for
24 implementing those requirements have approved the proposed
25 alternative test method and performance standard for a particular

1 cigarette proposed by a manufacturer as meeting the fire safety
2 standards of that state's law or regulation under a legal provision
3 comparable to this section, then the State Fire Marshal shall
4 authorize that manufacturer to employ the alternative test method and
5 performance standard to certify that cigarette for sale in this
6 state, unless the State Fire Marshal demonstrates a reasonable basis
7 why the alternative test should not be accepted under the act. All
8 other applicable requirements of this section shall apply to the
9 manufacturer.

10 (4) Each manufacturer shall maintain copies of the
11 reports of all tests conducted on all cigarettes offered for sale for
12 a period of three years and shall make copies of these reports
13 available to the State Fire Marshal and the Attorney General upon
14 written request. Any manufacturer who fails to make copies of these
15 reports available within sixty days after receiving a written request
16 shall be subject to a civil penalty not to exceed ten thousand
17 dollars for each day after the sixtieth day that the manufacturer
18 does not make such copies available.

19 (5) The State Fire Marshal may adopt a subsequent
20 American Society of Testing and Materials Standard Test Method for
21 Measuring the Ignition Strength of Cigarettes upon a finding that
22 such subsequent method does not result in a change in the percentage
23 of full-length burns exhibited by any tested cigarette when compared
24 to the percentage of full-length burns the same cigarette would
25 exhibit when tested in accordance with the American Society of

1 Testing and Materials Standard E2187-04 and the performance standard
2 in subdivision (1)(c) of this section.

3 (6) The State Fire Marshal shall review the effectiveness
4 of this section and report every three years to the Legislature the
5 State Fire Marshal's findings and, if appropriate, recommendations
6 for legislation to improve the effectiveness of this section. The
7 report and legislative recommendations shall be submitted
8 electronically no later than November 15 each three-year period.

9 (7) The requirements of subsection (1) of this section
10 shall not prohibit wholesale or retail dealers from selling their
11 existing inventory of cigarettes on or after January 1, 2010, if the
12 wholesale or retail dealer can establish that state tax stamps were
13 affixed to the cigarettes prior to such date and if the wholesale or
14 retail dealer can establish that the inventory was purchased prior to
15 such date in comparable quantity to the inventory purchased during
16 the same period of the prior year.

17 (8) The Reduced Cigarette Ignition Propensity Act shall
18 be implemented in accordance with the implementation and substance of
19 the New York Fire Safety Standards for Cigarettes as such standards
20 existed on January 1, 2009.

21 Sec. 100. Section 69-2409, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 69-2409 (1) It is the intent of the Legislature that the
24 Nebraska State Patrol implement an expedited program of upgrading
25 Nebraska's automated criminal history files to be utilized for, among

1 other law enforcement purposes, an instant criminal history record
2 check on handgun purchasers when buying a handgun from a licensed
3 importer, manufacturer, or dealer so that such instant criminal
4 history record check may be implemented as soon as possible on or
5 after January 1, 1995.

6 (2) The patrol's automated arrest and conviction records
7 shall be reviewed annually by the Superintendent of Law Enforcement
8 and Public Safety who shall report the status of such records within
9 thirty days of such review to the Governor and the Clerk of the
10 Legislature. The report submitted to the Clerk of the Legislature
11 shall be submitted electronically. The instant criminal history
12 record check system shall be implemented by the patrol on or after
13 January 1, 1995, when, as determined by the Superintendent of Law
14 Enforcement and Public Safety, eighty-five percent of the Nebraska
15 arrest and conviction records since January 1, 1965, available to the
16 patrol are included in the patrol's automated system. Not less than
17 thirty days prior to implementation and enforcement of the instant
18 check system, the patrol shall send written notice to all licensed
19 importers, manufacturers, and dealers outlining the procedures and
20 toll-free number described in sections 69-2410 to 69-2423.

21 (3) Upon implementation of the instant criminal history
22 record check system, a person who desires to purchase, lease, rent,
23 or receive transfer of a handgun from a licensed importer,
24 manufacturer, or dealer may elect to obtain such handgun either under
25 sections 69-2401, 69-2403 to 69-2408, and 69-2409.01 or under

1 sections 69-2409.01 and 69-2410 to 69-2423.

2 Sec. 101. Section 69-2423, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 69-2423 The Nebraska State Patrol shall provide
5 electronically an annual report to the Judiciary Committee of the
6 Legislature which includes the number of inquiries made pursuant to
7 sections 69-2410 to 69-2423 for the prior calendar year, the number
8 of such inquiries resulting in a determination that the potential
9 buyer or transferee was prohibited from receipt or possession of a
10 handgun pursuant to state or federal law, the estimated costs of
11 administering such sections, the number of instances in which a
12 person requested amendment of the record pertaining to such person
13 pursuant to section 69-2414, and the number of instances in which a
14 county court issued an order directing the patrol to amend a record.

15 Sec. 102. Section 70-1003, Revised Statutes Cumulative
16 Supplement, 2010, is amended to read:

17 70-1003 (1) There is hereby established an independent
18 board to be known as the Nebraska Power Review Board to consist of
19 five members, one of whom shall be an engineer, one an attorney, one
20 an accountant, and two laypersons. No person who is or who has within
21 four years preceding his or her appointment been either a director,
22 officer, or employee of any electric utility or an elective state
23 officer shall be eligible for membership on the board. Members of the
24 board shall be appointed by the Governor subject to the approval of
25 the Legislature. Upon expiration of the terms of the members first

1 appointed, the successors shall be appointed for terms of four years.
2 No member of the board shall serve more than two consecutive terms.
3 Any vacancy on the board arising other than from the expiration of a
4 term shall be filled by appointment for the unexpired portion of the
5 term, and any person appointed to fill a vacancy on the board shall
6 be eligible for reappointment for two more consecutive terms. No more
7 than three members of the board shall be registered members of that
8 political party represented by the Governor. Each member of the board
9 shall receive sixty dollars per day for each day actually and
10 necessarily engaged in the performance of his or her duties, but not
11 to exceed six thousand dollars in any one year, and shall be
12 reimbursed for his or her actual and necessary expenses while so
13 engaged as provided in sections 81-1174 to 81-1177. The board shall
14 have jurisdiction as provided in Chapter 70, article 10.

15 (2) The board shall meet promptly after its members have
16 been appointed. They shall elect from their members a chairperson and
17 a vice-chairperson. Decisions of the board shall require the approval
18 of a majority of the members of the board.

19 (3) The board shall employ an executive director and may
20 employ such other staff necessary to carry out the duties pursuant to
21 Chapter 70, article 10. The executive director shall serve at the
22 pleasure of the board and shall be solely responsible to the board.
23 The executive director shall be responsible for the administrative
24 operations of the board and shall perform such other duties as may be
25 delegated or assigned to him or her by the board. The board may

1 obtain the services of experts and consultants necessary to carry out
2 the board's duties pursuant to Chapter 70, article 10.

3 (4) The board shall publish and submit a biennial report
4 with annual data to the Governor, with copies to be filed with the
5 Clerk of the Legislature and with the State Energy Office. The report
6 submitted to the Clerk of the Legislature shall be submitted
7 electronically. The State Energy Office shall consider the
8 information in the Nebraska Power Review Board's report when the
9 State Energy Office prepares its own reports pursuant to sections
10 81-1606 and 81-1607. The report of the board shall include:

11 (a) The assessments for the fiscal year imposed pursuant
12 to section 70-1020;

13 (b) The gross income totals for each category of the
14 industry and the industry total;

15 (c) The number of suppliers against whom the assessment
16 is levied, by category and in total;

17 (d) The projected dollar costs of generation,
18 transmission, and microwave applications, approved and denied;

19 (e) The actual dollar costs of approved applications upon
20 completion, and a summary of an informational hearing concerning any
21 significant divergence between the projected and actual costs;

22 (f) A description of Nebraska's current electric system
23 and information on additions to and retirements from the system
24 during the fiscal year, including microwave facilities;

25 (g) A statistical summary of board activities and an

1 expenditure summary;

2 (h) A roster of power suppliers in Nebraska and the
3 assessment each paid; and

4 (i) Appropriately detailed historical and projected
5 electric supply and demand statistics, including information on the
6 total generating capacity owned by Nebraska suppliers and the total
7 peak load demand of the previous year, along with an indication of
8 how the industry will respond to the projected situation.

9 (5) The board may, in its discretion, hold public
10 hearings concerning the conditions that may indicate that retail
11 competition in the electric industry would benefit Nebraska's
12 citizens and what steps, if any, should be taken to prepare for
13 retail competition in Nebraska's electricity market. In determining
14 whether to hold such hearings, the board shall consider the
15 sufficiency of public interest.

16 (6) The board may, at any time deemed beneficial by the
17 board, submit a report to the Governor with copies to be filed with
18 the Clerk of the Legislature and the Natural Resources Committee of
19 the Legislature. The report filed with the Clerk of the Legislature
20 and the committee shall be filed electronically. The report may
21 include:

22 (a) Whether or not a viable regional transmission
23 organization and adequate transmission exist in Nebraska or in a
24 region which includes Nebraska;

25 (b) Whether or not a viable wholesale electricity market

1 exists in a region which includes Nebraska;

2 (c) To what extent retail rates have been unbundled in
3 Nebraska;

4 (d) A comparison of Nebraska's wholesale electricity
5 prices to the prices in the region; and

6 (e) Any other information the board believes to be
7 beneficial to the Governor, the Legislature, and Nebraska's citizens
8 when considering whether retail electric competition would be
9 beneficial, such as, but not limited to, an update on deregulation
10 activities in other states and an update on federal deregulation
11 legislation.

12 (7) The board ~~is authorized to~~ may establish working
13 groups of interested parties to assist the board in carrying out the
14 powers set forth in subsections (5) and (6) of this section.

15 Sec. 103. Section 71-219.03, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 71-219.03 The Board of Barber Examiners shall set the
18 fees at a level sufficient to provide for all actual and necessary
19 expenses and salaries of the board and in such a manner that
20 unnecessary surpluses are avoided. The board shall annually file a
21 report with the Attorney General and the Legislative Fiscal Analyst
22 stating the amount of the fees set by the board. Such report shall be
23 submitted on or before July 1 of each year. The report submitted to
24 the Legislative Fiscal Analyst shall be submitted electronically.

25 Sec. 104. Section 71-529, Revised Statutes Supplement,

1 2011, is amended to read:

2 71-529 The Department of Health and Human Services may
3 participate in the national efforts described in sections 71-527 and
4 71-528 and may develop a statewide immunization action plan which is
5 comprehensive in scope and reflects contributions from a broad base
6 of providers and consumers. In order to implement the statewide
7 immunization action plan, the department may:

8 (1) Actively seek the participation and commitment of the
9 public, health care professionals and facilities, the educational
10 community, and community organizations in a comprehensive program to
11 ensure that the state's children are appropriately immunized;

12 (2) Apply for and receive public and private awards to
13 purchase vaccines and to administer a statewide comprehensive
14 program;

15 (3) Provide immunization information and education to the
16 public, parents, health care providers, and educators to establish
17 and maintain a high level of awareness and demand for immunization by
18 parents;

19 (4) Assist parents, health care providers, and
20 communities in developing systems, including demonstration and pilot
21 projects, which emphasize well-child care and the use of private
22 practitioners and which improve the availability of immunization and
23 improve management of immunization delivery so as to ensure the
24 adequacy of the vaccine delivery system;

25 (5) Evaluate the effectiveness of these statewide

1 efforts, conduct ongoing measurement of children's immunization
2 status, identify children at special risk for deficiencies in
3 immunization, and report on the activities of the statewide
4 immunization program annually to the Legislature and the citizens of
5 Nebraska. The report submitted to the Legislature shall be submitted
6 electronically;

7 (6) Recognize persons who volunteer their efforts towards
8 achieving the goal of providing immunization of the children of
9 Nebraska and in meeting the Healthy People 2000 objective of series-
10 complete immunization coverage for ninety percent or more of United
11 States children by their second birthday;

12 (7) Establish a statewide program to immunize Nebraska
13 children from birth up to six years of age against measles, mumps,
14 rubella, poliomyelitis, diphtheria, pertussis, tetanus, hepatitis B,
15 and haemophilus influenzae type B. The program shall serve children
16 who are not otherwise eligible for childhood immunization coverage
17 with medicaid or other federal funds or are not covered by private
18 third-party payment; and

19 (8) Contract to provide vaccine under the statewide
20 program authorized under subdivision (7) of this section without cost
21 to health care providers subject to the following conditions:

22 (a) In order to receive vaccine without cost, health care
23 providers shall not charge for the cost of the vaccine. Health care
24 providers may charge a fee for the administration of the vaccine but
25 may not deny service because of the parent's or guardian's inability

1 to pay such fee. Fees for administration of the vaccine shall be
2 negotiated between the department and the health care provider, shall
3 be uniform among participating providers, and shall be no more than
4 the cost ceiling for the region in which Nebraska is included as set
5 by the Secretary of the United States Department of Health and Human
6 Services for the Vaccines for Children Program authorized by the
7 Omnibus Budget Reconciliation Act of 1993;

8 (b) Health care providers shall administer vaccines
9 according to the schedule recommended by the Advisory Committee on
10 Immunization Practices of the Centers for Disease Control and
11 Prevention or by the American Academy of Pediatrics unless in the
12 provider's medical judgment, subject to accepted medical practice,
13 such compliance is medically inappropriate; and

14 (c) Health care providers shall maintain records on
15 immunizations as prescribed by this section for inspection and audit
16 by the Department of Health and Human Services or the Auditor of
17 Public Accounts, including responses by parents or guardians to
18 simple screening questions related to payment coverage by public or
19 private third-party payors, identification of the administration fee
20 as separate from any other cost charged for other services provided
21 at the same time the vaccination service is provided, and other
22 information as determined by the department to be necessary to comply
23 with subdivision (5) of this section. Such immunization records may
24 also be used for information exchange as provided in sections 71-539
25 to 71-544.

1 Sec. 105. Section 71-707, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-707 The Department of Health and Human Services shall
4 issue an annual report to the Governor and the Legislature on
5 September 1 for the preceding fiscal year's activities of the Women's
6 Health Initiative of Nebraska. The report submitted to the
7 Legislature shall be submitted electronically. The report shall
8 include progress reports on any programs, activities, or educational
9 promotions that were undertaken by the initiative. The report shall
10 also include a status report on women's health in Nebraska and any
11 results achieved by the initiative.

12 Sec. 106. Section 71-810, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 71-810 (1) The division shall encourage and facilitate
15 the statewide development and provision of an appropriate array of
16 community-based behavioral health services and continuum of care for
17 the purposes of (a) providing greater access to such services and
18 improved outcomes for consumers of such services and (b) reducing the
19 necessity and demand for regional center behavioral health services.

20 (2) The division may reduce or discontinue regional
21 center behavioral health services only if (a) appropriate community-
22 based services or other regional center behavioral health services
23 are available for every person receiving the regional center services
24 that would be reduced or discontinued, (b) such services possess
25 sufficient capacity and capability to effectively replace the service

1 needs which otherwise would have been provided at such regional
2 center, and (c) no further commitments, admissions, or readmissions
3 for such services are required due to the availability of community-
4 based services or other regional center services to replace such
5 services.

6 (3) The division shall notify the Governor and the
7 Legislature of any intended reduction or discontinuation of regional
8 center services under this section. The notification submitted to the
9 Legislature shall be submitted electronically. Such notice shall
10 include detailed documentation of the community-based services or
11 other regional center services that are being utilized to replace
12 such services.

13 (4) As regional center services are reduced or
14 discontinued under this section, the division shall make appropriate
15 corresponding reductions in regional center personnel and other
16 expenditures related to the provision of such services. All funding
17 related to the provision of regional center services that are reduced
18 or discontinued under this section shall be reallocated and expended
19 by the division for purposes related to the statewide development and
20 provision of community-based services.

21 (5) The division may establish state-operated community-
22 based services to replace regional center services that are reduced
23 or discontinued under this section. The division shall provide
24 regional center employees with appropriate training and support to
25 transition such employees into positions as may be necessary for the

1 provision of such state-operated services.

2 (6) When the occupancy of the licensed psychiatric
3 hospital beds of any regional center reaches twenty percent or less
4 of its licensed psychiatric hospital bed capacity on March 15, 2004,
5 the division shall notify the Governor and the Legislature of such
6 fact. Upon such notification, the division, with the approval of a
7 majority of members of the Executive Board of the Legislative
8 Council, may provide for the transfer of all remaining patients at
9 such center to appropriate community-based services or other regional
10 center services pursuant to this section and cease the operation of
11 such regional center.

12 (7) The division, in consultation with each regional
13 behavioral health authority, shall establish and maintain a data and
14 information system for all persons receiving state-funded behavioral
15 health services under the Nebraska Behavioral Health Services Act.
16 Information maintained by the division shall include, but not be
17 limited to, (a) the number of persons receiving regional center
18 services, (b) the number of persons ordered by a mental health board
19 to receive inpatient or outpatient treatment and receiving regional
20 center services, (c) the number of persons ordered by a mental health
21 board to receive inpatient or outpatient treatment and receiving
22 community-based services, (d) the number of persons voluntarily
23 admitted to a regional center and receiving regional center services,
24 (e) the number of persons waiting to receive regional center
25 services, (f) the number of persons waiting to be transferred from a

1 regional center to community-based services or other regional center
2 services, (g) the number of persons discharged from a regional center
3 who are receiving community-based services or other regional center
4 services, and (h) the number of persons admitted to behavioral health
5 crisis centers. Each regional behavioral health authority shall
6 provide such information as requested by the division and necessary
7 to carry out this subsection. The division shall submit reports of
8 such information to the Governor and the Legislature on a quarterly
9 basis beginning July 1, 2005, in a format which does not identify any
10 person by name, address, county of residence, social security number,
11 or other personally identifying characteristic. The report submitted
12 to the Legislature shall be submitted electronically.

13 (8) The provisions of this section are self-executing and
14 require no further authorization or other enabling legislation.

15 Sec. 107. Section 71-816, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 71-816 (1) The Legislature finds that the main sources of
18 funding for the Compulsive Gamblers Assistance Fund are the
19 Charitable Gaming Operations Fund as provided in section 9-1,101 and
20 the State Lottery Operation Trust Fund as provided in section 9-812
21 and Article III, section 24, of the Constitution of Nebraska. It is
22 the intent of the Legislature that the Compulsive Gamblers Assistance
23 Fund be used primarily for counseling and treatment services for
24 problem gamblers and their families who are residents of Nebraska.

25 (2) The State Committee on Problem Gambling is created.

1 Members of the committee shall have a demonstrated interest and
2 commitment and specialized knowledge, experience, or expertise
3 relating to problem gambling in the State of Nebraska. The committee
4 shall consist of twelve members appointed by the Governor and shall
5 include at least three consumers of problem gambling services. The
6 committee shall appoint one of its members as chairperson of the
7 committee and other officers as it deems appropriate. The committee
8 shall conduct regular meetings and shall meet upon the call of the
9 chairperson or a majority of its members to conduct its official
10 business.

11 (3) The committee shall develop and recommend to the
12 division guidelines and standards for the distribution and
13 disbursement of money in the Compulsive Gamblers Assistance Fund.
14 Such guidelines and standards shall be based on nationally recognized
15 standards for problem gamblers assistance programs.

16 (4) In addition, the committee shall develop
17 recommendations regarding (a) the evaluation and approval process for
18 provider applications and contracts for treatment funding from the
19 Compulsive Gamblers Assistance Fund, (b) the review and use of
20 evaluation data, (c) the use and expenditure of funds for education
21 regarding problem gambling and prevention of problem gambling, and
22 (d) the creation and implementation of outreach and educational
23 programs regarding problem gambling for Nebraska residents. The
24 committee may engage in other activities it finds necessary to carry
25 out its duties under this section.

1 (5) Based on the recommendations of the committee, the
2 division shall adopt guidelines and standards for the distribution
3 and disbursement of money in the fund and for administration of
4 problem gambling services in Nebraska.

5 (6) The division and the committee shall jointly submit a
6 report within sixty days after the end of each fiscal year to the
7 Legislature and the Governor that provides details of the
8 administration of services and distribution of funds. The report
9 submitted to the Legislature shall be submitted electronically.

10 Sec. 108. Section 71-825, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 71-825 The department shall provide an annual report, no
13 later than December 1, to the Governor and the Legislature on the
14 operation of the Children and Family Support Hotline established
15 under section 71-822, the Family Navigator Program established under
16 section 71-823, and the provision of voluntary post-adoption and
17 post-guardianship case management services under section 71-824. The
18 report submitted to the Legislature shall be submitted
19 electronically.

20 Sec. 109. Section 71-827, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 71-827 (1) The Children's Behavioral Health Oversight
23 Committee of the Legislature is created as a special legislative
24 committee. The committee shall consist of nine members of the
25 Legislature appointed by the Executive Board of the Legislative

1 Council as follows: (a) Two members of the Appropriations Committee
2 of the Legislature, (b) two members of the Health and Human Services
3 Committee of the Legislature, (c) two members of the Judiciary
4 Committee of the Legislature, and (d) three members of the
5 Legislature who are not members of such committees. The Children's
6 Behavioral Health Oversight Committee shall elect a chairperson and
7 vice-chairperson from among its members. The executive board shall
8 appoint members of the committee no later than thirty days after May
9 23, 2009, and within the first six legislative days of the regular
10 legislative session in 2011. The committee and this section terminate
11 on December 31, 2012.

12 (2) The committee shall monitor the effect of
13 implementation of the Children and Family Behavioral Health Support
14 Act and other child welfare and juvenile justice initiatives by the
15 department related to the provision of behavioral health services to
16 children and their families.

17 (3) The committee shall meet at least quarterly with
18 representatives of the Division of Behavioral Health and the Division
19 of Children and Family Services of the Department of Health and Human
20 Services and with other interested parties and may meet at other
21 times at the call of the chairperson.

22 (4) Staff support for the committee shall be provided by
23 existing legislative staff as directed by the executive board. The
24 committee may request the executive board to hire consultants that
25 the committee deems necessary to carry out the purposes of the

1 committee under this section.

2 (5) The committee shall provide a report to the Governor
3 and the Legislature no later than December 1 of each year. The report
4 submitted to the Legislature shall be submitted electronically. The
5 report shall include, but not be limited to, findings and
6 recommendations relating to the provision of behavioral health
7 services to children and their families.

8 Sec. 110. Section 71-830, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 71-830 (1) The Behavioral Health Education Center is
11 created beginning July 1, 2009, and shall be administered by the
12 University of Nebraska Medical Center.

13 (2) The center shall:

14 (a) Provide funds for two additional medical residents in
15 a Nebraska-based psychiatry program each year starting in 2010 until
16 a total of eight additional psychiatry residents are added in 2013.
17 Beginning in 2011 and every year thereafter, the center shall provide
18 psychiatric residency training experiences that serve rural Nebraska
19 and other underserved areas. As part of his or her residency training
20 experiences, each center-funded resident shall participate in the
21 rural training for a minimum of one year. Beginning in 2012, a
22 minimum of two of the eight center-funded residents shall be active
23 in the rural training each year;

24 (b) Focus on the training of behavioral health
25 professionals in telehealth techniques, including taking advantage of

1 a telehealth network that exists, and other innovative means of care
2 delivery in order to increase access to behavioral health services
3 for all Nebraskans;

4 (c) Analyze the geographic and demographic availability
5 of Nebraska behavioral health professionals, including psychiatrists,
6 social workers, community rehabilitation workers, psychologists,
7 substance abuse counselors, licensed mental health practitioners,
8 behavioral analysts, peer support providers, primary care physicians,
9 nurses, nurse practitioners, and pharmacists;

10 (d) Prioritize the need for additional professionals by
11 type and location;

12 (e) Establish learning collaborative partnerships with
13 other higher education institutions in the state, hospitals, law
14 enforcement, community-based agencies, and consumers and their
15 families in order to develop evidence-based, recovery-focused,
16 interdisciplinary curriculum and training for behavioral health
17 professionals delivering behavioral health services in community-
18 based agencies, hospitals, and law enforcement. Development and
19 dissemination of such curriculum and training shall address the
20 identified priority needs for behavioral health professionals; and

21 (f) Beginning in 2011, develop two interdisciplinary
22 behavioral health training sites each year until a total of six sites
23 have been developed. Four of the six sites shall be in counties with
24 a population of fewer than fifty thousand inhabitants. Each site
25 shall provide annual interdisciplinary training opportunities for a

1 minimum of three behavioral health professionals.

2 (3) No later than December 1, 2011, and no later than
3 December 1 of every odd-numbered year thereafter, the center shall
4 prepare a report of its activities under the Behavioral Health
5 Workforce Act. The report shall be filed electronically with the
6 Clerk of the Legislature and shall be provided electronically to any
7 member of the Legislature upon request.

8 Sec. 111. Section 71-1134, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 71-1134 (1) The department in collaboration with the
11 Advisory Committee on Developmental Disabilities established under
12 section 83-1212.01 shall submit quarterly reports to the court, all
13 parties of record, and the guardian of any subject in court-ordered
14 custody.

15 (2) The department shall submit electronically an annual
16 report to the Legislature regarding the implementation of the
17 Developmental Disabilities Court-Ordered Custody Act. Such reports
18 shall not contain any name, address, or other identifying factors or
19 other confidential information regarding any subject.

20 Sec. 112. Section 71-1628.05, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 71-1628.05 Each local public health department shall
23 prepare an annual report regarding the core public health functions
24 carried out by the department in the prior fiscal year. The report
25 shall be submitted to the Department of Health and Human Services by

1 October 1. The Department of Health and Human Services shall compile
2 the reports and submit the results electronically to the Health and
3 Human Services Committee of the Legislature by December 1.

4 Sec. 113. Section 71-1628.07, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 71-1628.07 (1) The Department of Health and Human
7 Services shall establish a satellite office of minority health in
8 each congressional district to coordinate and administer state policy
9 relating to minority health. Each office shall implement a minority
10 health initiative in counties with a minority population of at least
11 five percent of the total population of the county as determined by
12 the most recent federal decennial census which shall target, but not
13 be limited to, infant mortality, cardiovascular disease, obesity,
14 diabetes, and asthma.

15 (2) Each office shall prepare an annual report regarding
16 minority health initiatives implemented in the immediately preceding
17 fiscal year. The report shall be submitted to the department by
18 October 1. The department shall submit such reports electronically to
19 the Health and Human Services Committee of the Legislature by
20 December 1.

21 Sec. 114. Section 71-17,115, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 71-17,115 The department shall annually provide a report
24 to the Governor and the Clerk of the Legislature on the status of the
25 program, the status of the loan recipients, and the impact of the

1 program on the number of nursing faculty in Nebraska. The report
2 submitted to the Clerk of the Legislature shall be submitted
3 electronically. Any report which includes information about loan
4 recipients shall exclude confidential information or any other
5 information which specifically identifies a loan recipient.

6 Sec. 115. Section 71-1904, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 71-1904 (1) The department shall adopt and promulgate
9 rules and regulations pursuant to sections 71-1901 to 71-1906.01 for
10 (a) the proper care and protection of children by licensees under
11 such sections, (b) the issuance, suspension, and revocation of
12 licenses to provide foster care, (c) the issuance, suspension, and
13 revocation of probationary licenses to provide foster care, (d) the
14 issuance, suspension, and revocation of provisional licenses to
15 provide foster care, (e) the provision of training in foster care,
16 which training shall be directly related to the skills necessary to
17 care for children in need of out-of-home care, including, but not
18 limited to, abused, neglected, dependent, and delinquent children,
19 and (f) the proper administration of sections 71-1901 to 71-1906.01.

20 (2) The training required by subdivision (1)(e) of this
21 section may be waived in whole or in part by the department for
22 persons operating foster homes providing care only to relatives of
23 the foster care provider. Such waivers shall be granted on a case-by-
24 case basis upon assessment by the department of the appropriateness
25 of the relative foster care placement. The department shall submit

1 electronically an annual report ~~annually~~ to the Health and Human
2 Services Committee of the Legislature the number of waivers granted
3 under this subsection and the total number of children placed in
4 relative foster homes.

5 Sec. 116. Section 71-2516, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 71-2516 The Department of Health and Human Services may
8 participate in national efforts and may develop a statewide
9 environmental lead hazard awareness action plan which is
10 comprehensive in scope and reflects contributions from a broad base
11 of providers and consumers. In order to implement the statewide
12 environmental lead hazard awareness action plan, the department may:

13 (1) Actively seek the participation and commitment of the
14 public, health care professionals and facilities, the educational
15 community, and community organizations in a comprehensive program to
16 ensure that the state's children are appropriately protected from
17 environmental lead hazards;

18 (2) Apply for and receive public and private awards to
19 develop and administer a statewide comprehensive environmental lead
20 hazard awareness action plan program;

21 (3) Provide environmental lead hazard information and
22 education to the public, parents, health care providers, and
23 educators to establish and maintain a high level of awareness;

24 (4) Assist parents, health care providers, and
25 communities in developing systems, including demonstration and pilot

1 projects, which emphasize the protection of children from
2 environmental lead poisoning and the use of private practitioners;
3 and

4 (5) Evaluate the effectiveness of these statewide
5 efforts, identify children at special risk for environmental lead
6 hazard exposure, and report electronically on the activities of the
7 statewide program annually to the Legislature and the citizens of
8 Nebraska.

9 Sec. 117. Section 71-3407, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 71-3407 (1) The purposes of the team shall be to (a)
12 develop an understanding of the causes and incidence of child deaths
13 in this state, (b) develop recommendations for changes within
14 relevant agencies and organizations which may serve to prevent child
15 deaths, and (c) advise the Governor, the Legislature, and the public
16 on changes to law, policy, and practice which will prevent child
17 deaths.

18 (2) The team shall:

19 (a) Undertake annual statistical studies of the causes
20 and incidence of child deaths in this state. The studies shall
21 include, but not be limited to, an analysis of the records of
22 community, public, and private agency involvement with the children
23 and their families prior to and subsequent to the deaths;

24 (b) Develop a protocol for retrospective investigation of
25 child deaths by the team;

1 (c) Develop a protocol for collection of data regarding
2 child deaths by the team;

3 (d) Consider training needs, including cross-agency
4 training, and service gaps;

5 (e) Include in its annual report recommended changes to
6 any law, rule, regulation, or policy needed to decrease the incidence
7 of preventable child deaths;

8 (f) Educate the public regarding the incidence and causes
9 of child deaths, the public role in preventing child deaths, and
10 specific steps the public can undertake to prevent child deaths. The
11 team may enlist the support of civic, philanthropic, and public
12 service organizations in the performance of its educational duties;

13 (g) Provide the Governor, the Legislature, and the public
14 with annual ~~written~~ reports which shall include the team's findings
15 and recommendations for each of its duties. The reports submitted to
16 the Legislature shall be submitted electronically; and

17 (h) When appropriate, make referrals to those agencies as
18 required in section 28-711 or as otherwise required by state law.

19 Sec. 118. Section 71-4728, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 71-4728 The commission shall serve as the principal state
22 agency responsible for monitoring public policies and implementing
23 programs which shall improve the quality and coordination of existing
24 services for deaf or hard of hearing persons and promote the
25 development of new services when necessary. To perform this function

1 the commission shall:

2 (1) Inventory services available for meeting the problems
3 of persons with a hearing loss and assist such persons in locating
4 and securing such services;

5 (2) License interpreters under sections 20-150 to 20-159
6 and prepare and maintain a roster of licensed interpreters. The
7 roster shall include the type of employment the interpreter generally
8 engages in, the type of license the interpreter holds, and the
9 expiration date of the license. Each interpreter included on the
10 roster shall provide the commission with his or her social security
11 number which shall be kept confidential by the commission. The roster
12 shall be made available to local, state, and federal agencies and
13 shall be used for referrals to private organizations and individuals
14 seeking interpreters;

15 (3) Promote the training of interpreters for deaf or hard
16 of hearing persons;

17 (4) Provide counseling to deaf or hard of hearing persons
18 or refer such persons to private or governmental agencies which
19 provide counseling services;

20 (5) Conduct a voluntary census of deaf or hard of hearing
21 persons in Nebraska and compile a current registry;

22 (6) Promote expanded adult educational opportunities for
23 deaf or hard of hearing persons;

24 (7) Serve as an agency for the collection of information
25 concerning deaf or hard of hearing persons and for the dispensing of

1 such information to interested persons by collecting studies,
2 compiling bibliographies, gathering information, and conducting
3 research with respect to the education, training, counseling,
4 placement, and social and economic adjustment of deaf or hard of
5 hearing persons and with respect to the causes, diagnosis, treatment,
6 and methods of prevention of impaired hearing;

7 (8) Appoint advisory or special committees when
8 appropriate for indepth investigations and study of particular
9 problems and receive reports of findings and recommendations;

10 (9) Assess and monitor programs for services to deaf or
11 hard of hearing persons and make recommendations to those state
12 agencies providing such services regarding changes necessary to
13 improve the quality and coordination of the services;

14 (10) Make recommendations to the Governor and the
15 Legislature with respect to modification in existing services or
16 establishment of additional services for deaf or hard of hearing
17 persons. The recommendations submitted to the Legislature shall be
18 submitted electronically;

19 (11) Promote awareness and understanding of the rights of
20 deaf or hard of hearing persons;

21 (12) Promote statewide communication services for deaf or
22 hard of hearing persons;

23 (13) Assist deaf or hard of hearing persons in accessing
24 comprehensive mental health, alcoholism, and drug abuse services;

25 (14) Provide licensed interpreters in public and private

1 settings for the benefit of deaf or hard of hearing persons, if
2 private-practice licensed interpreters are not available, and
3 establish and collect reasonable fees for such interpreter services;

4 (15) Make recommendations to the State Department of
5 Education, public school districts, and educational service units
6 regarding policies and procedures for qualified educational
7 interpreter guidelines and a training program as required in
8 subsection (3) of section 20-150, including, but not limited to,
9 testing, training, and grievances; and

10 (16) Approve, conduct, and sponsor continuing education
11 programs and other activities to assess continuing competence of
12 licensees. The commission shall establish and charge reasonable fees
13 for such activities. All fees collected pursuant to this section by
14 the commission shall be remitted to the State Treasurer for credit to
15 the Commission for the Deaf and Hard of Hearing Fund. Such fees shall
16 be disbursed for payment of expenses related to this section.

17 Sec. 119. Section 71-4741, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 71-4741 (1) The Department of Health and Human Services
20 shall determine which birthing facilities are administering hearing
21 screening tests to newborns and infants on a voluntary basis and the
22 number of newborns and infants screened. The department shall
23 ~~annually~~ submit electronically an annual report to the Legislature
24 stating the number of:

25 (a) Birthing facilities administering voluntary hearing

1 screening tests during birth admission;

2 (b) Newborns screened as compared to the total number of
3 newborns born in such facilities;

4 (c) Newborns who passed a hearing screening test during
5 birth admission if administered;

6 (d) Newborns who did not pass a hearing screening test
7 during birth admission if administered; and

8 (e) Newborns recommended for followup care.

9 (2) The Department of Health and Human Services, in
10 consultation with the State Department of Education, birthing
11 facilities, and other providers, shall develop approved screening
12 methods and protocol for statewide hearing screening tests of
13 substantially all newborns and infants.

14 (3) Subject to available appropriations, the Department
15 of Health and Human Services shall make the report described in this
16 section available.

17 Sec. 120. Section 71-51,103, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 71-51,103 There is hereby created the Nebraska Emergency
20 Medical System Operations Fund. The fund may receive gifts, bequests,
21 grants, fees, or other contributions or donations from public or
22 private entities. The fund shall be used to carry out the purposes of
23 the Statewide Trauma System Act and the Emergency Medical Services
24 Practice Act, including activities related to the design,
25 maintenance, or enhancement of the statewide trauma system, support

1 of emergency medical services programs, and support for the emergency
2 medical services programs for children. The Department of Health and
3 Human Services shall annually, on or before January 1, submit
4 electronically a report to the Legislature which includes a general
5 accounting of the income and expenditures of the fund. Any money in
6 the fund available for investment shall be invested by the state
7 investment officer pursuant to the Nebraska Capital Expansion Act and
8 the Nebraska State Funds Investment Act.

9 Sec. 121. Section 71-5206.01, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 71-5206.01 (1) The Legislature may provide funding to the
12 Office of Rural Health for the purpose of funding the cost of
13 resident stipends and benefits, which funding may include health
14 insurance, professional liability insurance, disability insurance,
15 medical education expenses, continuing competency expenses, pension
16 benefits, moving expenses, and meal expenses in family practice
17 residency programs based in Nebraska but which are not under a
18 contract pursuant to section 71-5206. The resident stipends and
19 benefits funded in this section shall apply only to residents who
20 begin family practice residency training at a qualifying institution
21 in years beginning on or after January 1, 1993. The total funding
22 provided in the form of stipend and benefit support per resident to a
23 family practice residency program under this section shall not exceed
24 the total funding provided in the form of stipend and benefit support
25 per resident to a family practice residency program under section

1 71-5203.

2 (2) Upon receiving an itemized statement of the cost of
3 stipends and benefits of a family practice residency program from a
4 sponsoring institution and upon determining that the sponsoring
5 institution is not receiving funds under a contract pursuant to
6 section 71-5206, the office may reimburse such institution fifty
7 percent of such cost for each family practice resident in the
8 program. The office may reimburse such institution twenty-five
9 percent of the remaining cost per family practice resident for each
10 year that one of the program's graduates practices family medicine in
11 Nebraska, up to a maximum of three years for each graduate, and an
12 additional twenty-five percent of the remaining cost per resident for
13 each of the program's graduates who practices family medicine in an
14 area of Nebraska classified as of January 1, 1991, by the United
15 States Secretary of Health and Human Services as Medicare Locale 16.
16 The total number of residents receiving annual financial payments
17 made under this section shall not exceed nine students during any
18 school year.

19 (3) At the end of the third year of the funding under
20 this section, the sponsoring institutions and the office shall report
21 electronically to the Legislature regarding the performance of the
22 residency programs and the placement of residents and physicians for
23 training and practice.

24 Sec. 122. Section 71-5210, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 71-5210 Sections 71-5210 to ~~71-5213~~71-5212 shall be
2 known and may be cited as the Primary Care Provider Act.

3 Sec. 123. Section 71-5322, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-5322 The department shall have the following powers
6 and duties:

7 (1) The power to establish a program to make loans to
8 owners of public water systems, individually or jointly, for
9 construction or modification of safe drinking water projects in
10 accordance with the Drinking Water State Revolving Fund Act and the
11 rules and regulations of the council adopted and promulgated pursuant
12 to such act;

13 (2) The power, if so authorized by the council pursuant
14 to section 71-5321, to execute and deliver documents obligating the
15 Drinking Water Facilities Loan Fund or the Land Acquisition and
16 Source Water Loan Fund and the assets thereof to the extent permitted
17 by section 71-5318 to repay, with interest, loans to or credits into
18 such funds and to execute and deliver documents pledging to the
19 extent permitted by section 71-5318 all or part of such funds and
20 assets to secure, directly or indirectly, the loans or credits;

21 (3) The duty to prepare an annual report for the Governor
22 and the Legislature. The report submitted to the Legislature shall be
23 submitted electronically;

24 (4) The duty to establish fiscal controls and accounting
25 procedures sufficient to assure proper accounting during appropriate

1 accounting periods, including the following:

2 (a) Accounting from the Nebraska Investment Finance
3 Authority for the costs associated with the issuance of bonds
4 pursuant to the act;

5 (b) Accounting for payments or deposits received by the
6 funds;

7 (c) Accounting for disbursements made by the funds; and

8 (d) Balancing the funds at the beginning and end of the
9 accounting period;

10 (5) The duty to establish financial capability
11 requirements that assure sufficient revenue to operate and maintain a
12 facility for its useful life and to repay the loan for such facility;

13 (6) The power to determine the rate of interest to be
14 charged on a loan in accordance with the rules and regulations
15 adopted and promulgated by the council;

16 (7) The power to develop an intended use plan, in
17 consultation with the Director of Public Health of the Division of
18 Public Health, for adoption by the council;

19 (8) The power to enter into required agreements with the
20 United States Environmental Protection Agency pursuant to the Safe
21 Drinking Water Act;

22 (9) The power to enter into agreements for the purpose of
23 providing loan forgiveness concurrent with loans to public water
24 systems operated by political subdivisions with populations of ten
25 thousand inhabitants or less which demonstrate serious financial

1 hardships. The department may enter into agreements for up to one-
2 half of the eligible project cost. Such agreements shall contain a
3 provision that payment of the amount allocated is conditional upon
4 the availability of appropriated funds;

5 (10) The power to provide emergency funding to public
6 water systems operated by political subdivisions with drinking water
7 facilities which have been damaged or destroyed by natural disaster
8 or other unanticipated actions or circumstances. Such funding shall
9 not be used for routine repair or maintenance of facilities;

10 (11) The power to provide financial assistance consistent
11 with the intended use plan, described in subdivision (7) of this
12 section, for completion of engineering studies, research projects to
13 investigate low-cost options for achieving compliance with safe
14 drinking water standards, preliminary engineering reports, regional
15 water system planning, source water protection, and other studies for
16 the purpose of enhancing the ability of communities to meet the
17 requirements of the Safe Drinking Water Act, to public water systems
18 operated by political subdivisions with populations of ten thousand
19 inhabitants or less which demonstrate serious financial hardships.
20 The department may enter into agreements for up to ninety percent of
21 the eligible project cost. Such agreements shall contain a provision
22 that payment of the amount obligated is conditional upon the
23 availability of appropriated funds; and

24 (12) Such other powers as may be necessary and
25 appropriate for the exercise of the duties created under the Drinking

1 Water State Revolving Fund Act.

2 Sec. 124. Section 71-6226, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 71-6226 (1) After receiving and considering reports from
5 the committee or the board, the director shall prepare a final report
6 for the Legislature. The final report shall include copies of the
7 committee report and the board report, if any, but the director shall
8 not be bound by the findings and recommendations of such reports. The
9 director in compiling his or her report shall apply the criteria
10 established in sections 71-6221 to 71-6223 and may consult with the
11 board or the committee. The recommendation of the director shall be
12 developed in a manner consistent with subsection (3) of section
13 71-6224. The final report shall be submitted electronically to the
14 Speaker of the Legislature, the Chairperson of the Executive Board of
15 the Legislature, and the Chairperson of the Health and Human Services
16 Committee of the Legislature no later than nine months after the
17 application is submitted to the director and shall be made available
18 electronically to all other members of the Legislature upon request.

19 (2) The director may recommend that no legislative action
20 be taken on an application. If the director recommends that an
21 application of an applicant group be approved, the director shall
22 recommend an agency to be responsible for the regulation and the
23 level of regulation to be assigned to such applicant group.

24 (3) An application which is resubmitted shall be
25 considered the same as a new application.

1 Sec. 125. Section 71-7606, Revised Statutes Supplement,
2 2011, is amended to read:

3 71-7606 (1) The purpose of the Nebraska Health Care
4 Funding Act is to provide for the use of dedicated revenue for
5 health-care-related expenditures and administration and enforcement
6 of the Master Settlement Agreement as defined in section 69-2702.

7 (2) Any funds appropriated or distributed under the act
8 shall not be considered ongoing entitlements or obligations on the
9 part of the State of Nebraska and shall not be used to replace
10 existing funding for existing programs.

11 (3) No funds appropriated or distributed under the act
12 shall be used for abortion, abortion counseling, referral for
13 abortion, or research or activity of any kind involving the use of
14 human fetal tissue obtained in connection with the performance of an
15 induced abortion or involving the use of human embryonic stem cells
16 or for the purpose of obtaining other funding for such use.

17 (4) The Department of Health and Human Services shall
18 report annually to the Legislature and the Governor regarding the use
19 of funds appropriated under the act and the outcomes achieved from
20 such use. The report submitted to the Legislature shall be submitted
21 electronically.

22 Sec. 126. Section 71-7611, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 71-7611 (1) The Nebraska Health Care Cash Fund is
25 created. The State Treasurer shall transfer (a) fifty-six million one

1 hundred thousand dollars no later than July 15, 2009, and (b) fifty-
2 nine million one hundred thousand dollars beginning July 15, 2010,
3 and annually thereafter no later than July 15 from the Nebraska
4 Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco
5 Settlement Trust Fund to the Nebraska Health Care Cash Fund, except
6 that such amount shall be reduced by the amount of the unobligated
7 balance in the Nebraska Health Care Cash Fund at the time the
8 transfer is made. The state investment officer upon consultation with
9 the Nebraska Investment Council shall advise the State Treasurer on
10 the amounts to be transferred from the Nebraska Medicaid
11 Intergovernmental Trust Fund and from the Nebraska Tobacco Settlement
12 Trust Fund under this section in order to sustain such transfers in
13 perpetuity. The state investment officer shall report electronically
14 to the Legislature on or before October 1 of every even-numbered year
15 on the sustainability of such transfers. Except as otherwise provided
16 by law, no more than the amount specified in this subsection may be
17 appropriated or transferred from the Nebraska Health Care Cash Fund
18 in any fiscal year.

19 (2) Any money in the Nebraska Health Care Cash Fund
20 available for investment shall be invested by the state investment
21 officer pursuant to the Nebraska Capital Expansion Act and the
22 Nebraska State Funds Investment Act.

23 (3) One million dollars in the Nebraska Health Care Cash
24 Fund shall be transferred each year to the Autism Treatment Program
25 Cash Fund for five fiscal years beginning on a date determined by the

1 Department of Health and Human Services but no later than ninety days
2 after a waiver under section 68-966 has been approved and shall be
3 distributed with matching private funds from the Autism Treatment
4 Program Cash Fund and matching funds from Title XIX of the federal
5 Social Security Act in each fiscal year as follows: (a) First, to the
6 Department of Health and Human Services for costs related to
7 application, implementation, and administration of a waiver pursuant
8 to section 68-966; (b) second, to the department for other medical
9 costs for children who would not otherwise qualify for medicaid
10 except for the waiver; and (c) third, the balance to fund services
11 pursuant to the waiver.

12 (4) The University of Nebraska and postsecondary
13 educational institutions having colleges of medicine in Nebraska and
14 their affiliated research hospitals in Nebraska, as a condition of
15 receiving any funds appropriated or transferred from the Nebraska
16 Health Care Cash Fund, shall not discriminate against any person on
17 the basis of sexual orientation.

18 (5) The State Treasurer shall transfer two hundred
19 thousand dollars from the Nebraska Health Care Cash Fund to the
20 University of Nebraska Medical Center Cash Fund for the Nebraska
21 Regional Poison Center within fifteen days after each July 1.

22 (6) Beginning on July 1, 2010, the State Treasurer shall
23 transfer three million dollars annually no later than July 15 of each
24 year from the Nebraska Health Care Cash Fund to the Tobacco
25 Prevention and Control Cash Fund.

1 (7) The State Treasurer shall transfer five hundred
2 thousand dollars annually no later than July 15 of each year from the
3 Nebraska Health Care Cash Fund to the Stem Cell Research Cash Fund.

4 Sec. 127. Section 71-8313, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 71-8313 The Department of Health and Human Services shall
7 review the regulation or proposed regulation of categories of
8 facilities based on the criteria in sections 71-8301 to 71-8314. On
9 or before November 1 of each year, the department shall provide the
10 Legislature electronically with recommendations for credentialing of
11 categories of facilities not previously regulated and changes in the
12 statutes governing the credentialing of categories of facilities.

13 Sec. 128. Section 71-8613, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 71-8613 The commission shall file an annual report with
16 the Governor and the Clerk of the Legislature, prior to each regular
17 session of the Legislature, which details the activities and
18 expenditures of the commission and shall include separately
19 information related to the activities and expenditures of the vending
20 facility program as well as estimates of anticipated expenditures and
21 anticipated revenue available to the vending facility program from
22 all sources. The report submitted to the Clerk of the Legislature
23 shall be submitted electronically.

24 Sec. 129. Section 71-8804, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 71-8804 (1) The committee shall establish a grant process
2 to award grants to Nebraska institutions or researchers for the
3 purpose of conducting nonembryonic stem cell research. The grant
4 process shall include, but not be limited to, an application
5 identifying the institution or researcher applying for the grant, the
6 amount of funds to be received by the applicant from sources other
7 than state funds, the sources of such funds, and a description of the
8 goal of the research for which the funds will be used and research
9 methods to be used by the applicant.

10 (2) The committee shall ~~annually submit electronically an~~
11 ~~annual report~~ to the Legislature ~~stating~~ the number of grants
12 awarded, the amount of the grants, and the researchers or
13 institutions to which the grants were awarded. ~~No more than three~~
14 ~~years after March 26, 2008, the committee shall report to the~~
15 ~~Legislature on the progress of any projects that have been awarded~~
16 ~~grants under the Stem Cell Research Act.~~

17 Sec. 130. Section 72-240.26, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 72-240.26 The Board of Educational Lands and Funds and
20 the Nebraska Investment Council shall jointly report annually to the
21 Clerk of the Legislature, and such report shall contain anticipated
22 future actions by the board as well as actions already taken. The
23 report submitted to the Clerk of the Legislature shall be submitted
24 electronically. The board's portion of the report shall include (1)
25 with reference to each tract of land sold pursuant to section

1 72-201.01: (a) The legal description; (b) the unique characteristics
2 of the land being sold; (c) the appraised value; (d) the sale price;
3 (e) the amount of funds received in the calendar year covered by the
4 report from the sale; (f) the disposition of the funds; (g) the total
5 number of acres of any unsold educational lands remaining under the
6 general management and control of the board by county; (h) the total
7 appraised value of unsold land; and (i) the percentage of the
8 investment portfolio remaining in real estate, including all
9 nonagricultural real estate and (2) the corresponding information for
10 any land that has been acquired or traded. The council's portion of
11 the report shall include a cost-benefit analysis which considers the
12 land being sold versus the anticipated investment potential of
13 proceeds resulting from the sale. The cost-benefit analysis model
14 used shall be consistent with the standards of the investment
15 industry at the time of the proposed sale. Each member of the
16 Legislature shall receive a copy of such report by making a request
17 for it to the chairperson of the board.

18 Sec. 131. Section 72-813, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 72-813 (1) Each state agency shall by September 15 of
21 each year submit to the State Building Administrator a list of all
22 state-owned buildings and land for which it is responsible and shall
23 note the current and planned uses of each building and parcel of
24 land. The State Building Administrator shall compile the information
25 on state-owned buildings and land and provide it, along with any

1 other information or recommendations he or she may consider relevant
2 to the purposes of sections 72-811 to 72-818, to the ~~committee~~ Vacant
3 Building and Excess Land Committee and to the Legislative Fiscal
4 Analyst. The information provided to the Legislative Fiscal Analyst
5 shall be submitted electronically.

6 (2) The committee shall meet to review the information
7 and consider further action or possible amendments to orders made
8 pursuant to this section. If the committee determines that there is
9 reason to believe that any particular state-owned building or piece
10 of land is vacant or excess, the committee shall review the status of
11 the building or land and by majority vote determine whether it should
12 be declared vacant or excess.

13 (3) If the committee declares a building or land to be
14 vacant or excess, it shall order either maintenance of the building
15 or land by the state building division of the Department of
16 Administrative Services or the disposal of the building or land
17 through sale, lease, demolition, or otherwise. Any order for disposal
18 of a building may include related lands. In determining the
19 appropriate action to be taken in regard to a building or land, the
20 committee shall consider the benefits to the state of the alternative
21 possible actions, including cost-effectiveness, other possible future
22 uses of the building or land for state purposes, and the necessity or
23 utility of the building or land for the furtherance of existing or
24 planned state programs.

25 Sec. 132. Section 72-1278, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 72-1278 The Nebraska Investment Council shall enter into
3 a contract with a qualified independent organization familiar with
4 similar state investment offices to complete a comprehensive review
5 of the current statutory, regulatory, and organizational situation of
6 the council, review best practices of similar state investment
7 offices, and make recommendations to the council, the Governor, and
8 the Legislature for changes needed to ensure that the council has
9 adequate authority to independently execute its fiduciary
10 responsibilities to the members and beneficiaries of the retirement
11 systems and the Nebraska educational savings plan trust and the
12 residents of Nebraska with regards to other state funds. The
13 recommendations submitted to the Legislature shall be submitted
14 electronically.

15 Sec. 133. Section 72-1710, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 72-1710 A community board shall report ~~in writing~~
18 electronically at least annually to the Legislature on the activities
19 of the community board and the center. The report shall include, at
20 minimum, the name of each applicant whose application the community
21 board rejects, together with the reasons for the rejection, and the
22 name of each applicant whose application the community board
23 favorably evaluates.

24 Sec. 134. Section 73-305, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 73-305 The Director of Administrative Services shall,
2 within forty-five days after receipt of the information described in
3 sections 73-302 and 73-303 from the state agency, prepare a report
4 detailing why the proposed contract was approved or disapproved. The
5 report shall be delivered electronically to the chairperson of the
6 Appropriations Committee of the Legislature and the Legislative
7 Fiscal Analyst.

8 Sec. 135. Section 76-1521, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 76-1521 (1) The report required by section 76-1520 shall
11 be on a form provided by the Secretary of State. The Secretary of
12 State may incorporate the form with other forms required to be filed
13 by entities identified in subsection (1) of section 76-1520. If there
14 has been no change in the information contained in the previous
15 report filed by the reporting entity, the reporting entity may so
16 indicate in a space provided on the reporting form for that purpose.

17 (2) The Secretary of State shall include a list of
18 exemptions to the prohibitions contained in Article XII, section 8,
19 of the Constitution of Nebraska and a means by which persons filing
20 the form may indicate, if applicable, which exemptions apply to the
21 reporting entity. The reporting entity may include or attach a
22 statement indicating the basis upon which the reporting entity claims
23 exemption from the prohibitions contained in Article XII, section 8,
24 of the Constitution of Nebraska.

25 (3) The Secretary of State shall annually prepare a

1 report indicating the total number of entities reporting under
2 sections 76-1520 to 76-1524, the number of entities reporting as a
3 corporation, as a limited partnership, as a limited liability
4 partnership, as a limited liability company, and as a trust and the
5 basis upon which the reporting entities claim exemption from the
6 prohibitions contained in Article XII, section 8, of the Constitution
7 of Nebraska. The Secretary of State shall deliver the report
8 electronically to the Clerk of the Legislature on or before January 1
9 each year.

10 Sec. 136. Section 77-367, Revised Statutes Supplement,
11 2011, is amended to read:

12 77-367 (1) The Department of Revenue may contract to
13 procure products and services to develop, deploy, or administer
14 systems or programs which identify nonfilers of returns,
15 underreporters, or nonpayers of taxes administered by the department
16 or improper or fraudulent payments made through programs administered
17 by the department. Fees for services, reimbursements, costs incurred
18 by the department, or other remuneration may be funded from the
19 amount of tax, penalty, interest, or other recovery actually
20 collected and shall be paid only after the amount is collected. The
21 Legislature intends to appropriate an amount from the tax, penalty,
22 interest, and other recovery actually collected, not to exceed the
23 amount collected, which is sufficient to pay for services,
24 reimbursements, costs incurred by the department, or other
25 remuneration pursuant to this section. Vendors entering into a

1 contract with the department pursuant to this section are subject to
2 the requirements and penalties of the confidentiality laws of this
3 state regarding tax information.

4 (2) Ten percent of all proceeds received during each
5 calendar year due to the contracts entered into pursuant to this
6 section shall be deposited in the Department of Revenue Enforcement
7 Fund for purposes of identifying nonfilers, underreporters,
8 nonpayers, and improper or fraudulent payments.

9 (3) The Tax Commissioner shall submit electronically an
10 annual report annually to the Revenue Committee of the Legislature
11 and Appropriations Committee of the Legislature on the amount of
12 dollars generated during the previous fiscal year pursuant to this
13 section.

14 Sec. 137. Section 77-385, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 77-385 The report required under section 77-382 and a
17 summary of the report shall be submitted to the Governor, the
18 Executive Board of the Legislative Council, and the chairpersons of
19 the Legislature's Revenue and Appropriations Committees on or before
20 October 15, 1991, and October 15 of every even-numbered year
21 thereafter. The report submitted to the executive board and the
22 committees shall be submitted electronically. The summary shall be
23 included with or appended to the Governor's budget presented to the
24 Legislature in odd-numbered years.

25 Sec. 138. Section 77-3,116, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 77-3,116 (1) The Department of Revenue and the Department
3 of Labor shall cooperate and participate in the collection of data
4 for the study described in section 77-3,115. Other state agencies,
5 including the University of Nebraska, shall assist in the study or
6 the update as requested by the Department of Revenue and as any
7 necessary funds are available. Any agency may contract with the
8 Department of Revenue to provide such assistance. The Department of
9 Revenue may also contract with an independent entity for the entity
10 to conduct or assist in conducting such study or update. The
11 department, other state agency, or independent entity preparing the
12 material or study shall utilize and consider, along with other
13 information, the results of any available study relating to the items
14 listed in section 77-3,115 and conducted or contracted for by the
15 Legislature in the year prior to April 16, 1992.

16 (2) A preliminary report of the initial study's models
17 and initial findings shall be reported by the Department of Revenue
18 to the chairpersons of the Appropriations Committee and Revenue
19 Committee of the Legislature, the Clerk of the Legislature, and the
20 Governor by December 1, 1992. The initial study shall be completed
21 and the department shall report its findings to the same entities by
22 December 1, 1993. The study shall be updated and the update shall be
23 reported to the same entities ~~(1)-(a)~~ on December 1, 1994, and every
24 four years thereafter or ~~(2)-(b)~~ more often if determined appropriate
25 by the Tax Commissioner and if the data or economic circumstances

1 reported in the previous report have changed to such a degree as to
2 vary the conclusions in the previous report or update. The study
3 submitted to the Appropriations Committee and Revenue Committee of
4 the Legislature and the Clerk of the Legislature pursuant to this
5 subsection shall be submitted electronically.

6 (3) Any models developed for the initial study or update
7 shall be electronically shared with the Legislative Fiscal Analyst.
8 The Department of Revenue shall include in its budget request for
9 every other biennium following the 1991-93 biennium sufficient
10 appropriation authority to conduct or contract for the required
11 update.

12 Sec. 139. Section 77-4110, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 77-4110 (1) The Tax Commissioner shall submit
15 electronically an annual report to the Legislature no later than July
16 15 of each year.

17 (2) The report shall list (a) the agreements which have
18 been signed during the previous calendar year, (b) the agreements
19 which are still in effect, (c) the identity of each taxpayer, and (d)
20 the location of each project.

21 (3) The report shall also state by industry group (a) the
22 specific incentive options applied for under the Employment and
23 Investment Growth Act, (b) the refunds allowed on the investment, (c)
24 the credits earned, (d) the credits used to reduce the corporate
25 income tax and the credits used to reduce the individual income tax,

1 (e) the credits used to obtain sales and use tax refunds, (f) the
2 number of jobs created, (g) the total number of employees employed in
3 the state by the taxpayer on the last day of the calendar quarter
4 prior to the application date and the total number of employees
5 employed in the state by the taxpayer on subsequent reporting dates,
6 (h) the expansion of capital investment, (i) the estimated wage
7 levels of jobs created subsequent to the application date, (j) the
8 total number of qualified applicants, (k) the projected future state
9 revenue gains and losses, (l) the sales tax refunds owed to the
10 applicants, (m) the credits outstanding, and (n) the value of
11 personal property exempted by class in each county.

12 (4) No information shall be provided in the report that
13 is protected by state or federal confidentiality laws.

14 Sec. 140. Section 77-4933, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 77-4933 (1) The Department of Revenue shall submit
17 electronically an annual report to the Legislature no later than July
18 15 each year. The report shall list (a) the agreements which have
19 been signed during the previous calendar year, (b) the agreements
20 which are still in effect, (c) the identity of each company, and (d)
21 the location of each project.

22 (2) The report shall also state by industry group (a) the
23 amount of wage benefit credits allowed under the Quality Jobs Act,
24 (b) the number of direct jobs created at the project, (c) the amount
25 of direct capital investment under the act, (d) the estimated wage

1 levels of jobs created by the companies at the projects, (e) the
2 estimated indirect jobs and investment created on account of the
3 projects, and (f) the projected future state and local revenue gains
4 and losses from all revenue sources on account of the direct and
5 indirect jobs and investment created on account of the project.

6 (3) No information shall be provided in the report that
7 is protected by state or federal confidentiality laws.

8 Sec. 141. Section 77-5204, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 77-5204 For the purpose of developing and directing
11 programs to provide increased and enhanced opportunities for
12 beginning farmers and livestock producers, the Beginning Farmer Board
13 is created. For administrative and budgetary purposes only, the board
14 shall be housed within the Department of Agriculture. The board shall
15 be vested with the following duties and responsibilities:

16 (1) To approve and certify beginning farmers and
17 livestock producers as eligible for the programs provided by the
18 board, for eligibility to claim tax credits authorized by section
19 77-5209.01, and for eligibility to claim an exemption of taxable
20 tangible personal property tax as provided by section 77-5209.02;

21 (2) To approve and certify owners of agricultural assets
22 as eligible for the tax credits authorized by sections 77-5211 to
23 77-5213;

24 (3) To advocate joint ventures between beginning farmers
25 or livestock producers and existing private and public credit and

1 banking licensed institutions, as well as to advocate joint ventures
2 with owners of agricultural assets desiring to assist beginning
3 farmers and livestock producers seeking entry into farming or
4 livestock production;

5 (4) To provide necessary and reasonable assistance and
6 support to beginning farmers and livestock producers for
7 qualification and participation in financial management programs
8 approved by the board;

9 (5) To advocate appropriate changes in policies and
10 programs of other public and private institutions or agencies which
11 will directly benefit beginning farmers and livestock producers and
12 may include changes regarding financing, taxation, and any other
13 existing policies which prohibit or impede individuals from entering
14 into farming or livestock production;

15 (6) To provide adequate explanations of facts and aspects
16 of available programs offered or recommended by the board intended
17 for beginning farmers and livestock producers;

18 (7) To assist and educate beginning farmers and livestock
19 producers by acting as a liaison between beginning farmers or
20 livestock producers and the Nebraska Investment Finance Authority;

21 (8) To encourage licensed financial institutions and
22 individuals to use alternative amortization schedules for loans and
23 land contracts granted to beginning farmers and livestock producers;

24 (9) To refer beginning farmers and livestock producers to
25 agencies and organizations which may provide additional pertinent

1 information and assistance;

2 (10) To provide any other assistance and support the
3 board deems necessary and appropriate in order for entry into farming
4 or livestock production;

5 (11) To adopt and promulgate rules and regulations
6 necessary to carry out the purposes of the Beginning Farmer Tax
7 Credit Act, including criteria required for tax credit eligibility
8 and financial management program certification and guidelines which
9 constitute a viably sized farm that is necessary to adequately
10 support a beginning farmer or livestock producer. Such guidelines
11 shall vary and take into account the region of the state, number of
12 acres, land quality and type, type of operation, type of crops or
13 livestock raised, and other factors of farming or livestock
14 production; and

15 (12) To keep minutes of the board's meetings and other
16 books and records which will adequately reflect actions and decisions
17 of the board and to provide an annual report to the Governor, the
18 Legislative Fiscal Analyst, and the Clerk of the Legislature by
19 December 1. The report submitted to the Legislative Fiscal Analyst
20 and the Clerk of the Legislature shall be submitted electronically.

21 Sec. 142. Section 77-5210, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 77-5210 The board shall submit an annual report of the
24 activities and actions of the board for the preceding fiscal year to
25 the Governor, the Legislative Fiscal Analyst, and the Clerk of the

1 Legislature by December 1. The report submitted to the Legislative
2 Fiscal Analyst and the Clerk of the Legislature shall be submitted
3 electronically. Each member of the Legislature shall receive a ~~an~~
4 electronic copy of such report by request to the chairperson of the
5 board. Each report shall include the following information:

6 (1) A complete operating and financial statement for the
7 board for the prior fiscal year;

8 (2) The number of qualified beginning farmers and
9 livestock producers receiving assistance from the board;

10 (3) The number of owners of agricultural assets claiming
11 tax credits and the monetary amount of credits granted by the board;
12 and

13 (4) Any other relevant information which the board deems
14 necessary to report.

15 No information furnished to the board shall be disclosed
16 in the report in such a way as to reveal information from a tax
17 return of any person.

18 Sec. 143. Section 77-5214, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 ~~77-5214 The board shall conduct a study in order to~~
21 ~~ascertain the fiscal impact of future tax credits granted by the~~
22 ~~board to owners of agricultural assets. Such study shall attempt to~~
23 ~~reasonably estimate the number of qualified beginning farmers or~~
24 ~~livestock producers that would be eligible to enter into a board~~
25 ~~approved and certified three year share rental agreement with an~~

1 ~~owner of agricultural assets and other such relevant facts and~~
2 ~~information for review by the board. The findings of such study by~~
3 ~~the board shall be submitted to the Governor, the Clerk of the~~
4 ~~Legislature, and the Legislative Fiscal Analyst by January 3, 2000.~~

5 In order to carry out the study and the provisions of the Beginning
6 Farmer Tax Credit Act, the Department of Agriculture shall provide
7 any and all of the necessary support and assistance to the board.

8 Sec. 144. Section 77-5412, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 77-5412 (1) The Tax Commissioner shall submit
11 electronically an annual report to the Legislature no later than June
12 30 of each year.

13 (2) The report shall state by industry group (a) the
14 credits earned, (b) the credits used to reduce the corporate income
15 tax and the credits used to reduce the individual income tax, (c) the
16 number of jobs created, (d) the total number of employees employed by
17 taxpayers at qualifying projects on the last day of the calendar
18 quarter prior to the application date and the total number of
19 employees employed by the taxpayers for the projects on subsequent
20 reporting dates, (e) the expansion of capital investment, (f) the
21 estimated wage levels of jobs created subsequent to the application
22 date, (g) the total number of qualified applicants, (h) the projected
23 future state revenue gains and losses, and (i) the credits
24 outstanding.

25 (3) No information shall be provided in the report that

1 is protected by state or federal confidentiality laws.

2 Sec. 145. Section 77-5542, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 77-5542 (1) The Department of Revenue shall submit
5 electronically an annual report to the Legislature no later than July
6 15 each year. The report shall list (a) the agreements which have
7 been signed during the previous calendar year, (b) the agreements
8 which are still in effect, (c) the identity of each company, and (d)
9 the location of each project.

10 (2) The report shall also state by industry group (a) the
11 amount of wage benefit credits and investment tax credits allowed
12 under the Invest Nebraska Act, (b) the number of direct jobs created
13 at the projects, (c) the amount of direct capital investment under
14 the act, (d) the estimated wage levels of jobs created by the
15 companies at the projects, (e) the estimated indirect jobs and
16 investment created on account of the projects, and (f) the projected
17 future state and local revenue gains and losses from all revenue
18 sources on account of the direct and indirect jobs and investment
19 created on account of the projects.

20 (3) No information shall be provided in the report that
21 is protected by state or federal confidentiality laws.

22 Sec. 146. Section 77-5544, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 77-5544 (1) By January 1, 2005, and each January 1 every
25 five years thereafter for so long as there are companies that have

1 qualified for benefits and remain within the entitlement period and
2 there are sufficient companies qualified for benefits so as not to
3 reveal confidential information that allows identification of any
4 company, there shall be an audit to determine compliance with the
5 Invest Nebraska Act. The Tax Commissioner shall contract with a
6 qualified independent accounting firm to conduct the audit. The cost
7 of the audit shall be paid from funds appropriated to the Department
8 of Revenue by the Legislature. Such cost shall include, in addition
9 to the fees and costs of such independent firm, the incremental costs
10 to the department to comply with this section, as determined by the
11 department. If a qualified independent accounting firm cannot be
12 located or engaged to conduct such audit, then such audit shall
13 instead be performed by the department. A qualified independent firm
14 shall be a firm that meets all of the following requirements: (a) The
15 firm must be an accounting firm employing or comprised of at least
16 ten certified public accountants who are licensed under the Public
17 Accountancy Act to practice accounting and auditing in Nebraska; (b)
18 the firm, at the time of the beginning of such audit, and for the
19 period of at least twenty-four months before such audit commences,
20 has not performed any services for any of the companies that at such
21 time have filed applications under the Invest Nebraska Act, and the
22 firm must agree not to engage in and to withdraw from representing
23 any companies that file applications after such audit commences and
24 before the audit report is issued; (c) the firm must have executed
25 such audit contract as required by the Tax Commissioner; and (d) the

1 firm, and all such accountants and personnel of such firm who will be
2 involved in the audit, must have executed such confidentiality and
3 nondisclosure agreements as required by the Tax Commissioner. In
4 hiring such firm, the Tax Commissioner shall comply with all Nebraska
5 laws pertaining to the selection and hiring of outside private sector
6 services.

7 (2) The purpose of the audit is to examine information
8 collected by the department in order to determine:

9 (a) The extent the data collected from the companies
10 receiving benefits is verified;

11 (b) The extent to which the projects receiving benefits
12 from the act are in compliance with the act initially and throughout
13 the entitlement period;

14 (c) Whether the requirements of the act regarding the
15 investment threshold have been attained and maintained by the
16 companies;

17 (d) Whether and to what extent new employees are added by
18 the companies to their workforce and employed at the project
19 locations;

20 (e) Whether and to what extent the new jobs created meet
21 the minimum compensation requirements of the act;

22 (f) The industry or industries in which the new jobs are
23 created, by North American Industry Classification System Code;

24 (g) The extent to which the minimum new job threshold of
25 the act has been attained and maintained by the companies;

1 (h) By category of spending, what is purchased by the
2 companies that is claimed as qualified investments; and

3 (i) Gross sales from output of the project if reasonably
4 determinable.

5 (3) After the audit is conducted, and on or before
6 January 1, 2005, and each January 1 every five years thereafter, the
7 auditor shall issue a report to the Legislature and Governor
8 detailing the results of the audit. The report submitted to the
9 Legislature shall be submitted electronically. The report shall be
10 presented using aggregated information and other techniques so as not
11 to reveal confidential information that allows identification of the
12 company. The report shall not be issued until the Tax Commissioner
13 has confirmed in writing that the report does not reveal any
14 confidential information that allows identification of the company.
15 For purposes of this section, confidential information includes all
16 information that is (a) referred to as confidential in section
17 77-5534, (b) restricted from disclosure or treated as confidential
18 under any federal or state law, or (c) provided by the company to the
19 department in connection with the company's project under the act.
20 The report shall detail all assumptions, methods, or models that were
21 used in performing the analysis and shall report information by
22 industry group or expenditure category so that further analysis can
23 be performed. The firm shall have access to all records of the
24 department with regard to the credits granted under the act and the
25 companies receiving such credits. Such records shall remain

1 confidential in the hands of the firm conducting the audit and shall
2 not be revealed to any person that is not employed by the department
3 or the firm conducting the audit. No officer or employee of the firm
4 conducting the audit shall disclose any information to any other
5 person if such information is protected by federal or state
6 confidentiality laws. Notwithstanding any other provision of this
7 section to the contrary, neither the independent accounting firm nor
8 any of its personnel shall be provided by the department with any
9 confidential information except to the extent and under conditions
10 when the department is permitted without penalty to do so under
11 applicable federal or state laws.

12 (4) All information provided by the department to the
13 independent accounting firm shall be examined only on the premises of
14 the department and shall be stored in a secure place. The firm shall
15 make no copies of such information. Any qualified independent
16 accounting firm, or any personnel of the firm, which violates this
17 section shall be guilty of a Class IV felony and, in the discretion
18 of the court, may be assessed the costs of prosecution.

19 (5) Nothing in this section shall be construed to require
20 the company to provide, or require the department to obtain from the
21 company, any information beyond that required as part of the
22 application or beyond that required by the department to confirm the
23 company is entitled to the benefits of the act or to obtain the
24 information required in subsection (2) of this section. The
25 independent accounting firm shall not request any information from

1 the company or its personnel. The independent accounting firm shall
2 be permitted and expected to obtain additional outside public
3 information available from sources outside of the company and the
4 department in order to comply with the requirements for the report if
5 copies of all such data, information, and sources are made available
6 to the public or included with the report.

7 (6) Information obtained in connection with the audit
8 from either the department or the company is confidential and is not
9 discoverable or admissible in evidence in any civil action, and no
10 department or company personnel shall be compelled to testify in
11 regard thereto. Such information may be discovered and be admissible,
12 and testimony compelled in regard thereto, by the department or by
13 the company in an action relating to the determination of whether the
14 company is entitled to the benefits of the act.

15 Sec. 147. Section 77-5731, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 77-5731 (1) The Tax Commissioner shall submit
18 electronically an annual report to the Legislature no later than July
19 15 of each year.

20 (2) The report shall list (a) the agreements which have
21 been signed during the previous calendar year, (b) the agreements
22 which are still in effect, (c) the identity of each taxpayer who is
23 party to an agreement, and (d) the location of each project.

24 (3) The report shall also state, for taxpayers who are
25 parties to agreements, by industry group (a) the specific incentive

1 options applied for under the Nebraska Advantage Act, (b) the refunds
2 allowed on the investment, (c) the credits earned, (d) the credits
3 used to reduce the corporate income tax and the credits used to
4 reduce the individual income tax, (e) the credits used to obtain
5 sales and use tax refunds, (f) the credits used against withholding
6 liability, (g) the number of jobs created under the act, (h) the
7 total number of employees employed in the state on the last day of
8 the calendar quarter prior to the application date and the total
9 number of employees employed in the state on subsequent reporting
10 dates, (i) the expansion of capital investment, (j) the estimated
11 wage levels of jobs created under the act subsequent to the
12 application date, (k) the total number of qualified applicants, (l)
13 the projected future state revenue gains and losses, (m) the sales
14 tax refunds owed, (n) the credits outstanding under the act, (o) the
15 value of personal property exempted by class in each county under the
16 act, (p) the value of property for which payments equal to property
17 taxes paid were allowed in each county, and (q) the total amount of
18 the payments.

19 (4) In estimating the projected future state revenue
20 gains and losses, the report shall detail the methodology utilized,
21 state the economic multipliers and industry multipliers used to
22 determine the amount of economic growth and positive tax revenue,
23 describe the analysis used to determine the percentage of new jobs
24 attributable to the Nebraska Advantage Act assumption, and identify
25 limitations that are inherent in the analysis method.

1 (5) The report shall provide an explanation of the audit
2 and review processes of the Department of Revenue in approving and
3 rejecting applications or the grant of incentives and in enforcing
4 incentive recapture. The report shall also specify the median period
5 of time between the date of application and the date the agreement is
6 executed for all agreements executed by December 31 of the prior
7 year.

8 (6) The report shall provide information on project-
9 specific total incentives used every two years for each approved
10 project. The report shall disclose (a) the identity of the taxpayer,
11 (b) the location of the project, and (c) the total credits used and
12 refunds approved during the immediately preceding two years expressed
13 as a single, aggregated total. The incentive information required to
14 be reported under this subsection shall not be reported for the first
15 year the taxpayer attains the required employment and investment
16 thresholds. The information on first-year incentives used shall be
17 combined with and reported as part of the second year. Thereafter,
18 the information on incentives used for succeeding years shall be
19 reported for each project every two years containing information on
20 two years of credits used and refunds approved. The incentives used
21 shall include incentives which have been approved by the department,
22 but not necessarily received, during the previous two calendar years.

23 (7) The report shall include an executive summary which
24 shows aggregate information for all projects for which the
25 information on incentives used in subsection (6) of this section is

1 reported as follows: (a) The total incentives used by all taxpayers
2 for projects detailed in subsection (6) of this section during the
3 previous two years; (b) the number of projects; (c) the total number
4 of employees of these taxpayers employed in the state on the last day
5 of the calendar quarter prior to the application date, the new jobs
6 at the project for which credits have been granted, and the total
7 number of employees employed in the state by these taxpayers on
8 subsequent reporting dates; (d) the average compensation paid
9 employees in the state in the year of application and for the new
10 jobs at the project; and (e) the total investment for which
11 incentives were granted. The executive summary shall summarize the
12 number of states which grant investment tax credits, job tax credits,
13 sales and use tax refunds for qualified investment, and personal
14 property tax exemptions and the investment and employment
15 requirements under which they may be granted.

16 (8) No information shall be provided in the report that
17 is protected by state or federal confidentiality laws.

18 Sec. 148. Section 77-6309, Revised Statutes Supplement,
19 2011, is amended to read:

20 77-6309 By November 15 of each odd-numbered year, the
21 Department of Economic Development shall submit a report to the
22 Legislature and the Governor that includes:

23 (1) The number and geographic location of qualified
24 investors;

25 (2) The number, geographic location, and amount of

1 qualified investment made into each qualified small business;

2 (3) A breakdown of the industry sectors in which
3 qualified small businesses are involved;

4 (4) The number of actual tax credits issued by project
5 under the Angel Investment Tax Credit Act on an annual basis; and

6 (5) The number of jobs created at each qualified small
7 business.

8 The report submitted to the Legislature shall be
9 submitted electronically.

10 Sec. 149. Section 79-318, Revised Statutes Supplement,
11 2011, is amended to read:

12 79-318 The State Board of Education shall:

13 (1) Appoint and fix the compensation of the Commissioner
14 of Education;

15 (2) Remove the commissioner from office at any time for
16 conviction of any crime involving moral turpitude or felonious act,
17 for inefficiency, or for willful and continuous disregard of his or
18 her duties as commissioner or of the directives of the board;

19 (3) Upon recommendation of the commissioner, appoint and
20 fix the compensation of a deputy commissioner and all professional
21 employees of the board;

22 (4) Organize the State Department of Education into such
23 divisions, branches, or sections as may be necessary or desirable to
24 perform all its proper functions and to render maximum service to the
25 board and to the state school system;

1 (5) Provide, through the commissioner and his or her
2 professional staff, enlightened professional leadership, guidance,
3 and supervision of the state school system, including educational
4 service units. In order that the commissioner and his or her staff
5 may carry out their duties, the board shall, through the
6 commissioner: (a) Provide supervisory and consultation services to
7 the schools of the state; (b) issue materials helpful in the
8 development, maintenance, and improvement of educational facilities
9 and programs; (c) establish rules and regulations which govern
10 standards and procedures for the approval and legal operation of all
11 schools in the state and for the accreditation of all schools
12 requesting state accreditation. All public, private, denominational,
13 or parochial schools shall either comply with the accreditation or
14 approval requirements prescribed in this section and section 79-703
15 or, for those schools which elect not to meet accreditation or
16 approval requirements, the requirements prescribed in subsections (2)
17 through (6) of section 79-1601. Standards and procedures for approval
18 and accreditation shall be based upon the program of studies,
19 guidance services, the number and preparation of teachers in relation
20 to the curriculum and enrollment, instructional materials and
21 equipment, science facilities and equipment, library facilities and
22 materials, and health and safety factors in buildings and grounds.
23 Rules and regulations which govern standards and procedures for
24 private, denominational, and parochial schools which elect, pursuant
25 to the procedures prescribed in subsections (2) through (6) of

1 section 79-1601, not to meet state accreditation or approval
2 requirements shall be as described in such section; (d) institute a
3 statewide system of testing to determine the degree of achievement
4 and accomplishment of all the students within the state's school
5 systems if it determines such testing would be advisable; (e)
6 prescribe a uniform system of records and accounting for keeping
7 adequate educational and financial records, for gathering and
8 reporting necessary educational data, and for evaluating educational
9 progress; (f) cause to be published laws, rules, and regulations
10 governing the schools and the school lands and funds with explanatory
11 notes for the guidance of those charged with the administration of
12 the schools of the state; (g) approve teacher education programs
13 conducted in Nebraska postsecondary educational institutions designed
14 for the purpose of certificating teachers and administrators; (h)
15 approve certificated-employee evaluation policies and procedures
16 developed by school districts and educational service units; and (i)
17 approve general plans and adopt educational policies, standards,
18 rules, and regulations for carrying out the board's responsibilities
19 and those assigned to the State Department of Education by the
20 Legislature;

21 (6) Adopt and promulgate rules and regulations for the
22 guidance, supervision, accreditation, and coordination of educational
23 service units. Such rules and regulations for accreditation shall
24 include, but not be limited to, (a) a requirement that programs and
25 services offered to school districts by each educational service unit

1 shall be evaluated on a regular basis, but not less than every seven
2 years, to assure that educational service units remain responsive to
3 school district needs and (b) guidelines for the use and management
4 of funds generated from the property tax levy and from other sources
5 of revenue as may be available to the educational service units, to
6 assure that public funds are used to accomplish the purposes and
7 goals assigned to the educational service units by section 79-1204.
8 The State Board of Education shall establish procedures to encourage
9 the coordination of activities among educational service units and to
10 encourage effective and efficient educational service delivery on a
11 statewide basis;

12 (7) Submit a biennial report to the Governor and the
13 Clerk of the Legislature covering the actions of the board, the
14 operations of the State Department of Education, and the progress and
15 needs of the schools and recommend such legislation as may be
16 necessary to satisfy these needs. The report submitted to the Clerk
17 of the Legislature shall be submitted electronically;

18 (8) Prepare and distribute reports designed to acquaint
19 school district officers, teachers, and patrons of the schools with
20 the conditions and needs of the schools;

21 (9) Provide for consultation with professional educators
22 and lay leaders for the purpose of securing advice deemed necessary
23 in the formulation of policies and in the effectual discharge of its
24 duties;

25 (10) Make studies, investigations, and reports and

1 assemble information as necessary for the formulation of policies,
2 for making plans, for evaluating the state school program, and for
3 making essential and adequate reports;

4 (11) Submit to the Governor and the Legislature a budget
5 necessary to finance the state school program under its jurisdiction,
6 including the internal operation and maintenance of the State
7 Department of Education;

8 (12) Interpret its own policies, standards, rules, and
9 regulations and, upon reasonable request, hear complaints and
10 disputes arising therefrom;

11 (13) With the advice of the Department of Motor Vehicles,
12 adopt and promulgate rules and regulations containing reasonable
13 standards, not inconsistent with existing statutes, governing: (a)
14 The general design, equipment, color, operation, and maintenance of
15 any vehicle with a manufacturer's rated seating capacity of eleven or
16 more passengers used for the transportation of public, private,
17 denominational, or parochial school students; and (b) the equipment,
18 operation, and maintenance of any vehicle with a capacity of ten or
19 less passengers used for the transportation of public, private,
20 denominational, or parochial school students, when such vehicles are
21 owned, operated, or owned and operated by any public, private,
22 denominational, or parochial school or privately owned or operated
23 under contract with any such school in this state, except for
24 vehicles owned by individuals operating a school which elects
25 pursuant to section 79-1601 not to meet accreditation or approval

1 requirements. Similar rules and regulations shall be adopted and
2 promulgated for operators of such vehicles as provided in section
3 79-607;

4 (14) Accept, on behalf of the Nebraska Center for the
5 Education of Children who are Blind or Visually Impaired, devises of
6 real property or donations or bequests of other property, or both, if
7 in its judgment any such devise, donation, or bequest is for the best
8 interest of the center or the students receiving services from the
9 center, or both, and irrigate or otherwise improve any such real
10 estate when in the board's judgment it would be advisable to do so;

11 (15) Accept, in order to administer the Interstate
12 Compact on Educational Opportunity for Military Children, any devise,
13 donation, or bequest received by the State Department of Education
14 pursuant to section 79-2206; and

15 (16) Upon acceptance of any devise, donation, or bequest
16 as provided in this section, administer and carry out such devise,
17 donation, or bequest in accordance with the terms and conditions
18 thereof. If not prohibited by the terms and conditions of any such
19 devise, donation, or bequest, the board may sell, convey, exchange,
20 or lease property so devised, donated, or bequeathed upon such terms
21 and conditions as it deems best and remit all money derived from any
22 such sale or lease to the State Treasurer for credit to the State
23 Department of Education Trust Fund.

24 Each member of the Legislature shall receive a—an
25 electronic copy of the report required by subdivision (7) of this

1 section by making a request for it to the commissioner.

2 None of the duties prescribed in this section shall
3 prevent the board from exercising such other duties as in its
4 judgment may be necessary for the proper and legal exercise of its
5 obligations.

6 Sec. 150. Section 79-527.01, Revised Statutes Cumulative
7 Supplement, 2010, is amended to read:

8 79-527.01 (1) The Truancy Intervention Task Force is
9 created. The task force shall consist of:

10 (a) The probation administrator or his or her designee;

11 (b) The Commissioner of Education or his or her designee;

12 and

13 (c) The chief executive officer of the Department of
14 Health and Human Services or his or her designee.

15 (2) The task force shall study and evaluate the data
16 contained in the reports required by subsection (2) of section 79-527
17 and shall develop recommendations to reduce incidents of excessive
18 absenteeism. The task force may contact a school district or a county
19 attorney for additional information. The task force shall report
20 electronically to the Legislature on or before July 1, 2011, and each
21 July 1 thereafter.

22 Sec. 151. Section 79-722, Revised Statutes Supplement,
23 2011, is amended to read:

24 79-722 In conjunction with the multicultural education
25 program prescribed in section 79-720, the State Department of

1 Education shall design a process for evaluating the implementation
2 and effectiveness of each multicultural education program, including
3 the collection of baseline data. The collection of baseline data for
4 evaluating the implementation and effectiveness of each multicultural
5 education program shall not include the testing, assessment, or
6 evaluation of individual students' attitudes or beliefs. An
7 evaluation of the implementation and effectiveness of each
8 multicultural education program shall be conducted every five school
9 years. On or before November 1, 2013, and on or before November 1
10 every five years thereafter, the department shall report the results
11 of each evaluation to the Clerk of the Legislature, the Education
12 Committee of the Legislature, and the State Board of Education and
13 publish such report on a web site established by the department. The
14 report submitted to the Clerk of the Legislature and the committee
15 shall be submitted electronically.

16 Sec. 152. Section 79-759, Revised Statutes Supplement,
17 2011, is amended to read:

18 79-759 Beginning with the 2011-12 school year, the State
19 Department of Education may implement a three-year pilot project for
20 the districtwide administration of a standard college admission test,
21 selected by the State Board of Education, to students in the eleventh
22 grade attending a public school in a participating school district to
23 determine if such test (1) would improve the college-going rate and
24 career readiness of Nebraska students and (2) could be utilized as
25 the assessment for the one grade in high school as required under

1 section 79-760.03. Participation by school districts in the pilot
2 project shall be voluntary and shall be subject to the approval of
3 the board. On or before September 1, 2012, and on or before September
4 1 each year thereafter through 2014, the department shall report to
5 the Governor, the Clerk of the Legislature, and the chairperson of
6 the Education Committee of the Legislature on the pilot project. The
7 report submitted to the Clerk of the Legislature and the committee
8 shall be submitted electronically. The project shall be paid for with
9 funds from the Education Innovation Fund as provided in section
10 9-812.

11 Sec. 153. Section 79-760.03, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 79-760.03 (1) For school year 2009-10 and each school
14 year thereafter, the State Board of Education shall implement a
15 statewide system for the assessment of student learning and for
16 reporting the performance of school districts and learning
17 communities pursuant to this section. The assessment and reporting
18 system shall measure student knowledge of subject matter materials
19 covered by measurable academic content standards selected by the
20 state board.

21 (2) The state board shall adopt a plan for an assessment
22 and reporting system and implement and maintain the assessment and
23 reporting system according to such plan. The plan shall be submitted
24 annually to the State Department of Education, the Governor, the
25 chairperson of the Education Committee of the Legislature, and the

1 Clerk of the Legislature. The plan submitted to the committee and the
2 Clerk of the Legislature shall be submitted electronically. The state
3 board shall select grade levels for assessment and reporting required
4 pursuant to subsections (4) through (7) of this section. The purposes
5 of the system are to:

6 (a) Determine how well public schools are performing in
7 terms of achievement of public school students related to the state
8 academic content standards;

9 (b) Report the performance of public schools based upon
10 the results of state assessment instruments and national assessment
11 instruments;

12 (c) Provide information for the public and policymakers
13 on the performance of public schools; and

14 (d) Provide for the comparison among Nebraska public
15 schools and the comparison of Nebraska public schools to public
16 schools elsewhere.

17 (3) The Governor shall appoint a technical advisory
18 committee to review the statewide assessment plan and state
19 assessment instruments developed under the Quality Education
20 Accountability Act. The technical advisory committee shall consist of
21 three nationally recognized experts in educational assessment and
22 measurement, one administrator from a school in Nebraska, and one
23 teacher from a school in Nebraska. The members shall serve terms of
24 three years, except that two of the members shall be appointed for
25 initial terms of two years. Any vacancy shall be filled by the

1 Governor for the remainder of the term. One of the members shall be
2 designated as chairperson by the Governor. Members shall be
3 reimbursed for their actual and necessary expenses as provided in
4 sections 81-1174 to 81-1177. The committee shall advise the Governor,
5 the state board, and the State Department of Education on the
6 development of statewide assessment instruments and the statewide
7 assessment plan. The appointments to the committee shall be confirmed
8 by the Legislature.

9 (4) The state board shall prescribe a statewide
10 assessment of writing that relies on writing samples in each of three
11 grades selected by the state board. Each year at least one of the
12 three selected grades shall participate in the statewide writing
13 assessment with each selected grade level participating at least once
14 every three years.

15 (5) For school year 2009-10 and for each school year
16 thereafter, the state board shall prescribe a statewide assessment of
17 reading. The statewide assessment of reading shall include assessment
18 instruments for each of the grade levels three through eight and for
19 one grade in high school and standards adopted by the state board
20 pursuant to section 79-760.01.

21 (6) For no later than school year 2010-11 and for each
22 school year thereafter, the state board shall prescribe a statewide
23 assessment of mathematics. The statewide assessment of mathematics
24 shall include assessment instruments for each of the grade levels
25 three through eight and for one grade in high school and standards

1 adopted by the state board pursuant to section 79-760.01. If no
2 statewide assessment of mathematics is administered in school year
3 2009-10, school districts shall report mathematics assessment results
4 in the same manner as such information was reported in school year
5 2008-09.

6 (7) For no later than school year 2011-12 and each school
7 year thereafter, the state board shall prescribe a statewide
8 assessment of science. The statewide assessment of science shall
9 include assessment instruments for each of the grade levels selected
10 by the state board and standards adopted by the state board pursuant
11 to section 79-760.01. The grade levels shall include at least one
12 grade in elementary school, one grade in middle school or junior high
13 school, and one grade in high school.

14 (8) The department shall conduct studies to verify the
15 technical quality of assessment instruments and demonstrate the
16 comparability of assessment instrument results required by the act.
17 The department shall annually report such findings to the Governor,
18 the Legislature, and the state board. The report submitted to the
19 Legislature shall be submitted electronically.

20 (9) The state board shall recommend national assessment
21 instruments for the purpose of national comparison. Each school
22 district shall report individual student data for scores and sub-
23 scores according to procedures established by the state board and the
24 department pursuant to section 79-760.05.

25 (10) The aggregate results of assessment instruments and

1 national assessment instruments shall be reported by the district on
2 a building basis to the public in that district, to the learning
3 community coordinating council if such district is a member of a
4 learning community, and to the department. Each learning community
5 shall also report the aggregate results of any assessment instruments
6 and national assessment instruments to the public in that learning
7 community and to the department. The department shall report the
8 aggregate results of any assessment instruments and national
9 assessment instruments on a learning community, district, and
10 building basis as part of the statewide assessment and reporting
11 system.

12 (11)(a) The assessment and reporting plan shall:

13 (i) Provide for the confidentiality of the results of
14 individual students; and

15 (ii) Include all public schools and all public school
16 students.

17 (b) The state board shall adopt criteria for the
18 inclusion of students with disabilities, students entering the school
19 for the first time, and students with limited English proficiency.

20 The department may determine appropriate accommodations
21 for the assessment of students with disabilities or any student
22 receiving special education programs and services pursuant to section
23 79-1139. Alternate academic achievement standards in reading,
24 mathematics, and science and alternate assessment instruments aligned
25 with the standards may be among the accommodations for students with

1 severe cognitive disabilities.

2 (12) The state board may select additional grade levels
3 and additional subject areas for statewide assessment instruments to
4 comply with federal requirements.

5 (13) The state board shall not require school districts
6 to administer assessments or assessment instruments other than as
7 prescribed by the act.

8 (14) The state board shall appoint committees of
9 teachers, from each appropriate subject area, and administrators to
10 assist in the development of statewide assessment instruments
11 required by the act.

12 Sec. 154. Section 79-760.05, Revised Statutes Supplement,
13 2011, is amended to read:

14 79-760.05 (1) The State Board of Education shall
15 implement a statewide system for tracking individual student
16 achievement, using the student identifier system of the State
17 Department of Education, that can be aggregated to track student
18 progress by demographic characteristics, including, but not limited
19 to, race, poverty, high mobility, attendance, and limited English
20 proficiency, on available measures of student achievement which
21 include, but need not be limited to, national assessment instruments
22 and state assessment instruments. Such a system shall be designed so
23 as to aggregate student data by available educational input
24 characteristics, which may include class size, teacher education,
25 teacher experience, special education, early childhood programs,

1 federal programs, and other targeted education programs. School
2 districts shall provide the department with individual student
3 achievement data from assessment instruments required pursuant to
4 section 79-760.03 in order to implement the statewide system.

5 (2) The department shall annually analyze and report on
6 student achievement for the state, each school district, and each
7 learning community aggregated by the demographic characteristics
8 described in subsection (1) of this section. The department shall
9 report the findings to the Governor, the Legislature, school
10 districts, educational service units, and each learning community.
11 The report submitted to the Legislature shall be submitted
12 electronically. Such analysis shall include aggregated data that
13 would indicate differences in achievement due to available
14 educational input characteristics described in subsection (1) of this
15 section. Such analysis shall include indicators of progress toward
16 state achievement goals for students in poverty, limited English
17 proficient students, and highly mobile students.

18 Sec. 155. Section 79-8,139, Revised Statutes Supplement,
19 2011, is amended to read:

20 79-8,139 (1) Each eligible institution shall file an
21 annual report with the department for the Attracting Excellence to
22 Teaching Program and the Enhancing Excellence in Teaching Program for
23 any fiscal year in which the eligible institution receives funding to
24 distribute to students pursuant to either or both of such programs
25 containing such information as required by rule and regulation. On or

1 before December 31 of each even-numbered year, the department shall
2 submit a report to the Governor, the Clerk of the Legislature, and
3 the Education Committee of the Legislature on the status of the
4 programs, the status of the borrowers, and the impact of the programs
5 on the number of teachers in shortage areas in Nebraska and on the
6 number of teachers receiving graduate degrees in teaching endorsement
7 areas in Nebraska. The report submitted to the Clerk of the
8 Legislature and the committee shall be submitted electronically. Each
9 report shall include information on an institution-by-institution
10 basis, the status of borrowers, and a financial statement with a
11 description of the activity of the Excellence in Teaching Cash Fund.

12 (2) Any report pursuant to this section which includes
13 information about borrowers shall exclude confidential information or
14 any other information which specifically identifies a borrower.

15 Sec. 156. Section 79-909, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 79-909 The Auditor of Public Accounts shall make an
18 annual audit of the retirement system and submit electronically an
19 annual report to the Clerk of the Legislature of its condition. Each
20 member of the Legislature shall receive ~~a~~an electronic copy of such
21 report by making a request for it to the Auditor of Public Accounts.
22 Expenses of the audit shall be paid from the Expense Fund.

23 Sec. 157. Section 79-976, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 79-976 Any funds of the retirement system available for

1 investment shall be invested by the Nebraska Investment Council
2 pursuant to the Nebraska Capital Expansion Act and the Nebraska State
3 Funds Investment Act. Payment for investment services by the council
4 shall be charged directly against the gross investment returns of the
5 funds. Charges so incurred shall not be a part of the retirement
6 board's annual budget request. The amounts of payment for such
7 services, as of December 31 of each year, shall be reported not later
8 than March 31 of the following year to the council, the retirement
9 board, and the Nebraska Retirement Systems Committee of the
10 Legislature. The report submitted to the committee shall be submitted
11 electronically. All money received by the State Treasurer and the
12 retirement board for the retirement system shall be invested by the
13 state investment officer within thirty-one days after receipt.

14 Sec. 158. Section 79-987, Revised Statutes Supplement,
15 2011, is amended to read:

16 79-987 (1) An annual audit of the affairs of the
17 retirement system shall be conducted. At the option of the board,
18 such audit may be conducted by a certified public accountant or the
19 Auditor of Public Accounts. The costs of such audit shall be paid
20 from funds of the retirement system. A copy of such audit shall be
21 filed with the Auditor of Public Accounts.

22 (2) Beginning March 31, 2012, and each March 31
23 thereafter, if such retirement plan is a defined benefit plan, the
24 trustees of a retirement system established pursuant to section
25 79-979 shall cause to be prepared an annual report and the

1 administrator shall file the same with the Public Employees
2 Retirement Board and submit to the members of the Nebraska Retirement
3 Systems Committee of the Legislature a copy of such report. The
4 report submitted to the committee shall be submitted electronically.
5 The report shall consist of a full actuarial analysis of each such
6 retirement plan established pursuant to section 79-979. The analysis
7 shall be prepared by an independent private organization or public
8 entity employing actuaries who are members in good standing of the
9 American Academy of Actuaries, and which organization or entity has
10 demonstrated expertise to perform this type of analysis and is
11 unrelated to any organization offering investment advice or which
12 provides investment management services to the retirement plan.

13 Sec. 159. Section 79-1007.07, Revised Statutes
14 Supplement, 2011, is amended to read:

15 79-1007.07 (1)(a) The annual financial report required
16 pursuant to section 79-528 shall include:

17 (i) The amount of the poverty allowance used in the
18 certification of state aid pursuant to section 79-1022 for such
19 school fiscal year;

20 (ii) The amount of federal funds received based on
21 poverty as defined by the federal program providing the funds;

22 (iii) The expenditures and sources of funding for each
23 program related to poverty with a narrative description of the
24 program, the method used to allocate money to the program and within
25 the program, and the program's relationship to the poverty plan

1 submitted pursuant to section 79-1013 for such school fiscal year;

2 (iv) The expenditures and sources of funding for support
3 costs directly attributable to implementing the district's poverty
4 plan; and

5 (v) An explanation of how any required elements of the
6 poverty plan for such school fiscal year were met.

7 (b) The department shall set up accounting codes for the
8 receipts and expenditures required to be reported on the annual
9 financial report pursuant to this subsection.

10 (2) The department shall determine the poverty allowance
11 expenditures using the reported expenditures on the annual financial
12 report for the most recently available complete data year that would
13 include in the poverty allowance expenditures only those expenditures
14 that were used to specifically address issues related to the
15 education of students living in poverty or to the implementation of
16 the poverty plan, that do not replace expenditures that would have
17 occurred if the students involved in the program did not live in
18 poverty, that are not included in other allowances, and that are paid
19 for with noncategorical funds generated by state or local taxes or
20 funds distributed through the Tax Equity and Educational
21 Opportunities Support Act pursuant to the federal American Recovery
22 and Reinvestment Act of 2009 or the federal Education Jobs Fund
23 created pursuant to Public Law 111-226. The department shall
24 establish a procedure to allow school districts to receive
25 preapproval for categories of expenditures that could be included in

1 poverty allowance expenditures.

2 (3) If the poverty allowance expenditures do not equal
3 117.65 percent or more of the poverty allowance for the most recently
4 available complete data year, the department shall calculate a
5 poverty allowance correction. The poverty allowance correction shall
6 equal the poverty allowance minus eighty-five percent of the poverty
7 allowance expenditures. If the poverty allowance expenditures do not
8 equal fifty percent or more of the allowance for such school fiscal
9 year, the school district shall also be disqualified from receiving a
10 poverty allowance for the school fiscal year for which aid is being
11 calculated.

12 (4) If the department determines that the school district
13 did not meet the required elements of the poverty plan for the most
14 recently available complete data year, the department shall calculate
15 a poverty allowance correction equal to fifty percent of the poverty
16 allowance for such school fiscal year and the school district shall
17 also be disqualified from receiving a poverty allowance for the
18 school fiscal year for which aid is being calculated. Any poverty
19 allowance correction calculated pursuant to this subsection shall be
20 added to any poverty allowance correction calculated pursuant to
21 subsection (3) of this section to arrive at the total poverty
22 allowance correction.

23 (5) The department may request additional information
24 from any school district to assist with calculations and
25 determinations pursuant to this section. If the school district does

1 not provide information upon the request of the department pursuant
2 to this section, the school district shall be disqualified from
3 receiving a poverty allowance for the school fiscal year for which
4 aid is being calculated.

5 (6) The department shall ~~annually provide~~ electronically
6 an annual report to the Legislature ~~with a report~~ containing a
7 general description of the expenditures and funding sources for
8 programs related to poverty statewide and specific descriptions of
9 the expenditures and funding sources for programs related to poverty
10 for each school district.

11 (7) The state board shall establish a procedure for
12 appeal of decisions of the department to the state board for a final
13 determination.

14 Sec. 160. Section 79-1022, Revised Statutes Supplement,
15 2011, is amended to read:

16 79-1022 (1) On or before March 10, 2010, and March 1,
17 2011, for school fiscal year 2010-11, on or before July 1, 2011, for
18 school fiscal year 2011-12, and on or before March 1 of each year
19 thereafter for each ensuing fiscal year, the department shall
20 determine the amounts to be distributed to each local system and each
21 district pursuant to the Tax Equity and Educational Opportunities
22 Support Act and shall certify the amounts to the Director of
23 Administrative Services, the Auditor of Public Accounts, each
24 learning community, and each district. The amount to be distributed
25 to each district that is not a member of a learning community from

1 the amount certified for a local system shall be proportional based
2 on the formula students attributed to each district in the local
3 system. The amount to be distributed to each district that is a
4 member of a learning community from the amount certified for the
5 local system shall be proportional based on the formula needs
6 calculated for each district in the local system. On or before March
7 1, 2011, for school fiscal year 2010-11, on or before July 1, 2011,
8 for school fiscal year 2011-12, and on or before March 1 of each year
9 thereafter for each ensuing fiscal year, the department shall report
10 the necessary funding level to the Governor, the Appropriations
11 Committee of the Legislature, and the Education Committee of the
12 Legislature. The report submitted to the committees of the
13 Legislature shall be submitted electronically. Except as otherwise
14 provided in this subsection, certified state aid amounts, including
15 adjustments pursuant to section 79-1065.02, shall be shown as
16 budgeted non-property-tax receipts and deducted prior to calculating
17 the property tax request in the district's general fund budget
18 statement as provided to the Auditor of Public Accounts pursuant to
19 section 79-1024. Increases in state aid for school fiscal year
20 2010-11 from the first certification in 2010 to the second
21 certification on or before March 1, 2011, shall not require a school
22 district to revise its previously adopted budget statement pursuant
23 to section 13-511 for school fiscal year 2010-11 unless expenditures
24 are increased in such school fiscal year as a result of such
25 increases in state aid. The amount of such increased state aid that

1 has not been included in an amended budget for school fiscal year
2 2010-11 shall be included in the unencumbered cash balance pursuant
3 to section 13-504 for the school fiscal year 2011-12 budget for each
4 school district.

5 (2) Except as provided in this subsection, subsection (8)
6 of section 79-1016, and sections 79-1033 and 79-1065.02, the amounts
7 certified pursuant to subsection (1) of this section shall be
8 distributed in ten as nearly as possible equal payments on the last
9 business day of each month beginning in September of each ensuing
10 school fiscal year and ending in June of the following year, except
11 that when a school district is to receive a monthly payment of less
12 than one thousand dollars, such payment shall be one lump-sum payment
13 on the last business day of December during the ensuing school fiscal
14 year. For school fiscal year 2010-11, payments shall be based on the
15 amounts certified pursuant to subsection (1) of this section on March
16 10, 2010, except that on the last business day of April, the
17 department shall make federal Education Jobs Fund allocations
18 available pursuant to section 79-1028.04 equal to any increases in
19 state aid for school fiscal year 2010-11 from the first certification
20 in 2010 to the second certification on or before March 1, 2011,
21 rounded to the nearest whole dollar.

22 Sec. 161. Section 79-1103, Revised Statutes Supplement,
23 2011, is amended to read:

24 79-1103 (1)(a) The State Department of Education shall
25 establish and administer the Early Childhood Education Grant Program.

1 Upon the effective date of an endowment agreement, administration of
2 the Early Childhood Education Grant Program with respect to programs
3 for children from birth to age three shall transfer to the board of
4 trustees. If there is no endowment agreement in effect, the
5 department shall request proposals in accordance with this section
6 for all early childhood education programs from school districts,
7 individually or in cooperation with other school districts or
8 educational service units, working in cooperation with existing
9 nonpublic programs which meet the requirements of subsection (2) of
10 section 79-1104. If there is an endowment agreement in effect, the
11 board of trustees shall administer the Early Childhood Education
12 Grant Program with respect to programs for children from birth to age
13 three pursuant to section 79-1104.02 and the department shall
14 continue to administer the Early Childhood Education Grant Program
15 with respect to other prekindergarten programs pursuant to sections
16 79-1101 to 79-1104.05. All administrative procedures of the board of
17 trustees, including, but not limited to, rules, grant applications,
18 and funding mechanisms, shall harmonize with those established by the
19 department for other prekindergarten programs.

20 (b) The first priority shall be for (i) continuation
21 grants for programs that received grants in the prior school fiscal
22 year and for which the state aid calculation pursuant to the Tax
23 Equity and Educational Opportunities Support Act does not include
24 early childhood education students, in an amount equal to the amount
25 of such grant, except that if the grant was a first-year grant the

1 amount shall be reduced by thirty-three percent, (ii) continuation
2 grants for programs for which the state aid calculation pursuant to
3 the act includes early childhood education students, in an amount
4 equal to the amount of the grant for the school fiscal year prior to
5 the first school fiscal year for which early childhood education
6 students were included in the state aid calculation for the school
7 district's local system minus the calculated state aid amount, and
8 (iii) for school fiscal year 2007-08, continuation grants for
9 programs for which the state aid calculation pursuant to the act
10 includes early childhood education students, but such state aid
11 calculation does not result in the school district receiving any
12 equalization aid, in an amount equal to the amount of the grant
13 received in school fiscal year 2006-07. The calculated state aid
14 amount shall be calculated by multiplying the basic funding per
15 formula student for the school district by the formula students
16 attributed to the early childhood education programs pursuant to the
17 Tax Equity and Educational Opportunities Support Act.

18 (c) The second priority shall be for new grants and
19 expansion grants for programs that will serve at-risk children who
20 will be eligible to attend kindergarten the following school year.
21 New grants may be given for up to three years in an amount up to one-
22 half of the total budget of the program per year. Expansion grants
23 may be given for one year in an amount up to one-half of the budget
24 for expanding the capacity of the program to serve additional
25 children.

1 (d) The third priority shall be for new grants, expansion
2 grants, and continuation grants for programs serving children younger
3 than those who will be eligible to attend kindergarten the following
4 school year. New grants may be given for up to three years in an
5 amount up to one-half the total budget of the program per year.
6 Expansion grants may be given for one year in an amount up to one-
7 half the budget for expanding the capacity of the program to serve
8 additional children. Continuation grants under this priority may be
9 given annually in an amount up to one-half the total budget of the
10 program per year minus any continuation grants received under the
11 first priority.

12 (e) Programs serving children who will be eligible to
13 attend kindergarten the following school year shall be accounted for
14 separately for grant purposes from programs serving younger children,
15 but the two types of programs may be combined within the same
16 classroom to serve multi-age children. Programs that receive grants
17 for school fiscal years prior to school fiscal year 2005-06 to serve
18 both children who will be eligible to attend kindergarten the
19 following school year and younger children shall account for the two
20 types of programs separately for grant purposes beginning with school
21 year 2005-06 and shall be deemed to have received grants prior to
22 school fiscal year 2005-06 for each year that grants were received
23 for the types of programs representing the age groups of the children
24 served.

25 (2) Each program proposal which is approved by the

1 department shall include (a) a planning period, (b) an agreement to
2 participate in periodic evaluations of the program to be specified by
3 the department, (c) evidence that the program will be coordinated or
4 contracted with existing programs, including those listed in
5 subdivision (d) of this subsection and nonpublic programs which meet
6 the requirements of subsection (2) of section 79-1104, (d) a plan to
7 coordinate and use a combination of local, state, and federal funding
8 sources, including, but not limited to, programs for children with
9 disabilities below five years of age funded through the Special
10 Education Act, the Early Intervention Act, funds available through
11 the flexible funding provisions under the Special Education Act, the
12 federal Head Start program, 42 U.S.C. 9831 et seq., the federal Even
13 Start Family Literacy Program, 20 U.S.C. 6361 et seq., Title I of the
14 federal Improving America's Schools Act of 1994, 20 U.S.C. 6301 et
15 seq., and child care assistance through the Department of Health and
16 Human Services, (e) a plan to use sliding fee scales and the funding
17 sources included in subdivision (d) of this subsection to maximize
18 the participation of economically and categorically diverse groups
19 and to ensure that participating children and families have access to
20 comprehensive services, (f) the establishment of an advisory body
21 which includes families and community members, (g) the utilization of
22 appropriately qualified staff, (h) an appropriate child-to-staff
23 ratio, (i) appropriate group size, (j) compliance with minimum health
24 and safety standards, (k) appropriate facility size and equipment,
25 (l) a strong family development and support component recognizing the

1 central role of parents in their children's development, (m)
2 developmentally and culturally appropriate curriculum, practices, and
3 assessment, (n) sensitivity to the economic and logistical needs and
4 circumstances of families in the provision of services, (o)
5 integration of children of diverse social and economic
6 characteristics, (p) a sound evaluation component, including at least
7 one objective measure of child performance and progress, (q)
8 continuity with programs in kindergarten and elementary grades, (r)
9 instructional hours that are similar to or less than the
10 instructional hours for kindergarten except that a summer session may
11 be offered, (s) well-defined language development and early literacy
12 emphasis, including the involvement of parents in family literacy
13 activities, (t) a plan for ongoing professional development of staff,
14 and (u) inclusion of children with disabilities as defined in the
15 Special Education Act, all as specified by rules and regulations of
16 the department in accordance with sound early childhood educational
17 practice.

18 (3) The department shall make an effort to fund programs
19 widely distributed across the state in both rural and urban areas.

20 (4) A report evaluating the programs shall be made to the
21 State Board of Education and the Legislature by January 1 of each
22 odd-numbered year. The report submitted to the Legislature shall be
23 submitted electronically. Up to five percent of the total
24 appropriation for the Early Childhood Education Grant Program may be
25 reserved by the department for evaluation and technical assistance

1 for the programs.

2 (5) Early childhood education programs, whether
3 established pursuant to this section or section 79-1104, may be
4 approved for purposes of the Tax Equity and Educational Opportunities
5 Support Act, expansion grants, and continuation grants on the
6 submission of a continuation plan demonstrating that the program will
7 meet the requirements of subsection (2) of this section and a
8 proposed operating budget demonstrating that the program will receive
9 resources from other sources equal to or greater than the sum of any
10 grant received pursuant to this section for the prior school year
11 plus any calculated state aid as calculated pursuant to subsection
12 (1) of this section for the prior school year.

13 (6) The State Board of Education may adopt and promulgate
14 rules and regulations to implement the Early Childhood Education
15 Grant Program, except that if there is an endowment agreement in
16 effect, the board of trustees shall recommend any rules and
17 regulations relating specifically to the Early Childhood Education
18 Grant Program with respect to programs for children from birth to age
19 three. It is the intent of the Legislature that the rules and
20 regulations for programs for children from birth to age three be
21 consistent to the greatest extent possible with those established for
22 other prekindergarten programs.

23 Sec. 162. Section 79-1905, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 79-1905 The State Department of Education and the

1 Department of Health and Human Services shall annually report to the
2 Legislature and the Governor regarding the actions, activities,
3 accomplishments, and shortcomings in carrying out the Nebraska Read,
4 Educate, and Develop Youth Act. The report submitted to the
5 Legislature shall be submitted electronically.

6 Sec. 163. Section 79-2104.02, Revised Statutes
7 Supplement, 2011, is amended to read:

8 79-2104.02 Each learning community coordinating council
9 shall use any funds received after January 15, 2011, pursuant to
10 section 79-1241.03 for evaluation and research pursuant to plans
11 developed by the learning community coordinating council with
12 assistance from the educational service unit coordinating council and
13 adjusted on an ongoing basis. The evaluation shall be conducted by
14 one or more other entities or individuals who are not employees of
15 the learning community and shall measure progress toward the goals
16 and objectives of the learning community, which goals and objectives
17 shall include reduction of excessive absenteeism of students in the
18 member school districts of the learning community and closing
19 academic achievement gaps based on socioeconomic status, and the
20 effectiveness of the approaches used by the learning community or
21 pilot project to reach such goals and objectives. Any research
22 conducted pursuant to this section shall also be related to such
23 goals and objectives. After the first full year of operation, each
24 learning community shall report evaluation and research results
25 electronically to the Education Committee of the Legislature on or

1 before December 1 of each year.

2 Sec. 164. Section 79-2118, Revised Statutes Cumulative
3 Supplement, 2010, is amended to read:

4 79-2118 (1) Each learning community, together with its
5 member school districts, shall develop a diversity plan to provide
6 educational opportunities pursuant to sections 79-769 and 79-2110 in
7 each subcouncil district designed to attract students from diverse
8 backgrounds, which plan may be revised from time to time. The initial
9 diversity plan shall be completed by December 31 of the year the
10 initial learning community coordinating council for the learning
11 community takes office. The goal of the diversity plan shall be to
12 annually increase the socioeconomic diversity of enrollment at each
13 grade level in each school building within the learning community
14 until such enrollment reflects the average socioeconomic diversity of
15 the entire enrollment of the learning community.

16 (2) Each diversity plan for a learning community shall
17 include specific provisions relating to each subcouncil district
18 within such learning community. The specific provisions relating to
19 each subcouncil district shall be approved by both the achievement
20 subcouncil for such district and by the learning community
21 coordinating council.

22 (3) The learning community coordinating council shall
23 report electronically to the Education Committee of the Legislature
24 on or before December 1 of each even-numbered year on the diversity
25 and changes in diversity at each grade level in each school building

1 within the learning community and on the academic achievement for
2 different demographic groups in each school building within the
3 learning community.

4 Sec. 165. Section 81-106, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 81-106 The Tax Commissioner shall annually examine and
7 audit or supervise and direct the examination and audit of the books,
8 accounts, vouchers, records, and expenditures of the office of
9 Auditor of Public Accounts and report promptly to the Governor and
10 the Clerk of the Legislature the result of such examination and
11 audit. The report submitted to the Clerk of the Legislature shall be
12 submitted electronically. Each member of the Legislature shall
13 receive ~~a~~an electronic copy of such report by making a request for
14 it to the Tax Commissioner.

15 Sec. 166. Section 81-166, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 81-166 The materiel division shall keep an accurate
18 record of the postage used by each state officer, department,
19 commission, board, bureau, court, or other agency and charge such
20 state officer, department, commission, board, bureau, court, or other
21 agency with the exact amount of postage so used plus administrative
22 and operational costs. Administrative and operational costs shall be
23 charged as a percentage of the amount charged for postage. Such
24 charge shall, as nearly as may be practical, reflect the actual
25 administrative and operational costs of the central mailing room and

1 its related activities. ~~The percentage charge shall be reported~~
2 ~~annually to the Legislature's Committee on Appropriations. The~~
3 ~~division shall submit an annual report to the Appropriations~~
4 ~~Committee of the Legislature of the percentage charge.~~ Rates planned
5 for the coming fiscal year shall be included in the instructions for
6 completion of budget request forms as annually prepared by the
7 Department of Administrative Services' budget division. If rate
8 revisions are required during the fiscal year to reflect changes in
9 the administrative and operational costs, these revisions shall be
10 announced to each state officer, department, commission, board,
11 bureau, court, or other agency at least thirty days prior to their
12 use.

13 Sec. 167. Section 81-187, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 81-187 A copy of all estimates, reports, and allocation
16 requests required by the Deferred Building Renewal Act shall be
17 submitted electronically to the Legislative Fiscal Analyst upon his
18 or her request.

19 Sec. 168. Section 81-638, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 81-638 (1) The Legislature shall appropriate for each
22 year from the Health and Human Services Cash Fund to the department
23 an amount derived from one cent of the cigarette tax imposed by
24 section 77-2602, less any amount appropriated from the fund
25 specifically to the University of Nebraska Eppley Institute for

1 Research in Cancer and Allied Diseases. The department shall, after
2 deducting expenses incurred in the administration of such funds,
3 distribute such funds exclusively for grants and contracts for
4 research of cancer and smoking diseases, for funding the cancer
5 registry prescribed in sections 81-642 to 81-650, and for associated
6 expenses due to the establishment and maintenance of such cancer
7 registry. Not more than two hundred thousand dollars shall be
8 appropriated for funding the cancer registry and associated expenses.
9 The University of Nebraska may receive such grants and contracts, and
10 other postsecondary institutions having colleges of medicine located
11 in the State of Nebraska may receive such contracts.

12 (2) The Legislature shall appropriate for each year from
13 the Health and Human Services Cash Fund to the department for cancer
14 research an amount derived from two cents of the cigarette tax
15 imposed by section 77-2602 to be used exclusively for grants and
16 contracts for research on cancer and smoking diseases. No amount
17 shall be appropriated or used pursuant to this subsection for the
18 operation and associated expenses of the cancer registry. Not more
19 than one-half of the funds appropriated pursuant to this subsection
20 shall be distributed to the University of Nebraska Medical Center for
21 research in cancer and allied diseases and the University of Nebraska
22 Eppley Institute for Research in Cancer and Allied Diseases. The
23 remaining funds available pursuant to this subsection shall be
24 distributed for contracts with other postsecondary educational
25 institutions having colleges of medicine located in Nebraska which

1 have cancer research programs for the purpose of conducting research
2 in cancer and allied diseases.

3 (3) Any contract between the department and another
4 postsecondary educational institution for cancer research under
5 subsection (2) of this section shall provide that:

6 (a) Any money appropriated for such contract shall only
7 be used for cancer research and shall not be used to support any
8 other program in the institution;

9 (b) Full and detailed reporting of the expenditure of all
10 funds under the contract is required. The report shall include, but
11 not be limited to, separate accounting for personal services,
12 equipment purchases or leases, and supplies. Such reports shall be
13 made available electronically to the Legislature; and

14 (c) No money appropriated for such contract shall be
15 spent for travel, building construction, or any other purpose not
16 directly related to the research that is the subject of the contract.

17 Sec. 169. Section 81-650, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 81-650 The department shall ~~annually~~ submit
20 electronically an annual report to the Legislature's Health and Human
21 Services Committee with the documentation on the operation and
22 performance of the cancer registry program established pursuant to
23 sections 81-642 to 81-650.

24 Sec. 170. Section 81-6,116, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 81-6,116 (1) Information reported under section 81-6,114
2 may be used by the department for statistical and public health
3 planning purposes and for other public health purposes as identified
4 by the department in rule and regulation.

5 (2) The department shall periodically review information
6 collected under section 81-6,114 for the purpose of identifying
7 potential policies or practices of any reporting facility which may
8 be detrimental to the public health, including, but not limited to,
9 policies and practices which may have the effect of limiting access
10 to needed health care services for Nebraska residents. The department
11 shall provide electronically recommendations to the Health and Human
12 Services Committee of the Legislature relating to appropriate
13 administrative and legislative responses to such policies and
14 practices and shall provide an annual report to the chairperson of
15 such committee of its findings and its current or planned activities
16 under this section, if any.

17 Sec. 171. Section 81-829.43, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 81-829.43 (1) In addition to prevention measures included
20 in the state, city, village, county, and interjurisdictional
21 emergency operations plans, the Governor shall consider on a
22 continuing basis steps that could be taken to prevent or reduce the
23 harmful consequences of disasters, emergencies, and civil defense
24 emergencies. At his or her direction and pursuant to any other
25 authority and competence they have, state agencies, including, but

1 not limited to, those charged with responsibilities in connection
2 with flood plain management, stream encroachment and flow regulation,
3 fire prevention and control, air quality, public works, land use and
4 land-use planning, and construction standards, shall make studies of
5 prevention-related matters. The Governor, from time to time, shall
6 make such recommendations to the Legislature, local governments, and
7 other appropriate public and private entities as may facilitate
8 measures for prevention or mitigation of the harmful consequences of
9 disasters, emergencies, and civil defense emergencies. The
10 recommendations submitted to the Legislature shall be submitted
11 electronically.

12 (2) The appropriate state agencies, in conjunction with
13 the Nebraska Emergency Management Agency, shall keep land uses and
14 construction of structures and other facilities under continuing
15 study and identify areas which are particularly susceptible to severe
16 land shifting, subsidence, flood, or other catastrophic occurrence.
17 The studies under this subsection shall concentrate on means of
18 mitigating or avoiding the dangers caused by any such occurrence or
19 the consequences thereof.

20 (3) If the agency believes on the basis of the studies or
21 other competent evidence that an area is susceptible to a disaster,
22 emergency, or civil defense emergency of catastrophic proportions
23 without adequate warning, that existing building standards and land-
24 use controls in that area are inadequate and could add substantially
25 to the magnitude thereof, and that changes in zoning regulations,

1 other land-use regulations, or building requirements are essential in
2 order to further the purposes of this section, it shall specify the
3 essential changes to the Governor. If the Governor upon review of the
4 recommendation finds after public hearing that the changes are
5 essential, he or she shall so recommend to the agencies or local
6 governments with jurisdiction over the area and subject matter. If no
7 action or insufficient action pursuant to his or her recommendations
8 is taken within the time specified by the Governor, he or she shall
9 so inform the Legislature electronically and request appropriate
10 legislative action to mitigate the impact of a disaster, emergency,
11 or civil defense emergency.

12 (4) The Governor, at the same time that he or she makes
13 recommendations pursuant to subsection (3) of this section, may
14 suspend the standard or control which he or she finds to be
15 inadequate to protect the public safety and by regulation place a new
16 standard or control in effect. The new standard or control shall
17 remain in effect until rejected by resolution of the Legislature or
18 amended by the Governor. During the time it is in effect, the
19 standard or control contained in the Governor's regulation shall be
20 administered and given full effect by all relevant regulatory
21 agencies of the state and local governments to which it applies. The
22 Governor's action shall be subject to judicial review but shall not
23 be subject to temporary stay pending litigation.

24 Sec. 172. Section 81-829.47, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 81-829.47 (1) If the Governor finds that two or more
2 adjoining counties would be better served by an interjurisdictional
3 emergency management arrangement than by maintaining separate
4 emergency management organizations and services, he or she may
5 delineate by order or regulation an interjurisdictional area adequate
6 to plan for, prevent, or respond to a disaster, emergency, or civil
7 defense emergency in that area and direct such steps to be taken as
8 are necessary, including the creation of an interjurisdictional
9 emergency management relationship, a joint emergency operations plan,
10 mutual aid, or an interjurisdictional emergency management
11 organization. A finding of the Governor pursuant to this subsection
12 shall be based on one or more factors related to the difficulty of
13 maintaining an efficient and effective disaster prevention,
14 mitigation, preparedness, response, and recovery and emergency
15 management system without such interjurisdictional arrangement, such
16 as:

17 (a) Small or sparse population;

18 (b) Limitations on public financial resources severe
19 enough to make maintenance of separate emergency management
20 organizations and services unreasonably burdensome;

21 (c) Unusual vulnerability to disaster, emergency, or
22 civil defense emergency as evidenced by past history, topographical
23 features, drainage characteristics, potential for disaster,
24 emergency, or civil defense emergency, and presence of facilities or
25 operations prone to disaster, emergency, or civil defense emergency;

1 (d) The interrelated character of the counties in a
2 multicounty area; or

3 (e) Other relevant conditions or circumstances.

4 (2) If the Governor finds that a vulnerable area lies
5 only partly within this state and includes territory in another state
6 or states and that it would be desirable to establish an interstate
7 relationship, mutual aid, or an interstate emergency management
8 organization, he or she shall take steps to that end as desirable. If
9 this action is taken with jurisdictions that have enacted the
10 Interstate Civil Defense and Disaster Compact, any resulting
11 agreements may be considered supplemental agreements pursuant to
12 Article 6 of that compact.

13 (3) If the other jurisdictions with which the Governor
14 proposes to cooperate pursuant to subsection (2) of this section have
15 not enacted the compact, he or she may negotiate special agreements
16 with the jurisdictions. Any agreement, if sufficient authority for
17 the making thereof does not otherwise exist, shall become effective
18 only after its text has been communicated electronically to the
19 Legislature and if the Legislature has not disapproved it prior to
20 adjournment of the next session competent to consider it or within
21 thirty days of its submission, whichever is later.

22 Sec. 173. Section 81-829.56, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 81-829.56 (1) This state hereby enacts into law and
25 enters into the Interstate Civil Defense and Disaster Compact with

1 all states bordering this state which have enacted or shall hereafter
2 enact the compact in the form substantially as adopted in this state.

3 (2) The Governor may enter into the compact with any
4 state which does not border this state if he or she finds that joint
5 action with the state is desirable in meeting common
6 intergovernmental problems of emergency disaster planning,
7 prevention, response, and recovery.

8 (3) Nothing in subsections (1) and (2) of this section
9 shall be construed to limit previous or future entry into the
10 Interstate Civil Defense and Disaster Compact of this state with
11 other states.

12 (4) If any person holds a license, certificate, or other
13 permit issued by any state or political subdivision thereof
14 evidencing the meeting of qualifications for professional,
15 mechanical, or other skills, the person may render aid involving that
16 skill in this state to meet an emergency or disaster and this state
17 shall give due recognition to the license, certificate, or other
18 permit.

19 (5) In addition to the Interstate Civil Defense and
20 Disaster Compact, the Governor may enter into and execute on behalf
21 of the State of Nebraska mutual aid agreements or emergency
22 preparedness compacts with other states. Any such agreement or
23 compact shall provide for reimbursement of all costs incurred by the
24 State of Nebraska for actions taken in another state, for
25 indemnification of the State of Nebraska and its employees against

1 all claims, costs, or fees arising from actions taken in another
2 state, and for termination of the agreement or assistance as
3 necessary to meet disasters, emergencies, or other needs of the State
4 of Nebraska. Any mutual aid agreement or emergency preparedness
5 compact other than the Interstate Civil Defense and Disaster Compact
6 which does not meet the requirements specified in this subsection
7 shall be submitted electronically to the Legislature for approval
8 before it can become effective.

9 Sec. 174. Section 81-830, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 81-830 (1) The Office of Homeland Security is created.
12 The Governor shall appoint the Director of State Homeland Security
13 who shall serve at the pleasure of the Governor.

14 (2) The purpose of the office is to ensure preparedness
15 by the State of Nebraska in response to terrorist acts. The office
16 shall coordinate efforts regarding domestic security issues with the
17 United States Department of Homeland Security. The Director of State
18 Homeland Security shall serve as the contact between the state and
19 the United States Department of Homeland Security.

20 (3)(a) The Homeland Security Policy Group is created. The
21 Director of State Homeland Security shall serve as chairperson of the
22 policy group. The policy group is charged with assessing strategic
23 alternatives and recommending broad courses of action for the
24 development of comprehensive strategies. The Governor shall appoint
25 other members of the policy group who shall serve at the will of the

1 Governor. The Executive Board of the Legislative Council shall select
2 one member of the Government, Military and Veterans Affairs Committee
3 and one member of the Appropriations Committee of the Legislature to
4 serve as ex officio nonvoting members of the policy group.

5 (b) The policy group shall report electronically by March
6 1 of each year to the executive board identifying federal funds sent
7 to the state in support of its preparedness activities and indicating
8 the use of federal funds received by the state for homeland security,
9 including specific amounts allocated to any unit of state or local
10 government and the use to which the unit shall apply the funds.

11 (c) The policy group shall not be subject to the Open
12 Meetings Act or to sections 84-712 to 84-712.09.

13 Sec. 175. Section 81-8,226, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 81-8,226 The Risk Manager shall report electronically to
16 the Clerk of the Legislature all claims and judgments paid under the
17 State Tort Claims Act. Such report shall include the name of each
18 claimant, a statement of the amount claimed and the amount awarded,
19 and a brief description of the claim including the agency and program
20 or activity under which the claim arose. Each member of the
21 Legislature shall receive ~~a~~an electronic copy of such report by
22 making a request for it to the Risk Manager.

23 Sec. 176. Section 81-8,239.02, Revised Statutes
24 Supplement, 2011, is amended to read:

25 81-8,239.02 The following separate permanent revolving

1 funds are established in the state treasury for use under the Risk
2 Management Program according to the purposes for which each fund is
3 established:

4 (1) The State Insurance Fund is hereby created for the
5 purpose of purchasing insurance to cover property, fidelity, and
6 liability risks of the state and workers' compensation claims against
7 the state and other risks to which the state or its agencies,
8 officials, or employees are exposed and for paying related expenses,
9 including the costs of administering the Risk Management Program. The
10 fund may receive deposits from assessments against state agencies to
11 provide insurance coverage as directed by the Risk Manager. The Risk
12 Manager may retain in the fund sufficient money to pay for any
13 deductibles, self-insured retentions, or copayments as may be
14 required by such insurance policies and Risk Management Program
15 expenses;

16 (2) The State Self-Insured Property Fund is hereby
17 created for the purpose of replacing, repairing, or rebuilding state
18 property which has incurred damage or is suffering other loss not
19 fully covered by insurance and for paying related expenses. The fund
20 may receive deposits from assessments against state agencies to
21 provide property coverage as directed by the Risk Manager. The Risk
22 Manager may assess state agencies to provide self-insured property
23 coverage;

24 (3) The State Self-Insured Indemnification Fund is hereby
25 created for the purpose of paying indemnification claims under

1 section 81-8,239.05. Indemnification claims shall include payments
2 for awards, settlements, and associated costs, including appeal bonds
3 and reasonable costs associated with a required appearance before any
4 tribunal. The fund may receive deposits from assessments against
5 state agencies to pay for the costs associated with providing and
6 supporting indemnification claims. The creation of this fund shall
7 not be interpreted as expanding the liability exposure of the state
8 or its agencies, officials, or employees; and

9 (4) The State Self-Insured Liability Fund is hereby
10 created for the purpose of paying compensable liability and fidelity
11 claims against the state or its agencies, officials, or employees
12 which are not fully covered by insurance and for which there is
13 insufficient agency funding and for which a legislative appropriation
14 is made under the provisions of section 81-8,239.11. The creation of
15 this fund shall not be interpreted as expanding the liability
16 exposure of the state or its agencies, officials, or employees. The
17 Risk Manager shall report electronically all claims and judgments
18 paid from the State Self-Insured Liability Fund to the Clerk of the
19 Legislature annually. The report shall include the name of the
20 claimant, the amount claimed and paid, and a brief description of the
21 claim, including any agency, program, and activity under which the
22 claim arose. Any member of the Legislature may receive ~~a~~an
23 electronic copy of the report by making a request to the Risk
24 Manager.

25 Sec. 177. Section 81-8,239.05, Reissue Revised Statutes

1 of Nebraska, is amended to read:

2 81-8,239.05 (1) The State of Nebraska shall indemnify its
3 officials and employees and its past officials and employees for
4 money damages and reasonable costs incurred as a result of an act or
5 omission occurring in the course and scope of employment of such
6 official or employee after May 22, 1981. Such official's or
7 employee's right to indemnification shall include the payments of
8 awards, settlements, and associated costs, including appeal bonds and
9 reasonable costs associated with a required appearance before any
10 tribunal.

11 (2) Subsection (1) of this section shall not apply in
12 case of malfeasance in office or willful or wanton neglect of duty.
13 This section shall not be interpreted as an expansion of any state
14 official's or employee's personal liability.

15 (3) The Attorney General shall notify the Risk Manager
16 when an official or employee is being represented by the Attorney
17 General or has engaged competent counsel approved by the Attorney
18 General. The reasonable costs of litigation, including appeal bonds,
19 or the reasonable costs of any appearance before any tribunal shall
20 be paid by the Risk Manager from the State Self-Insured
21 Indemnification Fund.

22 (4) The Attorney General shall file copies of all awards
23 and settlements and any final court approval with the Risk Manager
24 and shall request that the Risk Manager make the required payments,
25 if funds are available, from the State Self-Insured Indemnification

1 Fund, except that any portion of an award or settlement which is for
2 punitive damages may only be paid with the approval of the
3 Legislature. The official or employee may file a claim under the
4 State Miscellaneous Claims Act if payment is not made.

5 (5) The Risk Manager shall report electronically all
6 claims and judgments paid from the State Self-Insured Indemnification
7 Fund to the Clerk of the Legislature annually. The report shall
8 include the name of the claimant, the amount claimed and paid, and a
9 brief description of the claim, including any agency, program, and
10 activity under which the claim arose. Any member of the Legislature
11 may receive a an electronic copy of the report by making a request to
12 the Risk Manager.

13 Sec. 178. Section 81-8,251, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 81-8,251 In addition to whatever reports he or she may
16 make from time to time, the Public Counsel shall on or about February
17 15 of each year report to the Clerk of the Legislature and to the
18 Governor concerning the exercise of his or her functions during the
19 preceding calendar year. The report submitted to the Clerk of the
20 Legislature shall be submitted electronically. In discussing matters
21 with which he or she has dealt, the Public Counsel need not identify
22 those immediately concerned if to do so would cause needless
23 hardship. So far as the annual report may criticize named agencies or
24 officials, it must include also their replies to the criticism. Each
25 member of the Legislature shall receive a an electronic copy of such

1 report by making a request for it to the Public Counsel.

2 Sec. 179. Section 81-8,300, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 81-8,300 (1) After investigation, the Risk Manager or
5 State Claims Board shall either approve, approve with conditions or
6 limitations, or disapprove of each claim or request and append to the
7 claim or request a concise statement of the facts brought out in such
8 investigation upon which its approval or disapproval is based. If any
9 claim is approved in an amount of more than five thousand dollars,
10 the approval of the board is required. Such claim or request,
11 together with the original papers supporting it and the appended
12 statement, shall be filed with the Risk Manager in the manner
13 prescribed by the State Claims Board. The Risk Manager shall promptly
14 notify each claimant of the decision by the Risk Manager or State
15 Claims Board on his or her claim by regular mail. The notification
16 shall include ~~(1)~~(a) the decision of the Risk Manager or State
17 Claims Board, ~~(2)~~(b) a statement that a claimant dissatisfied with
18 the decision of the Risk Manager may have his or her claim reviewed
19 by the board or a statement that a claimant dissatisfied with the
20 decision of the board may have his or her claim reviewed by the
21 Legislature upon application, ~~(3)~~(c) the procedure for making an
22 application for review, and ~~(4)~~(d) the time limit for making such
23 application.

24 (2) If the claimant is dissatisfied with the decision of
25 the Risk Manager, he or she may file an application for review by the

1 board. If the claimant is dissatisfied with the decision of the
2 board, he or she may file electronically an application for review by
3 the Legislature. The application for review shall be filed with the
4 Risk Manager in the manner prescribed by the board. The application
5 for review shall be filed within sixty days after the date of the
6 decision which is being reviewed.

7 (3) Each claim which has been approved or for which an
8 application for review with the Legislature has been filed and each
9 request referred to in section 81-8,297 shall be delivered
10 electronically by the Risk Manager to the chairperson of the Business
11 and Labor Committee of the Legislature at the next regular session of
12 the Legislature convening after the date of the decision of the
13 board. The Risk Manager may direct the payment by the state agency
14 involved of any claim not in excess of five thousand dollars if such
15 payment is agreed to by the head of the agency involved. The State
16 Claims Board may direct payment by the state agency involved of any
17 claim not in excess of fifty thousand dollars if such payment is
18 agreed to by the head of the agency involved and the agency has
19 sufficient funds to pay the claim. If claims approved by the Risk
20 Manager or State Claims Board arise out of the same facts and
21 circumstances, they shall be aggregated. If the Risk Manager or State
22 Claims Board does not direct the payment of a claim as set forth in
23 this section or the claim exceeds the dollar limitations set forth in
24 this section, the claim shall be reviewed by the Legislature and an
25 appropriation made therefor if appropriate. The Risk Manager shall

1 report electronically all claims and judgments paid under the State
2 Miscellaneous Claims Act to the Clerk of the Legislature and the
3 Chairperson of the Business and Labor Committee of the Legislature.
4 The report shall include the name of the claimant, a statement of the
5 amount claimed and paid, and a brief description of the claim
6 including the agency and program or activity under which the claim
7 arose. Any member of the Legislature may receive ~~a~~ an electronic copy
8 of the report by making a request to the Risk Manager.

9 Sec. 180. Section 81-1107.05, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 81-1107.05 (1) The Director of Administrative Services
12 may initiate interfund borrowing among the various revolving funds
13 within the Department of Administrative Services, except that at no
14 time shall the aggregate advances from all lending funds exceed five
15 hundred thousand dollars.

16 (2) The director shall report to the budget administrator
17 of the budget division of the department and the Legislative Fiscal
18 Analyst:

19 (a) The amount of each interfund loan processed or repaid
20 and the date of the transaction; and

21 (b) An explanation of each interfund loan transaction.

22 The report submitted to the Legislative Fiscal Analyst
23 shall be submitted electronically.

24 (3) By July 15 each year, the director shall report to
25 the budget administrator and the Legislative Fiscal Analyst the:

1 (a) Outstanding aggregate balances advanced from the
2 respective revolving funds within the department as of the preceding
3 June 30; and

4 (b) Outstanding aggregate balances borrowed by each fund
5 from the respective revolving funds within the department as of the
6 preceding June 30.

7 The report submitted to the Legislative Fiscal Analyst
8 shall be submitted electronically.

9 Sec. 181. Section 81-1108.15, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 81-1108.15 (1) Except as provided in the Nebraska State
12 Capitol Preservation and Restoration Act, the division shall have the
13 primary functions and responsibilities of statewide facilities
14 planning, facilities construction, and facilities administration and
15 shall adopt and promulgate rules and regulations to carry out this
16 section.

17 (2) Facilities planning shall include the following
18 responsibilities and duties:

19 (a) To maintain utilization records of all state-owned,
20 state-occupied, and vacant facilities;

21 (b) To coordinate comprehensive capital facilities
22 planning;

23 (c) To define and review program statements based on
24 space utilization standards;

25 (d) To prepare or review planning and construction

1 documents;

2 (e) To develop and maintain time-cost schedules for
3 capital construction projects;

4 (f) To assist the Governor and the Legislative Fiscal
5 Analyst in the preparation of the capital construction budget
6 recommendations;

7 (g) To maintain a complete inventory of all state-owned,
8 state-occupied, and vacant sites and structures and to review the
9 proposals for naming such sites and structures;

10 (h) To determine space needs of all state agencies and
11 establish space-allocation standards; and

12 (i) To cause a state comprehensive capital facilities
13 plan to be developed.

14 (3) Facilities construction shall include the following
15 powers and duties:

16 (a) To maintain close contact with and inspections of
17 each project so as to assure execution of time-cost schedules and
18 efficient contract performance if such project's total design and
19 construction cost is more than fifty thousand dollars;

20 (b) To perform final acceptance inspections and
21 evaluations; and

22 (c) To coordinate all change or modification orders and
23 progress payment orders.

24 (4) Facilities administration shall include the following
25 powers and duties:

1 (a) To serve as state leasing administrator or agent for
2 all facilities to be leased for use by the state and for all state-
3 owned facilities to be rented to state agencies or other parties
4 subject to section 81-1108.22. The division shall remit the proceeds
5 from any rentals of state-owned facilities to the State Treasurer for
6 credit to the State Building Revolving Fund and the State Building
7 Renewal Assessment Fund;

8 (b) To provide all maintenance, repairs, custodial
9 duties, security, and administration for all buildings and grounds
10 owned or leased by the State of Nebraska except as provided in
11 subsections (5) and (6) of this section;

12 (c) To be responsible for adequate parking and the
13 designation of parking stalls or spaces, including access aisles, in
14 offstreet parking facilities for the exclusive use of handicapped or
15 disabled or temporarily handicapped or disabled persons pursuant to
16 section 18-1737;

17 (d) To ensure that all state-owned, state-occupied, and
18 vacant facilities are maintained or utilized to their maximum
19 capacity or to dispose of such facilities through lease, sale, or
20 demolition;

21 (e) To submit electronically an annual report ~~annually~~ to
22 the Appropriations Committee of the Legislature and the Committee on
23 Building Maintenance regarding the amount of property leased by the
24 state and the availability of state-owned property for the needs of
25 state agencies;

1 (f) To report monthly time-cost data on projects to the
2 Governor and the Clerk of the Legislature. The report submitted to
3 the Clerk of the Legislature shall be submitted electronically;

4 (g) To administer the State Emergency Capital
5 Construction Contingency Fund;

6 (h) To submit status reports to the Governor and the
7 Legislative Fiscal Analyst after each quarter of a construction
8 project is completed detailing change orders and expenditures to
9 date. The report submitted to the Legislative Fiscal Analyst shall be
10 submitted electronically. Such reports shall be required on all
11 projects costing five hundred thousand dollars or more and on such
12 other projects as may be designated by the division; and

13 (i) To submit a final report on each project to the
14 Governor and the Legislative Fiscal Analyst. The report submitted to
15 the Legislative Fiscal Analyst shall be submitted electronically.
16 Such report shall include, but not be limited to, a comparison of
17 final costs and appropriations made for the project, change orders,
18 and modifications and whether the construction complied with the
19 related approved program statement. Such reports shall be required on
20 all projects costing five hundred thousand dollars or more and on
21 such other projects as may be designated by the division.

22 (5) Subdivisions (4)(b), (c), and (d) of this section
23 shall not apply to (a) state-owned facilities to be rented to state
24 agencies or other parties by the University of Nebraska, the Nebraska
25 state colleges, the Department of Aeronautics, the Department of

1 Roads, and the Board of Educational Lands and Funds, (b) buildings
2 and grounds owned or leased for use by the University of Nebraska,
3 the Nebraska state colleges, and the Board of Educational Lands and
4 Funds, (c) buildings and grounds owned, leased, or operated by the
5 Department of Correctional Services, (d) facilities to be leased for
6 nonoffice use by the Department of Roads, (e) buildings or grounds
7 owned or leased by the Game and Parks Commission if the application
8 of such subdivisions to the buildings or grounds would result in
9 ineligibility for or repayment of federal funding, (f) buildings or
10 grounds of the state park system, state recreation areas, state
11 historical parks, state wildlife management areas, or state
12 recreational trails, or (g) other buildings or grounds owned or
13 leased by the State of Nebraska which are specifically exempted by
14 the division because the application of such subdivisions would
15 result in the ineligibility for federal funding or would result in
16 hardship on an agency, board, or commission due to other exceptional
17 or unusual circumstances, except that nothing in this subdivision
18 shall prohibit the assessment of building rental depreciation charges
19 to tenants of facilities owned by the state and under the direct
20 control and maintenance of the division.

21 (6) Security for all buildings and grounds owned or
22 leased by the State of Nebraska in Lincoln, Nebraska, except the
23 buildings and grounds described in subsection (5) of this section,
24 shall be the responsibility of the Nebraska State Patrol. The
25 Nebraska State Patrol shall consult with the Governor, the Chief

1 Justice, the Executive Board of the Legislative Council, and the
2 State Capitol Administrator regarding security policy within the
3 State Capitol and capitol grounds.

4 (7) Each member of the Legislature shall receive a ~~a~~an
5 electronic copy of the reports required by subdivisions (4)(f), (h),
6 and (i) of this section by making a request for them to the State
7 Building Administrator. The information on such reports shall be
8 submitted to the division by the agency responsible for the project.

9 Sec. 182. Section 81-1108.22, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 81-1108.22 (1) The division shall have the responsibility
12 of providing office space in leased and state-owned buildings in the
13 proximity of the State Capitol and in other locations.

14 (2) When any board, agency, commission, or department of
15 the state government not otherwise specifically authorized by law
16 desires to use funds available for the purpose of renting office
17 space outside of the State Capitol, it shall submit a request to the
18 Director of Administrative Services. If the director approves the
19 lease, the terms and location shall be approved by the director and
20 the administrator in writing and the leases shall be entered into and
21 administered by the administrator on behalf of the board, agency,
22 commission, or department. A copy of all such lease contracts shall
23 be kept on file by the state building division and shall be open to
24 inspection by the Legislature and the public during normal business
25 hours.

1 (3)(a) The administrator shall develop a system of
2 charges to cover basic rental, maintenance, renovations, and
3 operation of such leased and owned properties. The charges to state
4 agencies, boards, commissions, or departments of state government
5 shall be paid from funds available for the purpose of renting space
6 on a regular basis and placed, as applicable, in the State Building
7 Revolving Fund and the State Building Renewal Assessment Fund. The
8 administrator shall make payments for basic rentals, renovations, and
9 maintenance and operational costs of all leased and owned buildings
10 from the State Building Revolving Fund except for expenses relating
11 to security provided by the Nebraska State Patrol as provided in
12 subdivision (b) of this subsection.

13 (b) The State Building Revolving Fund is created. The
14 fund shall be administered by the administrator. The fund shall
15 consist of rental charges and other receipts collected pursuant to
16 contractual agreements between the state building division and other
17 entities as authorized by law. The fund shall only be used to support
18 the operation of the state building division as provided by law,
19 except that the Legislature shall make fund transfers each fiscal
20 year through the budget process from the State Building Revolving
21 Fund to the Capitol Security Revolving Fund to help pay non-general-
22 fund costs associated with the operation of the state capitol
23 security division of the Nebraska State Patrol. Any money in the
24 State Building Revolving Fund available for investment shall be
25 invested by the state investment officer pursuant to the Nebraska

1 Capital Expansion Act and the Nebraska State Funds Investment Act.

2 (4) The charges for such leased and owned properties
3 shall only be adjusted by the administrator on July 1. Prior to any
4 adjustment in the system of charges, the Department of Administrative
5 Services, on or before December 1 of the year preceding the effective
6 date of such adjustment, shall provide ~~written~~ electronic
7 notification to the Committee on Building Maintenance, the Clerk of
8 the Legislature, and the Legislative Fiscal Analyst of the proposed
9 adjustment to the system of charges.

10 (5) ~~Commencing on April 18, 1992, all~~ All leases of real
11 property entered into by any state agency, board, commission, or
12 department shall be subject to this section. Leases held by a state
13 agency, board, commission, or department on such date shall be valid
14 until the lease contract is terminated or is subject to renewal. The
15 division shall monitor all such leases and determine when the lease
16 is subject to renewal. Once the determination is made, the division
17 shall cancel the lease as of the renewal date and shall treat the
18 need of the agency, board, commission, or department as an original
19 request for space and subject to this section. This subsection shall
20 not apply to (a) state-owned facilities to be rented to state
21 agencies or other parties by the University of Nebraska, the Nebraska
22 state colleges, the Department of Aeronautics, the Department of
23 Roads, and the Board of Educational Lands and Funds, (b) facilities
24 to be leased for use by the University of Nebraska, the Nebraska
25 state colleges, and the Board of Educational Lands and Funds, (c)

1 facilities to be leased for nonoffice use by the Department of Roads,
2 or (d) facilities controlled by the State Department of Education,
3 which were formerly controlled by the Nebraska School for the
4 Visually Handicapped, to be rented to state agencies or other parties
5 by the department.

6 Sec. 183. Section 81-1108.31, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 81-1108.31 Whenever any improvement district for the
9 opening, widening, or otherwise improving Fifteenth Street in the
10 city of Lincoln, Nebraska, which connects, adjoins, and is adjacent
11 to the State Capitol and the University of Nebraska, is created by
12 the Mayor and the City Council of the city of Lincoln, Nebraska, the
13 President of the Board of Regents of the University of Nebraska and
14 the State Capitol Administrator are hereby authorized to sign
15 petitions for the creation of an improvement district including that
16 portion of Fifteenth Street in Lincoln, Nebraska, leading from the
17 State Capitol to the university campus. This is for no other purpose
18 than to form a plan and program, with the gathering of data and cost
19 for the improvement of that portion of Fifteenth Street. Such plan
20 shall be submitted electronically to a subsequent Legislature for its
21 approval or rejection before any liability whatsoever for the
22 consummation of such plan shall be fixed or made. Neither the Board
23 of Regents of the University of Nebraska nor the administrator shall
24 expend any money, nor shall the provisions of this section be
25 construed to authorize the expenditure of any public funds

1 whatsoever, except for the preliminary survey incident to the
2 formation of such improvement plans, until the same shall have been
3 authorized by a specific appropriation of the Legislature for the
4 purpose based on the tentative plans so formulated and submitted to
5 the Legislature as contemplated in this section.

6 Sec. 184. Section 81-1108.33, Revised Statutes
7 Supplement, 2011, is amended to read:

8 81-1108.33 (1) It is the intent of the Legislature that
9 the state will not assume responsibility for the substandard
10 construction, repair, or maintenance of, or for the excessive
11 maintenance or repair costs for, real property, structures, or
12 improvements which will be made available by gift, bequest, or devise
13 to or acquired with the proceeds of donations, gifts, bequests,
14 devises, or grants from an individual, an organization, a
15 corporation, a foundation, or a similar entity or from a nonfederal
16 governmental agency by any state agency, board, or commission.
17 Therefor, prior to any construction, repair, or maintenance work on
18 such real property, structure, or improvement, the state building
19 division and the Task Force for Building Renewal shall review the
20 plans, specifications, other construction or repair documents, and
21 potential maintenance requirements as a requirement for acceptance or
22 acquisition by the state of such real property, structure, or
23 improvement.

24 (2)(a) Any gift of, bequest of, or devise of real
25 property, a structure, or an improvement proposed to be made

1 available to any state agency, board, or commission and any
2 acquisition of real property, a structure, or an improvement with the
3 proceeds of a donation, gift, bequest, devise, or grant from an
4 individual, an organization, a corporation, a foundation, or a
5 similar entity or from a nonfederal governmental agency shall be
6 reviewed by the state building division and the Task Force for
7 Building Renewal pursuant to sections 81-176, 81-1108.15, and
8 81-1114. Such review shall include any potential matching of state
9 funds, any plans, specifications, and other construction or repair
10 documents reviewed pursuant to subsection (1) of this section, and
11 any potential maintenance requirements as a condition of acceptance
12 or acquisition. Subsequent to such review, the state building
13 division and the task force shall submit a report to the Governor,
14 the Committee on Building Maintenance, and the Legislative Fiscal
15 Analyst including a summary of the review of the plans,
16 specifications, and other construction or repair documents and
17 potential maintenance requirements and outlining the terms and
18 conditions of the proposed gift, bequest, devise, or acquisition
19 along with its recommendation. The report submitted to the committee
20 and the Legislative Fiscal Analyst shall be submitted electronically.

21 (b) Any proposed gift of, bequest of, or devise of real
22 property, a structure, or an improvement in excess of ten thousand
23 dollars shall be approved by the Governor and the Legislature prior
24 to acceptance and any acquisition of real property, a structure, or
25 an improvement with the proceeds of a donation, gift, bequest,

1 devise, or grant from an individual, an organization, a corporation,
2 a foundation, or a similar entity or from a nonfederal governmental
3 agency shall be approved by the Governor and Legislature prior to
4 such acquisition. If the Legislature is not in session, the Executive
5 Board of the Legislative Council, after recommendation by the
6 Committee on Building Maintenance, may approve such gift, bequest,
7 devise, or acquisition along with the Governor.

8 (c) No construction or other work related to the proposed
9 gift, bequest, devise, or acquisition shall be initiated prior to
10 receiving the approval required by this section.

11 (3) For purposes of this section, gift of, bequest of, or
12 devise of (a) real property, (b) a structure, or (c) an improvement
13 shall include, but not be limited to, a donation of, gift of, bequest
14 of, devise of, or grant of (i) real property, (ii) a structure, or
15 (iii) an improvement from an individual, an organization, a
16 corporation, a foundation, or a similar entity or from a nonfederal
17 governmental agency. For purposes of this section, gift, bequest, or
18 devise shall not include a donation, gift, bequest, devise, or grant
19 of tangible or intangible personal property.

20 (4) This section shall not apply to the University of
21 Nebraska or any Nebraska state college, since these agencies are
22 subject to and participate in statewide facilities planning developed
23 by the Coordinating Commission for Postsecondary Education pursuant
24 to the Coordinating Commission for Postsecondary Education Act.

25 Sec. 185. Section 81-1108.41, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 81-1108.41 (1) The division shall cause a state
3 comprehensive capital facilities plan to be developed. The plan shall
4 project the state's facilities needs for a period of six years and
5 shall be based on programmatic projections and input from each state
6 agency. To aid in the development of the plan, the Governor shall
7 appoint a State Comprehensive Capital Facilities Planning Committee
8 with representatives from various state agencies. The committee shall
9 develop and adopt comprehensive planning guidelines and a process of
10 project prioritization. The state comprehensive capital facilities
11 plan shall be submitted electronically to the Committee on Building
12 Maintenance for review before such plan shall be submitted to the
13 Governor and the Legislative Fiscal Analyst on or before November 15
14 prior to the beginning of each biennium. The plan submitted to the
15 Legislative Fiscal Analyst shall be submitted electronically. The
16 plan shall be based on priorities developed by the State
17 Comprehensive Capital Facilities Planning Committee. The University
18 of Nebraska and any Nebraska state college shall not be required to
19 comply with or be subject to the provisions of this section since
20 these agencies are subject to and participate in statewide facilities
21 planning developed by the Coordinating Commission for Postsecondary
22 Education pursuant to the Coordinating Commission for Postsecondary
23 Education Act.

24 (2) An appropriation for drawings and construction may be
25 made only after submission of an acceptable program statement on or

1 before September 15 of the year previous to the initiation of such
2 appropriation. Such program statement shall include, but not be
3 limited to, (a) an assessment of the compatibility of the project
4 with the state comprehensive capital facilities plan and the agency
5 or departmental comprehensive capital facilities plan, (b) the
6 identification of the impact of the project on the space utilization
7 of other facilities under the control of the agency or department,
8 and (c) the identification of the future impact on the agency or
9 departmental programmatic needs, demand for utilities in excess of
10 current capacity, parking needs, street and road needs, and site
11 acquisition needs. Such program statement shall be submitted to the
12 division and the Legislative Fiscal Analyst. The program statement
13 submitted to the Legislative Fiscal Analyst shall be submitted
14 electronically.

15 (3) No contract for the planning, design, or construction
16 of a new facility or major modification or repair of an existing
17 facility provided for by any state appropriation may be initiated
18 unless an acceptable program statement has been approved by the
19 Governor, the agency or department has submitted to the division a
20 certificate from the Committee on Building Maintenance that there is
21 no state-owned property which is adequate or which through cost-
22 effective renovation, as determined by the division, could be made
23 adequate to meet the agency's or department's needs, and the
24 conditions of the contracts are approved in writing by the division,
25 except that the provisions of this section shall not apply to

1 projects when the total design and construction cost of the project
2 is less than the limit established by the division. Such program
3 statements and contracts shall be reviewed by the division.

4 (4) The division shall file a written report on each
5 program statement and contract reviewed with the Governor and the
6 Legislative Fiscal Analyst. The report submitted to the Legislative
7 Fiscal Analyst shall be submitted electronically. This report shall
8 cover the consistency of the project with the state comprehensive
9 capital facilities plan and the agency or departmental comprehensive
10 capital facilities plan. A subsequent review and report upon
11 completion of the planning or design phase of the project shall
12 indicate the compatibility of the project with the agency or
13 departmental comprehensive capital facilities plan, compare the
14 probable cost of the project with accepted cost standards for similar
15 construction projects, and review the relationship of the project to
16 other state agency or departmental capital facilities in the same
17 complex.

18 Sec. 186. Section 81-1114, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 81-1114 The building division shall have the following
21 powers, duties, and responsibilities:

22 (1) Shall prepare, for submittal to the Governor and to
23 the office of the Legislative Fiscal Analyst, analyses of the cost of
24 every desired land and building acquisition, new building
25 construction, either underway or proposed, major repair or remodeling

1 of new, newly acquired, or existing buildings, and each and every
2 structural improvement to land, utilities, roads, walks, and parking
3 lots, costing four hundred thousand dollars or more, but excluding
4 right-of-way projects of the Department of Roads. The analyses
5 submitted to the Legislative Fiscal Analyst shall be submitted
6 electronically. The Department of Administrative Services shall
7 adjust the dollar amount in this section every four years beginning
8 January 1, 2002, to account for inflationary and market changes. The
9 adjustment shall be based on percentage changes in a construction
10 cost index and any other published index relevant to operations and
11 utilities costs, as selected by the department;

12 (2) Shall record the relationship between the proposed
13 capital facilities and the individual or departmental agencies'
14 operating programs with particular attention to needs of immediate or
15 future operations of the department or agency submitting such plan;

16 (3) Shall make recommendations to the Governor, the
17 committee of the Legislature which shall from time to time have
18 responsibility for preparing recommendations for appropriations, and
19 the individual department or agency concerned, on the probable costs
20 of such acquisition, construction, repair, or remodeling. The
21 recommendations submitted to the committee shall be submitted
22 electronically; and

23 (4) Shall require the submission by each department and
24 agency of the state of copies of all written contracts for
25 acquisition, construction, repair, or remodeling, including federal

1 contracts, before such contracts are executed by the executive
2 officer of the state authorized to execute such contracts, and shall
3 maintain copies of such contracts on file for inspection by the
4 Legislative Fiscal Analyst.

5 Sec. 187. Section 81-1114.01, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 81-1114.01 Each department and agency of the state prior
8 to submitting a capital construction project request in excess of
9 four hundred thousand dollars shall cause to be prepared a
10 comprehensive capital facilities plan. Such plan shall include, but
11 not be limited to, a projection of future programmatic needs,
12 analysis of existing facilities and the utilization of such
13 facilities, and identification of projects to meet those projected
14 programmatic needs, including addition to, or renovation or
15 replacement of, existing space, parking, streets, and utilities. The
16 comprehensive capital facilities plan shall be updated or revised
17 when a major capital construction project requested for funding is
18 not in compliance with such plan or when revisions in projected
19 programmatic needs would significantly affect the comprehensive
20 capital facilities plan. Such plans and any updates or revisions
21 shall be submitted to the state building division and the Legislative
22 Fiscal Analyst. The plans submitted to the Legislative Fiscal Analyst
23 shall be submitted electronically. Such plans and revisions or
24 updates shall be prepared in accordance with rules and regulations
25 adopted and promulgated by the state building division. The

1 Department of Administrative Services shall adjust the dollar amount
2 in this section every four years beginning January 1, 2002, to
3 account for inflationary and market changes. The adjustment shall be
4 based on percentage changes in a construction cost index and any
5 other published index relevant to operations and utilities costs, as
6 selected by the department.

7 Sec. 188. Section 81-1114.02, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 81-1114.02 Any state agency, prior to bidding a capital
10 construction project with a total project cost exceeding the limit
11 established by the Department of Administrative Services in
12 accordance with section 81-1114.01, shall submit proposed
13 construction documents to the state building division for review. The
14 state building division shall review the construction documents and
15 submit comments to the budget division, the Legislative Fiscal
16 Analyst, and the affected agencies. The comments submitted to the
17 Legislative Fiscal Analyst shall be submitted electronically.
18 Comments shall include identification of possible cost and design
19 alternatives and a determination whether the construction documents
20 are consistent with approved program statements. The state building
21 division shall, by rules and regulations, establish the elements to
22 be included in the construction documents. Comments and reviews of
23 construction documents shall be completed within thirty days after
24 such documents are submitted to the state building division. No funds
25 shall be expended on actual construction until construction documents

1 have been approved by the state building division. A copy of the
2 approval or disapproval shall be forwarded to the requesting agency,
3 the budget division, and the Legislative Fiscal Analyst. The copy
4 submitted to the Legislative Fiscal Analyst shall be submitted
5 electronically.

6 Sec. 189. Section 81-1117, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 81-1117 (1) As used in this section, unless the context
9 otherwise requires, information management includes, but is not
10 limited to:

11 (a) Mainframe computers, minicomputers, microprocessors,
12 word processors, and desktop computers;

13 (b) Any peripheral device to be used with the equipment
14 listed in subdivision (1)(a) of this section for such purposes as
15 data input and output, data storage, or data communications;

16 (c) Any code or program to control the operation of the
17 equipment or devices listed in subdivision (1)(a) or (1)(b) of this
18 section; and

19 (d) Employment of professional expertise for computer
20 system design, operations, or program development.

21 (2) Subject to review and approval by the Chief
22 Information Officer, the information management services
23 administrator shall have the following powers, duties, and
24 responsibilities:

25 (a) He or she may review the accounting and other records

1 and reporting systems of all divisions within the Department of
2 Administrative Services and within every other department and agency
3 of the state;

4 (b) He or she shall systematically review the potential
5 application of information management to any work performed outside
6 the information management services division or by any department or
7 agency of the state or any subdivision of any department or agency of
8 the state, and if the costs of mechanizing such work will not exceed
9 present costs or if efficiencies may be achieved, he or she may
10 accept responsibility for the performance of such work. He or she may
11 also review computer applications being used to determine if revision
12 or deletion of computer applications would be beneficial. The
13 findings of reviews made pursuant to this subdivision shall be
14 reported to the Governor and the Legislative Fiscal Analyst. The
15 findings submitted to the Legislative Fiscal Analyst shall be
16 submitted electronically;

17 (c) He or she may, with the approval of the Chief
18 Information Officer, make such revisions to internal systems for
19 production of accounting and other reports as may be necessary to
20 permit economical undertaking of work to be performed by the
21 information management services division for any agency or department
22 of the state;

23 (d) He or she shall organize the information management
24 services division to provide system review, system design,
25 feasibility studies, and machine reviews;

1 (e) He or she may review the operations of information
2 management installations as may exist in any department or agency of
3 the state and may cause such operations to be merged with those of
4 the information management services division in the event that a cost
5 analysis shows that economic advantage may be achieved. He or she may
6 permit the establishment of departmental or agency information
7 management operations in any department or agency of the state if his
8 or her analysis of feasibility shows a potential economy or a
9 substantial convenience for the state incident to such separate
10 establishment. No state agency shall hire, purchase, lease, or rent
11 any information management item listed in subsection (1) of this
12 section without the written approval of the information management
13 services administrator. All new computer programs developed or
14 acquired for use with information management equipment of any state
15 agency shall be documented according to standards developed or
16 approved by the information management services administrator;

17 (f) He or she shall prepare a budget in sufficient time
18 in advance of the statutory date for submittal of budget requests by
19 departments and agencies of the state as to permit each department
20 and agency for which services are performed, or are to be performed
21 during the request budget period, to be informed of the cost of
22 maintaining the current fiscal year's production work for inclusion
23 within their respective budget requests;

24 (g) He or she shall provide for a system of charges for
25 services rendered by the information management services division to

1 any other department or agency of the state when these charges are
2 allocable to a particular project carried on by such department or
3 division. Such standard rate charges shall, as nearly as may be
4 practical, reflect the actual costs incurred in the performance of
5 services for such department or agency. Such system of charges shall
6 be annually reviewed by the Legislature's Committee on
7 Appropriations. Rates planned for the coming fiscal year shall be
8 included in the instructions for completion of budget request forms
9 as annually prepared by the Department of Administrative Services
10 budget division. If rate revisions are required during the fiscal
11 year to reflect changes in the information management services
12 division's operating costs, these revisions shall be announced to
13 state agencies at least thirty days prior to their use in billing
14 these agencies for service. Miscellaneous supplies shall be billed to
15 using agencies at actual cost. Equipment used primarily by one agency
16 for special applications shall be billed to that agency at actual
17 cost. In the event of saturation of the information management
18 services division with the resulting need for contractual support to
19 be furnished by another information management installation, agencies
20 shall be billed at actual cost. The charges received by the
21 department for information management services shall be credited to a
22 fund hereby created which shall be known as the Information
23 Management Revolving Fund. Expenditures shall be made from such fund
24 to finance the operations of the information management services
25 division in accordance with appropriations made by the Legislature.

1 Any money in the Information Management Revolving Fund available for
2 investment shall be invested by the state investment officer pursuant
3 to the Nebraska Capital Expansion Act and the Nebraska State Funds
4 Investment Act;

5 (h) He or she may provide information management services
6 and technical assistance to any subdivision of government as provided
7 for under the Interlocal Cooperation Act or the Joint Public Agency
8 Act;

9 (i) He or she shall provide for the centralization of all
10 administrative work, including that of educational institutions, into
11 the information management services division;

12 (j) He or she shall provide definitions of standards and
13 common data elements, coordinate the collection of data, consolidate
14 data files or data banks, and review and approve or disapprove the
15 establishment of separate data banks; and

16 (k) He or she shall provide assistance as requested by
17 the Nebraska Information Technology Commission to support the
18 technical panel created in section 86-521.

19 Each member of the Legislature shall receive ~~a~~an
20 electronic copy of the report required by subdivision (2)(b) of this
21 section by making a request for it to the administrator.

22 Sec. 190. Section 81-1120.15, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 81-1120.15 The Director of Communications shall have the
25 following powers, duties, and responsibilities:

1 (1) To provide the Legislature and the Governor technical
2 assistance, advice, and information concerning the financial and
3 administrative operations of the communications systems of all
4 agencies of the state;

5 (2) To provide the Legislature and the Governor
6 recommendations for dealing with financial, management, and
7 organizational problems affecting the communications systems and
8 services of the state, its departments and agencies. The
9 recommendations submitted to the Legislature shall be submitted
10 electronically;

11 (3) To make inquiries of the agencies as to their
12 communications charges and prepare cost comparisons to insure that
13 uniformity, efficiency, and equality be achieved within the
14 communications system;

15 (4) To make recommendations to the agencies pertaining to
16 revisions to internal systems as may be necessary to promote
17 frugality and economy in the communications system; and

18 (5) To provide services such as system review, system
19 design, feasibility studies, equipment reviews, and for long-range
20 planning and management service within the division of
21 communications.

22 Sec. 191. Section 81-1120.16, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 81-1120.16 It shall be the duty of the director to
25 consult each department, office, board, bureau, commission, or

1 institution in the state for which money is to be appropriated and
2 expended for communications services, equipment, or facilities,
3 including the executive and judicial departments, state colleges,
4 university, and state institutions. The director shall make or cause
5 to be made under his or her supervision an investigation to determine
6 whether the appropriations are being judiciously and economically
7 expended for the purposes for which they were made and shall transmit
8 to the Governor, the Legislative Fiscal Analyst, and the expending
9 agency a complete report of each such investigation. The report
10 submitted to the Legislative Fiscal Analyst shall be submitted
11 electronically. In making such investigations he or she shall, at all
12 reasonable times, have access to the offices of all state
13 departments, boards, bureaus, commissions, and institutions and may,
14 for the purpose of obtaining information as to the operation and
15 communications needs thereof, examine the books, papers, and public
16 records therein, and the agencies shall, through their proper
17 officers, furnish such data, information, or statements as may be
18 requested of them.

19 Sec. 192. Section 81-1125.01, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 81-1125.01 It shall be the duty of the Director of
22 Administrative Services to digest, prepare, and report to the
23 Governor, ~~of the state,~~ Tax Commissioner, and the Clerk of the
24 Legislature, at least twenty days before the commencement of each
25 regular session of the Legislature:

1 (1) A full and detailed statement of the condition of the
2 treasury, and the amount of the expenditures for the last fiscal
3 year;

4 (2) A full and detailed statement of the public debt,
5 showing fully all liabilities and resources of the state; and

6 (3) Such plans as he or she may deem expedient for (a)
7 the support of public credit, (b) lessening the public expenses, (c)
8 using the public money to the best advantage, (d) promoting frugality
9 and economy in public offices, and generally for the better
10 management and more perfect understanding of the fiscal affairs of
11 the state, and (e) securing uniformity and efficiency in the levying
12 and collecting of taxes, systematizing the work to be done by
13 officers having duties to perform under the revenue law.

14 The report submitted to the Clerk of the Legislature
15 shall be submitted electronically. Each member of the Legislature
16 shall receive ~~a~~an electronic copy of the report required by this
17 section by making a request for it to the director.

18 Sec. 193. Section 81-1201.11, Revised Statutes
19 Supplement, 2011, is amended to read:

20 81-1201.11 The department shall:

21 (1) Serve as the lead state agency in the area of
22 economic development. The department shall develop a program to
23 promote coordination and cooperation within state government and with
24 institutions of higher education, local governments, other political
25 subdivisions of the state, and the private sector;

1 (2) Serve as a clearinghouse for information, data, and
2 other materials which may be helpful or necessary to the full
3 development of the state's economy, which may be relevant with regard
4 to the possibilities of future development in Nebraska, and which
5 will be of use to local governments, the Governor, other state
6 agencies, and the Legislature in discharging their responsibilities.
7 The department shall develop a program to ensure cooperation between
8 state agencies, the University of Nebraska, and other entities with
9 related economic information;

10 (3) Provide staff services when, in the opinion of the
11 director, such services are necessary and appropriate in the areas of
12 economic development to cities of the first class, second class, and
13 villages on a contractual basis when the terms of such contracts can
14 be mutually accepted;

15 (4) Assist the Governor in coordinating the efforts of
16 local governments to develop mutual and cooperative solutions to
17 their common problems; and

18 (5) Prepare annually a status report on the activities
19 and impacts of the department and its programs. The status report
20 shall include information detailing the status of all programs
21 administered by the department for which the Legislature requires
22 reporting. The status report shall be submitted to the Governor and
23 the Legislature on the first working day of July of each year. The
24 report submitted to the Legislature shall be submitted
25 electronically.

1 Sec. 194. Section 81-1201.13, Revised Statutes
2 Supplement, 2011, is amended to read:

3 81-1201.13 (1) The Travel and Tourism Division shall
4 develop a program to provide promotional services and technical
5 assistance to local governments and industry members and to ensure
6 the protection and development of Nebraska's attraction resources.

7 (2)(a) The department shall have an advisory committee to
8 provide regular consultation to the Travel and Tourism Division,
9 which committee shall be named the Travel and Tourism Division
10 Advisory Committee. Such advisory committee shall include, at a
11 minimum, one representative from the Game and Parks Commission, one
12 representative from the Nebraska Travel Association, one
13 representative from the Nebraska Hotel and Motel Association, one
14 representative from a tourism attraction that records at least two
15 thousand out-of-state visitors per year, and one representative from
16 the Nebraska Association of Convention and Visitors Bureaus.

17 (b) The Travel and Tourism Division Advisory Committee
18 shall develop a statewide strategic plan to cultivate and promote
19 tourism in Nebraska. The advisory committee shall adopt policy
20 criteria to be used in the development of the plan. The plan shall
21 include:

22 (i) A review of the existing and potential sources of
23 funding for tourism at the state and local levels;

24 (ii) A comprehensive inventory of local tourism boards,
25 the structure of such boards, and their funding;

1 (iii) Criteria for local tourism boards in terms of
2 appointments to such boards and for awarding grants by such boards at
3 the local level to ensure local resources are used to achieve the
4 greatest return;

5 (iv) An examination of other states' funding models for
6 tourism;

7 (v) Marketing strategies for promoting tourism;

8 (vi) A proposal for creating new or expanding existing
9 tourism capacity, which may include encouraging regional cooperation,
10 collaboration, or privatization; and

11 (vii) Recommended legislation or funding requirements.

12 (c) The department may hire a consultant to assist the
13 Travel and Tourism Division Advisory Committee in developing the
14 statewide strategic plan. The department may accept, in trust, any
15 gifts, devises, and bequests to be held and administered by the
16 department for the purposes of hiring a consultant. The advisory
17 committee shall prepare and present electronically the statewide
18 strategic plan to the Legislature by September 1, 2012.

19 (3) All advertising contracts awarded by the department
20 concerning travel and tourism shall be based on competitive bids.
21 Contracts shall be awarded to the lowest responsible bidder, taking
22 into consideration the best interests of the state, the quality of
23 performance of the services rendered, the conformity with
24 specifications, the purposes for which required, and the time of
25 completion, and with the consultation of the Travel and Tourism

1 Division Advisory Committee. In determining the lowest responsible
2 bidder, in addition to price, the following elements shall be given
3 consideration: (a) The ability, capacity, creativity, and skill of
4 the bidder to perform the contract required; (b) the character,
5 integrity, reputation, judgment, experience, and efficiency of the
6 bidder; (c) whether the bidder can perform the contract within the
7 time specified; (d) the quality of performance of previous contracts;
8 (e) the previous and existing compliance by the bidder with laws
9 relating to the contract; and (f) such other information as may be
10 secured having a bearing on the decision to award the contract. The
11 department shall advertise for bids for the awarding of contracts
12 concerning travel and tourism pursuant to sections 73-101 to 73-105.
13 At least thirty working days shall elapse between the time formal
14 bids are advertised for and the time of their opening. Contracts
15 shall be awarded within sixty working days after the bidding has been
16 closed. Each person submitting a bid shall, by certified mail, be
17 notified as to whom the contract was awarded.

18 Sec. 195. Section 81-12,142, Revised Statutes Supplement,
19 2011, is amended to read:

20 81-12,142 The department shall prepare and present
21 electronically a report to the Legislature by December 1, 2013, on
22 the Small Business Innovation Act that includes, but is not limited
23 to, businesses assisted, aggregate change in sales revenue, number of
24 jobs created, and range of newly created jobs that includes an
25 average wage.

1 Sec. 196. Section 81-12,151, Revised Statutes Supplement,
2 2011, is amended to read:

3 81-12,151 The Department of Economic Development shall
4 submit electronically an annual report regarding the Site and
5 Building Development Act to the Legislature no later than July 1 of
6 each year beginning July 1, 2012. The report shall contain no
7 information that is protected by state or federal confidentiality
8 laws.

9 Sec. 197. Section 81-12,166, Revised Statutes Supplement,
10 2011, is amended to read:

11 81-12,166 The department shall submit an annual report to
12 the Governor and the Legislature on or before July 1 of each year
13 which includes, but is not limited to, a description of the demand
14 for financial assistance and programs under the Business Innovation
15 Act from all geographic regions in Nebraska, a listing of the
16 recipients and amounts of financial assistance awarded pursuant to
17 the act in the previous fiscal year, the impact of the financial
18 assistance, and an evaluation of the act's performance based on the
19 documented goals of the recipients. The report submitted to the
20 Legislature shall be submitted electronically. The department may
21 require recipients to provide periodic performance reports to enable
22 the department to fulfill the requirements of this section. The
23 report shall contain no information that is protected by state or
24 federal confidentiality laws.

25 Sec. 198. Section 81-1307.01, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 81-1307.01 The Director of Personnel shall measure,
3 through the use of salary surveys, the competitive standing of state
4 salaries with salary levels of the labor market. The State Personnel
5 Board shall review the methodology and results of the survey. A
6 report of the survey findings, including the board's review, shall be
7 provided to the Legislature and the Governor along with the
8 recommendations regarding wages, hours, and terms and conditions of
9 employment for unorganized employees by the Chief Negotiator pursuant
10 to section 81-1376. The report submitted to the Legislature shall be
11 submitted electronically.

12 Sec. 199. Section 81-1360, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 81-1360 The administrator shall be the head of the
15 office. The administrator shall be given all necessary top management
16 support to insure that there is compliance with Nebraska's program
17 and shall be provided with sufficient staff and budget support to
18 carry out the duties of the office. The administrator shall:

19 (1) Have the authority and responsibility for
20 coordinating, directing, and implementing the program;

21 (2) Adopt and promulgate rules and regulations for the
22 implementation of the agencies' plans;

23 (3) Provide counseling and technical assistance to the
24 agencies in the development of their plans;

25 (4) Review agency plans and direct modification to insure

1 the effectiveness of the plans and their compliance with the program;

2 (5) Monitor the progress of agency plans by establishing
3 reporting forms as required by the program;

4 (6) Review the quarterly reports of the agencies;

5 (7) Monitor the progress of the program and report
6 quarterly to the Governor;

7 (8) Make formal recommendations for legislation, when
8 necessary, in order to make changes in the program;

9 (9) Serve as liaison between the state and federal
10 compliance agencies;

11 (10) Plan, coordinate, and conduct training in equal
12 employment opportunity, racial awareness, and concerns of women, the
13 disabled, and aging for all segments of the state government work
14 force;

15 (11) Coordinate the activities of the agency affirmative
16 action individual in each agency;

17 (12) Investigate any complaints involving unfair
18 treatment, terms and conditions of employment, or perceived acts or
19 policies involving discrimination;

20 (13) Conduct contract compliance reviews on all vendors,
21 grantees, and contractors who have programs or projects which are
22 funded in whole or in part by state funds;

23 (14) Coordinate the Disadvantage Business Enterprise and
24 Women Business Enterprise programs which are funded in whole or in
25 part by state or federal funds; and

1 (15) Submit an annual report to the Governor and
2 Legislature. The report submitted to the Legislature shall be
3 submitted electronically.

4 Sec. 200. Section 81-1376, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 81-1376 There is hereby created within the Department of
7 Administrative Services the Division of Employee Relations to be
8 headed by the Chief Negotiator who shall be appointed by, serve at
9 the pleasure of, and represent the Governor. The Director of
10 Administrative Services may serve as the Chief Negotiator. The
11 division shall be responsible for negotiating and administering all
12 labor contracts entered into by the State of Nebraska, except that
13 the division shall not be responsible for contracts entered into by
14 constitutional offices, the Board of Trustees of the Nebraska State
15 Colleges, and the Board of Regents of the University of Nebraska.

16 The Chief Negotiator shall for agencies within the
17 jurisdiction of the division:

18 (1) Negotiate or supervise the negotiations of labor
19 contracts on a statewide basis;

20 (2) Be responsible for the administration of all
21 collective-bargaining agreements, except that the Chief Negotiator
22 may delegate such responsibility to designated representatives who
23 may be employees of state agencies when the Chief Negotiator deems it
24 appropriate;

25 (3) Be vested with authority on all mandatory topics of

1 bargaining to negotiate the contracts. Contracts may adjust or change
2 rates of pay and other terms and conditions of employment that are
3 mandatory topics of bargaining pursuant to the Industrial Relations
4 Act and the State Employees Collective Bargaining Act;

5 (4) Make recommendations to the Governor and Legislature
6 regarding wages, hours, and conditions of employment for all
7 unorganized employees. The recommendations submitted to the
8 Legislature shall be submitted electronically;

9 (5) Consult with agency and department heads regarding
10 possible terms of labor contracts and administration of agreements
11 when appropriate; and

12 (6) Manage the day-to-day operations of the division.

13 The division and the Chief Negotiator may represent any
14 of the constitutional offices in labor contract negotiations and
15 administration of contracts if requested to do so by such offices by
16 resolution of the governing officer or body submitted to the Chief
17 Negotiator and affected collective-bargaining agent and filed with
18 the commission.

19 The responsibilities for negotiating contracts with
20 employees of the Nebraska state colleges and the University of
21 Nebraska shall not be exercised by the division and the Chief
22 Negotiator. The Board of Regents and the Board of Trustees of the
23 Nebraska State Colleges shall be responsible for negotiating
24 contracts with exclusive collective-bargaining agents for their
25 employees.

1 Sec. 201. Section 81-1384, Revised Statutes Supplement,
2 2011, is amended to read:

3 81-1384 On March 16, the Chief Negotiator, any appointed
4 negotiator for the Board of Regents, any appointed negotiator for the
5 Board of Trustees of the Nebraska State Colleges, and any appointed
6 negotiator for other constitutional offices shall report to the
7 Legislature and the Governor on the status of negotiations. The
8 report submitted to the Legislature shall be submitted
9 electronically. The Governor may amend his or her budget
10 recommendations accordingly.

11 Sec. 202. Section 81-1504.01, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 81-1504.01 The Department of Environmental Quality shall
14 provide the following information to the Governor and to the Clerk of
15 the Legislature by December 1 of each year:

16 (1) A report by type of service or aid provided by the
17 use and distribution of federal funds received by the department. The
18 report shall also include user fees, permit fees, license fees, and
19 application fees authorized by the federal Environmental Protection
20 Agency as follows:

21 (a) Actual expenditure of each grant or authorized fees
22 for the most recently completed state fiscal year, including state
23 matching funds;

24 (b) Current budget and planned use and distribution of
25 each grant and authorized fees for the current state fiscal year,

1 including state matching funds;

2 (c) A summary of the projected funding level of each
3 grant and authorized fees and the impact of federal mandates and
4 regulations upon the future use of each grant and authorized fees;
5 and

6 (d) Program summaries including statistical summaries
7 when applicable for the most recently completed state fiscal year and
8 program activity goals for the current state fiscal year;

9 The report submitted to the Clerk of the Legislature
10 shall be submitted electronically.

11 (2) A summary of regulations of the federal Environmental
12 Protection Agency which the department is required to implement and
13 which do not include federal funding assistance and the possible
14 financial impact to the state and political subdivisions;

15 (3) A report by type of service or aid provided by the
16 use and distribution of state general and cash funds, including user
17 fees, permit fees, license fees, and application fees, to carry out
18 activities that are not funded by federal grants as follows:

19 (a) Actual expenditure of state funds, by agency
20 sections, for the most recently completed state fiscal year,
21 including a breakdown of expenditures by personal services,
22 operations, travel, capital outlay, and consulting and contractual
23 services;

24 (b) Current budget and planned use and distribution of
25 state funds, by agency sections, for the current state fiscal year,

1 including a breakdown of expenditures for personal services,
2 operations, travel, capital outlay, and consulting and contractual
3 services;

4 (c) A summary of projected program funding needs based
5 upon the statutory requirements and public demand for services and
6 the department's assessment of anticipated needs statewide; and

7 (d) Program summaries including statistical summaries
8 when applicable for the most recently completed state fiscal year and
9 program activity goals for the current state fiscal year;

10 (4) A report regarding staff turnover by job class and
11 the department's assessment of its ability to hire and retain
12 qualified staff considering the state's personnel pay plan;

13 (5) A report listing the method used by each new or
14 existing licensee, permittee, or other person who is required by the
15 department to establish proof of financial responsibility; and

16 (6) A report for the previous state fiscal year relating
17 to the purpose of the Nebraska Litter Reduction and Recycling Act and
18 of funds credited to the Nebraska Litter Reduction and Recycling
19 Fund.

20 Sec. 203. Section 81-1505.04, Revised Statutes
21 Supplement, 2011, is amended to read:

22 81-1505.04 (1)(a) The department shall collect an annual
23 emission fee from major sources of air pollution. Each major source
24 shall pay the emission fee for regulated pollutants in the amount of
25 twenty-five dollars per ton per pollutant or as adjusted pursuant to

1 this section. The fee shall be based upon the amount of emissions of
2 each regulated pollutant as reported or estimated by the source in
3 the previous calendar year, but fees shall not be paid on amounts in
4 excess of four thousand tons per year for any regulated pollutant.

5 (b) Beginning with calendar year 2001 emissions, fees
6 shall not be paid for a mid-sized electric generation facility on
7 amounts in excess of four hundred tons per year for any regulated
8 pollutant.

9 (c) A mid-sized electric generation facility owned by a
10 municipality shall continue to be considered a separate mid-sized
11 electric generation facility for purposes of this section even if the
12 facility is subsequently permitted with another general unit larger
13 than one hundred fifteen megawatts under separate ownership. Each
14 facility under separate ownership shall be considered a separate
15 major source for purposes of this section.

16 (d) For purposes of this section, mid-sized electric
17 generation facility means a facility that:

18 (i) Uses coal as the primary source of fuel in the
19 facility's largest generation unit;

20 (ii) Has a name plate generating capacity of between
21 seventy and one hundred fifteen megawatts in the facility's largest
22 generation unit; and

23 (iii) Is not operating in a political subdivision which
24 has been delegated the authority to enforce the air quality permit
25 program within its jurisdiction.

1 (2)(a) The emission fee may be increased or decreased
2 annually by the department by the percentage difference between the
3 Consumer Price Index for the most recent year ending before the
4 beginning of such year and the Consumer Price Index for the year 1989
5 or as required to pay all reasonable direct and indirect costs of
6 developing and administering the air quality permit program. For
7 purposes of this section, Consumer Price Index means the change in
8 the price of goods and services for all urban consumers published by
9 the United States Department of Labor at the close of the twelve-
10 month period ending on August 31 of each year.

11 (b) For purposes of this section, reasonable direct and
12 indirect costs of developing and administering the air quality permit
13 program, as required under the federal Clean Air Act, as the act
14 existed on May 31, 2001, 42 U.S.C. 7661a through f, include:

15 (i) Consideration of any associated overhead charges for
16 personnel, equipment, buildings, and vehicles;

17 (ii) Reviewing and acting on any application for a permit
18 or permit revision;

19 (iii) Implementing and enforcing the terms of any permit,
20 not including any court costs or other costs associated with any
21 formal enforcement action;

22 (iv) Emissions and ambient monitoring, including adequate
23 resources to audit and inspect source-operated monitoring programs;

24 (v) Preparing generally applicable regulations or
25 guidance;

- 1 (vi) Modeling, analyses, or demonstrations;
- 2 (vii) Preparing inventories and tracking emissions;
- 3 (viii) Developing and implementing any emissions trading
- 4 programs as defined by the department; and
- 5 (ix) Providing support to sources under the Small
- 6 Business Compliance Advisory Panel.

7 (c) The council shall establish procedures for the method

8 of calculation and payment of the emission fee in a manner consistent

9 with this section and shall establish the definition of or a table

10 listing the pollutants which are regulated pollutants and a

11 definition of major source. Such definitions or listing shall comply

12 with and not be more stringent than the requirements of the federal

13 Clean Air Act, as the act existed on May 31, 2001, 42 U.S.C. 7401 et

14 seq.

15 (3) On or before January 1 of each year, the department

16 shall submit electronically a report to the Legislature in sufficient

17 detail to document all direct and indirect program costs incurred in

18 the previous fiscal year in carrying out the air quality permit

19 program. The Appropriations Committee of the Legislature shall review

20 such report in its analysis of executive programs in order to verify

21 that revenue generated from emission fees was used solely to offset

22 appropriate and reasonable costs associated with the air quality

23 permit program. The report shall identify costs incurred by the

24 department to administer the permit program for each major source. In

25 addition, the department shall identify costs incurred by primary

1 activity not specific to a major source.

2 (4) The department shall administer a cost tracking
3 system which shall show costs for each major source and costs for
4 each primary activity that is not specific to a major source. The
5 department shall consult with interested parties regarding
6 identification of primary activities to be tracked by the cost
7 tracking system.

8 Sec. 204. Section 81-15,101, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 81-15,101 (1) Each application for a license shall be in
11 writing and shall state such information as the department may
12 determine to be necessary to decide the technical and financial
13 qualifications or any other qualifications of the applicant deemed
14 reasonable and necessary to protect the public health and environment
15 with an adequate margin of safety. The applicant shall also describe
16 the funding arrangements such applicant will make to provide for
17 custodial care. The department may at any time after the filing of
18 the application and before the expiration of the license require
19 further written statements and may make such inspections as the
20 department may deem necessary in order to determine whether the
21 license should be modified, suspended, or revoked. All applications
22 and statements shall be signed by the applicant or licensee.

23 (2) No license issued under the Low-Level Radioactive
24 Waste Disposal Act shall be assigned or in any manner disposed of
25 unless the department, after securing full information, finds that

1 the transfer is in accordance with the act and gives its consent in
2 writing.

3 (3) If any person becomes the legal or beneficial owner
4 of more than fifty percent of any class of the issued and outstanding
5 equity securities of an applicant or licensee at any time after the
6 application has been made and before the expiration of the license,
7 the department shall conduct a review which shall include, but not be
8 limited to, the environmental compliance record and financial
9 responsibility of such person. At the conclusion of the review, the
10 department shall issue a report of its findings, including its
11 conclusions regarding the adequacy of such person to fulfill the
12 provisions of the application or license and all laws, rules, and
13 regulations. Copies of the report shall be sent to the Governor,
14 Legislature, and local monitoring committee. The report submitted to
15 the Legislature shall be submitted electronically.

16 Sec. 205. Section 81-15,153, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 81-15,153 The department shall have the following powers
19 and duties:

20 (1) The power to establish a program to make loans to
21 municipalities or to counties, individually or jointly, for
22 construction or modification of publicly owned wastewater treatment
23 works in accordance with the Wastewater Treatment Facilities
24 Construction Assistance Act and the rules and regulations of the
25 council adopted and promulgated pursuant to such act;

1 (2) The power to establish a program to make loans to
2 municipalities or to counties for construction, rehabilitation,
3 operation, or maintenance of nonpoint source control systems in
4 accordance with the Wastewater Treatment Facilities Construction
5 Assistance Act and the rules and regulations of the council adopted
6 and promulgated pursuant to such act;

7 (3) The power, if so authorized by the council pursuant
8 to section 81-15,152, to execute and deliver documents obligating the
9 Wastewater Treatment Facilities Construction Loan Fund and the assets
10 thereof to the extent permitted by section 81-15,151 to repay, with
11 interest, loans to or deposits into the fund and to execute and
12 deliver documents pledging to the extent permitted by section
13 81-15,151 all or part of the fund and its assets to secure, directly
14 or indirectly, the loans or deposits;

15 (4) The duty to prepare an annual report for the Governor
16 and the Legislature containing information which shows the financial
17 status of the program. The report submitted to the Legislature shall
18 be submitted electronically;

19 (5) The duty to establish fiscal controls and accounting
20 procedures sufficient to assure proper accounting during appropriate
21 accounting periods, including the following:

22 (a) Accounting from the Nebraska Investment Finance
23 Authority for the costs associated with the issuance of bonds
24 pursuant to the act;

25 (b) Accounting for payments or deposits received by the

1 fund;

2 (c) Accounting for disbursements made by the fund; and

3 (d) Balancing the fund at the beginning and end of the
4 accounting period;

5 (6) The duty to establish financial capability
6 requirements that assure sufficient revenue to operate and maintain a
7 facility for its useful life and to repay the loan for such facility;

8 (7) The power to determine the rate of interest to be
9 charged on a loan in accordance with the rules and regulations
10 adopted and promulgated by the council;

11 (8) The power to enter into required agreements with the
12 United States Environmental Protection Agency pursuant to the Clean
13 Water Act;

14 (9) The power to enter into agreements to provide grants
15 concurrent with loans to municipalities with populations of ten
16 thousand inhabitants or less which demonstrate serious financial
17 hardships. The department may authorize grants for up to one-half of
18 the eligible project cost. Such grants shall contain a provision that
19 payment of the amount allocated is conditional upon the availability
20 of appropriated funds;

21 (10) The power to authorize emergency grants to
22 municipalities with wastewater treatment facilities which have been
23 damaged or destroyed by natural disaster or other unanticipated
24 actions or circumstances. Such grants shall not be used for routine
25 repair or maintenance of facilities;

1 (11) The power to provide financial assistance to
2 municipalities with populations of ten thousand inhabitants or less
3 for completion of engineering studies, research projects,
4 investigating low-cost options for achieving compliance with the
5 Clean Water Act, encouraging wastewater reuse, and conducting other
6 studies for the purpose of enhancing the ability of communities to
7 meet the requirements of the Clean Water Act. The department may
8 authorize financial assistance for up to ninety percent of the
9 eligible project cost. Such state allocation shall contain a
10 provision that payment of the amount obligated is conditional upon
11 the availability of appropriated funds; and

12 (12) Such other powers as may be necessary and
13 appropriate for the exercise of the duties created under the
14 Wastewater Treatment Facilities Construction Assistance Act.

15 Sec. 206. Section 81-15,175, Revised Statutes Supplement,
16 2011, is amended to read:

17 81-15,175 (1) The board may make an annual allocation
18 each fiscal year from the Nebraska Environmental Trust Fund to the
19 Nebraska Environmental Endowment Fund as provided in section
20 81-15,174.01. The board shall make annual allocations from the
21 Nebraska Environmental Trust Fund and may make annual allocations
22 each fiscal year from the Nebraska Environmental Endowment Fund for
23 projects which conform to the environmental categories of the board
24 established pursuant to section 81-15,176 and to the extent the board
25 determines those projects to have merit. The board shall establish a

1 calendar annually for receiving and evaluating proposals and awarding
2 grants. To evaluate the economic, financial, and technical
3 feasibility of proposals, the board may establish subcommittees,
4 request or contract for assistance, or establish advisory groups.
5 Private citizens serving on advisory groups shall be reimbursed for
6 their actual and necessary expenses pursuant to sections 81-1174 to
7 81-1177.

8 (2) The board shall establish rating systems for ranking
9 proposals which meet the board's environmental categories and other
10 criteria. The rating systems shall include, but not be limited to,
11 the following considerations:

12 (a) Conformance with categories established pursuant to
13 section 81-15,176;

14 (b) Amount of funds committed from other funding sources;

15 (c) Encouragement of public-private partnerships;

16 (d) Geographic mix of projects over time;

17 (e) Cost-effectiveness and economic impact;

18 (f) Direct environmental impact;

19 (g) Environmental benefit to the general public and the
20 long-term nature of such public benefit; and

21 (h) Applications recommended by the Director of Natural
22 Resources and submitted by the Department of Natural Resources
23 pursuant to subsection (7) of section 61-218 shall be awarded fifty
24 priority points in the ranking process for the 2011 grant application
25 if the Legislature has authorized annual transfers of three million

1 three hundred thousand dollars to the Water Resources Cash Fund for
2 each of fiscal years 2011-12 and 2012-13 and has stated its intent to
3 transfer three million three hundred thousand dollars to the Water
4 Resources Cash Fund in fiscal year 2013-14. Priority points shall be
5 awarded if the proposed programs set forth in the grant application
6 are consistent with the purposes of reducing consumptive uses of
7 water, enhancing streamflows, recharging ground water, or supporting
8 wildlife habitat in any river basin determined to be fully
9 appropriated pursuant to section 46-714 or designated as
10 overappropriated pursuant to section 46-713.

11 (3) A grant awarded under this section pursuant to an
12 application made under subsection (7) of section 61-218 shall be paid
13 out in the following manner:

14 (a) The initial three million three hundred thousand
15 dollar installment shall be remitted to the State Treasurer for
16 credit to the Water Resources Cash Fund no later than fifteen
17 business days after the date that the grant is approved by the board;

18 (b) The second three million three hundred thousand
19 dollar installment shall be remitted to the State Treasurer for
20 credit to the Water Resources Cash Fund no later than May 15, 2013;
21 and

22 (c) The third three million three hundred thousand dollar
23 installment shall be remitted to the State Treasurer for credit to
24 the Water Resources Cash Fund no later than May 15, 2014 if the
25 Legislature has authorized a transfer of three million three hundred

1 thousand dollars from the General Fund to the Water Resources Cash
2 Fund for fiscal year 2013-14.

3 (4) It is the intent of the Legislature that the
4 Department of Natural Resources apply for an additional three-year
5 grant from the Nebraska Environmental Trust Fund that would begin in
6 fiscal year 2014-15 and such application shall be awarded fifty
7 priority points in the ranking process as set forth in subdivision
8 (2)(h) of this section if the following criteria are met:

9 (a) The Natural Resources Committee of the Legislature
10 has examined options for water funding and has submitted a report to
11 the Clerk of the Legislature and the Governor by December 1, 2012,
12 setting forth:

13 (i) An outline and priority listing of water management
14 and funding needs in Nebraska, including instream flows, residential,
15 agricultural, recreational, and municipal needs, interstate
16 obligations, water quality issues, and natural habitats preservation;

17 (ii) An outline of statewide funding options which create
18 a dedicated, sustainable funding source to meet the needs set forth
19 in the report; and

20 (iii) Recommendations for legislation;

21 (b) The projects and activities funded by the department
22 through grants from the Nebraska Environmental Trust Fund under this
23 section have resulted in enhanced stream flows, reduced consumptive
24 uses of water, recharged ground water, supported wildlife habitat, or
25 otherwise contributed towards conserving, enhancing, and restoring

1 Nebraska's ground water and surface water resources. On or before
2 July 1, 2014, the department shall submit electronically a report to
3 the Natural Resources Committee of the Legislature providing
4 demonstrable evidence of the benefits accrued from such projects and
5 activities; and

6 (c) In addition to the grant reporting requirements of
7 the trust, on or before July 1, 2014, the department provides to the
8 board a report which includes documentation that:

9 (i) Expenditures from the Water Resources Cash Fund made
10 to natural resources districts have met the matching fund
11 requirements provided in subdivision (5)(a) of section 61-218;

12 (ii) Ten percent or less of the matching fund
13 requirements has been provided by in-kind contributions for expenses
14 incurred for projects enumerated in the grant application. In-kind
15 contributions shall not include land or land rights; and

16 (iii) All other projects and activities funded by the
17 department through grants from the Nebraska Environmental Trust Fund
18 under this section were matched not less than forty percent of the
19 project or activity cost by other funding sources.

20 (5) The board may establish a subcommittee to rate grant
21 applications. If the board uses a subcommittee, the meetings of such
22 subcommittee shall be subject to the Open Meetings Act. The
23 subcommittee shall (a) use the rating systems established by the
24 board under subsection (2) of this section, (b) assign a numeric
25 value to each rating criterion, combine these values into a total

1 score for each application, and rank the applications by the total
2 scores, (c) recommend an amount of funding for each application,
3 which amount may be more or less than the requested amount, and (d)
4 submit the ranked list and recommended funding to the board for its
5 approval or disapproval.

6 (6) The board may commit funds to multiyear projects,
7 subject to available funds and appropriations. No commitment shall
8 exceed three years without formal action by the board to renew the
9 grant or contract. Multiyear commitments may be exempt from the
10 rating process except for the initial application and requests to
11 renew the commitment.

12 (7) The board shall adopt and promulgate rules and
13 regulations and publish guidelines governing allocations from the
14 fund. The board shall conduct annual reviews of existing projects for
15 compliance with project goals and grant requirements.

16 (8) Every five years the board may evaluate the long-term
17 effects of the projects it funds. The evaluation may assess a sample
18 of such projects. The board may hire an independent consultant to
19 conduct the evaluation and may report the evaluation findings to the
20 Legislature and the Governor. The report submitted to the Legislature
21 shall be submitted electronically.

22 The report submitted to the Clerk of the Legislature
23 pursuant to subdivision (4)(a) of this section shall be submitted
24 electronically.

25 Sec. 207. Section 81-1606, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 81-1606 The Director of the State Energy Office shall
3 develop and maintain a program of collection, compilation, and
4 analysis of energy statistics and information. Existing information
5 reporting requests, maintained at the state and federal levels, shall
6 be utilized whenever possible in any data collection required under
7 the provisions of sections 81-1601 to 81-1607. A central state
8 repository of energy data shall be developed and coordinated with
9 other governmental data-collection and record-keeping programs. The
10 director shall, on at least an annual basis, with monthly
11 compilations, submit to the Governor and the Clerk of the Legislature
12 a report identifying state energy consumption by fuel type and by use
13 to the extent that such information is available. The report
14 submitted to the Clerk of the Legislature shall be submitted
15 electronically. Nothing in this section shall be construed as
16 permitting or authorizing the revealing of confidential information.
17 For purposes of this section confidential information shall mean any
18 process, formula, pattern, decision, or compilation of information
19 which is used, directly or indirectly, in the business of the
20 producer, refiner, distributor, transporter, or vendor, and which
21 gives such producer, refiner, distributor, transporter, or vendor an
22 advantage or an opportunity to obtain an advantage over competitors
23 who do not know or use it.

24 Sec. 208. Section 81-1607, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 81-1607 (1) On or before February 15 of each year, the
2 Director of the State Energy Office shall transmit to the Governor
3 and the Clerk of the Legislature a comprehensive report designed to
4 identify emerging trends related to energy supply, demand, and
5 conservation and to specify the level of statewide energy need within
6 the following sectors: Agricultural, commercial, residential,
7 industrial, transportation, utilities, government, and any other
8 sector that the director determines to be useful. The report
9 submitted to the Clerk of the Legislature shall be submitted
10 electronically.

11 (2) The report shall include, but not be limited to:

12 (a) An assessment of the state's energy resources,
13 including examination of the current energy supplies and any feasible
14 alternative sources;

15 (b) The estimated reduction in annual energy consumption
16 resulting from various energy conservation measures;

17 (c) The status of the office's ongoing studies;

18 (d) Recommendations to the Governor and the Legislature
19 for administrative and legislative actions to accomplish the purposes
20 of sections 70-625, 70-704, 81-161, 81-1602, 81-1606, and 81-1607;
21 and

22 (e) The use of funds disbursed during the previous year
23 under sections 81-1635 to 81-1641. The use of such funds shall be
24 reported each year until the funds are completely disbursed and all
25 contractual obligations have expired or otherwise terminated.

1 Sec. 209. Section 81-1637, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-1637 (1) The Governor shall submit electronically a
4 predisbursement plan to the Legislature if in session or the
5 Executive Board of the Legislative Council if the Legislature is not
6 in session.

7 (2) The predisbursement plan shall generally outline the
8 uses and beneficiaries of proposed disbursements from the fund, as
9 well as the expected benefits to the state as a whole.

10 (3) The predisbursement plan shall also include a policy
11 statement which shall indicate (a) a perception of the current and
12 anticipated trends regarding energy availability, costs, and needs in
13 the state, (b) assumptions regarding the impacts on energy needs of
14 the state of current and anticipated state and federal policies and
15 market forces affecting energy use, and (c) generally, how the types
16 of projects to be selected will address those trends and assumptions.

17 (4) The Legislature may hold a public hearing within
18 thirty days of receipt of the predisbursement plan to solicit
19 testimony on such plan. The Legislature may, no later than fifteen
20 days following such hearing, make recommendations to the State Energy
21 Office concerning the plan. No disbursement of or obligation to
22 disburse any money in the fund shall be made after July 9, 1988,
23 until forty-five days after the predisbursement plan referring to
24 such disbursement has been submitted to the Legislature or the
25 Executive Board of the Legislative Council, as the case may be.

1 Sec. 210. Section 81-1833, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 81-1833 (1) The committee shall prepare and submit to the
4 commission a biennial report of its activities under the Nebraska
5 Crime Victim's Reparations Act, including the name of each applicant,
6 a brief description of the facts in each case, and the amount of
7 compensation awarded, except that if the applicant was the victim of
8 a sexual assault the victim's name shall not be included in the
9 report, but shall be available to the Governor or a member of the
10 Legislature upon request to the committee. Such report shall be
11 submitted to the Governor and Clerk of the Legislature as part of the
12 commission's report submitted pursuant to section 81-1423.

13 (2) The committee shall act as the oversight committee
14 for the Community Trust and shall annually report its activities and
15 findings as the oversight committee to the commission, the Governor,
16 and the Clerk of the Legislature. The report submitted to the Clerk
17 of the Legislature shall be submitted electronically. If any
18 questionable or improper actions or inactions on the part of the
19 Community Trust are observed, the committee shall immediately notify
20 the Attorney General who shall investigate the matter.

21 Sec. 211. Section 81-1845, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 81-1845 (1) Any public or private nonprofit agency may
24 apply to the Nebraska Commission on Law Enforcement and Criminal
25 Justice for selection and funding as a victim and witness assistance

1 center pursuant to sections 81-1843 to 81-1851.

2 (2) The commission shall consider the following factors,
3 together with any other factors it deems appropriate, in selecting
4 applicants to receive funds and be designated as a victim and witness
5 assistance center:

6 (a) The number of volunteers that the proposed center
7 will utilize;

8 (b) The stated goals of the applicant;

9 (c) The potential number of people that may be served by
10 the proposed center and the needs of the community for such a center;

11 (d) Evidence of community support for the establishment
12 of the proposed center; and

13 (e) The organizational structure of the agency which will
14 operate the proposed center and provide services to victims and
15 witnesses of crimes.

16 (3) Upon evaluation of all applicants, the Nebraska
17 Commission on Law Enforcement and Criminal Justice shall select a
18 number of public or private nonprofit agencies which the commission
19 deems qualified for designation to receive funding for the
20 establishment and operation of such centers.

21 (4) The commission shall, upon the establishment of such
22 centers, conduct appraisals of their performance to determine which
23 of the centers shall receive continuation grants. The commission
24 shall report its finding to the Governor and the Clerk of the
25 Legislature. The report submitted to the Clerk of the Legislature

1 shall be submitted electronically.

2 Sec. 212. Section 81-2004.04, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 81-2004.04 (1) For the purpose of establishing and
5 maintaining legislative oversight and accountability, the Nebraska
6 State Patrol shall maintain records of all expenditures,
7 disbursements, and transfers of cash from the Nebraska State Patrol
8 Cash Fund and the Investigation Petty Cash Fund.

9 (2) By September 15 of each year, the patrol shall report
10 to the budget division of the Department of Administrative Services
11 and the Legislative Fiscal Analyst the unexpended balance existing on
12 June 30 of the previous fiscal year relating to investigative
13 expenses in ~~(1)-(a)~~ the Nebraska State Patrol Cash Fund, ~~(2)-(b)~~ the
14 Investigation Petty Cash Fund, ~~(3)-(c)~~ any special checking account
15 or accounts used by the patrol in carrying out the duties specified
16 in section 81-2004.02, and ~~(4)-(d)~~ any funds existing on June 30 of
17 the previous fiscal year in the possession of personnel of the patrol
18 involved in investigations. The report submitted to the Legislative
19 Fiscal Analyst shall be submitted electronically.

20 (3) The Legislature may require a separate accounting of
21 the investigation funds according to specific types of
22 investigations.

23 Sec. 213. Section 81-2023, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 81-2023 It shall be the duty of the Auditor of Public

1 Accounts to make an annual audit of the retirement system, and submit
2 electronically an annual report to the Clerk of the Legislature of
3 its condition. Each member of the Legislature shall receive a ~~an~~
4 electronic copy of such report by making a request for it to the
5 Auditor of Public Accounts.

6 Sec. 214. Section 81-2213, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 81-2213 The department shall have the following powers
9 and duties:

10 (1) To develop, approve, and submit to the Governor a
11 two-year, three-year, or four-year state plan on aging, as determined
12 by the department, for purposes of administering grant funds
13 allocated to the state under the federal Older Americans Act, as now
14 or hereafter amended, or administering state funds allocated to the
15 Nebraska Community Aging Services Act;

16 (2) To cooperate with similar departments, commissions,
17 or councils in the federal government and in other states;

18 (3) To adopt and promulgate rules, regulations, and
19 bylaws governing its procedure and activities and as necessary to
20 carry out the policies of the department and the policies prescribed
21 by the Administration on Aging pursuant to the federal Older
22 Americans Act, as now or hereafter amended;

23 (4) To create committees to aid in the discharge of its
24 powers and duties;

25 (5) To cooperate with and assist other state and local

1 governmental agencies and officials on matters relating to services
2 for older individuals;

3 (6) To divide the state into planning-and-service areas
4 as provided in section 71-807 for behavioral health regions, except
5 that Regions 3 and 5 may each be divided into two planning-and-
6 service areas with boundaries as established by the department for
7 planning-and-service areas in existence in those regions on July 1,
8 1982;

9 (7) To establish minimum standards for program operations
10 and to adopt and promulgate rules and regulations for the performance
11 of area agencies on aging and for any services provided by such area
12 agencies on aging which are funded in whole or in part under the
13 Nebraska Community Aging Services Act or the federal Older Americans
14 Act, as now or hereafter amended;

15 (8) To require the submission of a one-year and a five-
16 year area plan and budget by each area agency on aging or agency
17 seeking designation as an area agency on aging. Such plans and
18 budgets shall be submitted sixty days prior to the start of each
19 fiscal year in accordance with the uniform area plan format and other
20 instructions issued by the department;

21 (9) To review and approve a one-year and a five-year area
22 plan and budget for the support of each area agency on aging and the
23 provision of eligible activities and services as defined in section
24 81-2222;

25 (10) To adopt and submit electronically to the

1 Legislature a community aging services budget;

2 (11) To review the performance of each area agency on
3 aging and, based on the department-approved area plan and budget, to
4 determine the continued designation or the withdrawal of the
5 designation of an area agency on aging receiving or requesting
6 resources through the state or under the Nebraska Community Aging
7 Services Act or the federal Older Americans Act, as now or hereafter
8 amended. After consultation with the director of the area agency on
9 aging and the governing unit of the area agency on aging, the
10 department may withdraw a designation when it can be shown that
11 federal or state laws, rules, or regulations have not been complied
12 with, state or federal funds are not being expended for the purposes
13 for which they were intended, or older individuals are not receiving
14 appropriate services within available resources. Withdrawal of a
15 designation may be appealed to the department. Upon withdrawal of a
16 designation, the department may temporarily perform all or part of
17 the functions and responsibilities of the area agency on aging, may
18 designate another agency to perform such functions and
19 responsibilities identified by the department until the designation
20 of a new area agency on aging, and, when deemed necessary, may
21 temporarily deliver services to assure continuity;

22 (12) To conduct continuing studies and analyses of the
23 problems faced by older individuals within the state and develop such
24 recommendations for administrative or legislative action as appear
25 necessary;

1 (13) To develop grants and plans, enter into contracts,
2 accept gifts, grants, and federal funds, and do all things necessary
3 and proper to discharge these powers and duties;

4 (14) To accept and administer any other programs or
5 resources delegated, designated, assigned, or awarded to the
6 department from public or private sources;

7 (15) To report and make recommendations to the Governor
8 and the Legislature on the activities of the department and the
9 committee and improvements or additional resources needed to promote
10 the general welfare of older individuals in Nebraska. The report
11 submitted to the Legislature shall be submitted electronically. Each
12 member of the Legislature shall receive ~~a~~an electronic copy of the
13 report; and

14 (16) Such other powers and duties necessary to
15 effectively implement the Nebraska Community Aging Services Act.

16 Sec. 215. Section 81-2233, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 81-2233 The Department of Health and Human Services shall
19 submit an annual report on care management units to the Governor and
20 the Legislature. The report submitted to the Legislature shall be
21 submitted electronically.

22 Sec. 216. Section 81-2408, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 81-2408 Each agency shall report monthly to the Director
25 of Administrative Services and the Legislative Fiscal Analyst any

1 account that has not been paid within the applicable time period
2 prescribed by section 81-2403. The report submitted to the
3 Legislative Fiscal Analyst shall be submitted electronically. Each
4 agency shall report annually any interest charge on a past-due
5 account, whether paid or unpaid, to the Governor and to the
6 Appropriations Committee of the Legislature. The report submitted to
7 the committee shall be submitted electronically.

8 Sec. 217. Section 82-333, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 82-333 The Nebraska Arts Council shall report to the
11 Clerk of the Legislature and Director of Administrative Services
12 annually regarding disbursements from the Nebraska Arts and
13 Humanities Cash Fund. The report submitted to the Clerk of the
14 Legislature shall be submitted electronically. The report shall
15 include a complete listing of the uses of the fund, the sources of
16 funding used to match state funds, the amount of investment earnings
17 credited to the Nebraska Arts and Humanities Cash Fund, and the
18 balance of the Nebraska Arts and Humanities Cash Fund. The report
19 shall cover the period July 1 through June 30 and shall be submitted
20 no later than November 1 of each year.

21 Sec. 218. Section 83-111, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 83-111 The Department of Health and Human Services shall
24 prepare an estimate of the appropriations necessary for the support
25 and needed improvements of the institutions under its charge, and a

1 report of their operation during the preceding biennium, for the use
2 of the Legislature. The estimate shall be submitted electronically.
3 The estimate shall be printed and may include a report of the results
4 of investigation of methods of institution management and of
5 treatment of patients and inmates, with suggestions for the
6 betterment of any or all conditions.

7 Sec. 219. Section 83-4,147, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 83-4,147 An annual progress report shall be provided
10 electronically to the Legislature ensuring that all programmatic
11 objectives are being met. The report shall include an evaluation of
12 the impact of the multi-treatment programs, including program costs,
13 educational achievement, inmate disciplinary activity, probation
14 release decisionmaking, and community reintegration on November 1 of
15 the year following implementation.

16 Sec. 220. Section 83-908, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 83-908 The Department of Correctional Services shall
19 prepare an estimate of the appropriations necessary for the support
20 and needed improvements of the institutions under its charge, and a
21 report of their operation during the preceding year, for the use of
22 the Legislature. The estimate shall be submitted electronically. The
23 estimate shall be printed, and may include a report of the results of
24 investigation of methods of institution management and of treatment
25 of patients and inmates, with suggestions for the betterment of any

1 or all conditions.

2 Sec. 221. Section 83-924, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 83-924 Subject to the supervision and approval of the
5 Director of Correctional Services, each assistant director shall have
6 the following duties, powers, and responsibilities:

7 (1) To coordinate and direct all programs and facilities
8 under his or her jurisdiction;

9 (2) To select and manage such staff and supervise the
10 operation of such equipment as he or she may require;

11 (3) To make such revisions to internal systems in each
12 division as may be necessary to promote economy and facilitate
13 maximum utilization of existing correctional services and facilities;

14 (4) To cause any existing program and facilities to be
15 utilized by or merged with those of any other division in order to
16 provide for greater efficiency or achieve any economic advantage;

17 (5) To provide the Legislature and the Governor technical
18 assistance, advice, and information concerning administrative
19 operations within his or her division;

20 (6) To provide the Legislature and the Governor with
21 recommendations for dealing with financial, management, and
22 organization problems affecting his or her division. The
23 recommendations submitted to the Legislature shall be submitted
24 electronically; and

25 (7) To exercise all powers and perform all duties

1 necessary and proper in carrying out his or her responsibilities.

2 Sec. 222. Section 83-963, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 83-963 The department shall prepare an annual report on
5 committed offenders who are paroled or granted controlled release
6 pursuant to the Correctional System Overcrowding Emergency Act. The
7 report shall summarize each such former committed offender's behavior
8 since parole and generally evaluate his or her success or lack of
9 success in becoming a law-abiding member of society. The annual
10 report shall be filed electronically with the Executive Board of the
11 Legislative Council on or before December 31, with the first such
12 report submitted by December 31 of the first year that committed
13 offenders are paroled pursuant to the act. A notice of the filing of
14 the report shall be submitted electronically to each member of the
15 Legislature when the annual report is filed with the Executive Board.

16 Sec. 223. Section 83-1209, Revised Statutes Cumulative
17 Supplement, 2010, is amended to read:

18 83-1209 To carry out the policies and purposes of the
19 Developmental Disabilities Services Act, the director shall:

20 (1) Ensure effective management by (a) determining
21 whether applicants are eligible for specialized services, (b)
22 authorizing service delivery for eligible persons, (c) ensuring that
23 services are available, accessible, and coordinated, (d) ensuring
24 that eligible persons have their needs assessed by a team process,
25 have individual program plans developed by a team process to address

1 assessed needs, which plans incorporate the input of the individual
2 and the family, and have services delivered in accordance with the
3 program plan, (e) having the amount of funding for specialized
4 services determined by an objective assessment process, (f) providing
5 information and referral services to persons with developmental
6 disabilities and their families, (g) promoting the development of
7 pilot projects of high quality, cost-efficient services provided by
8 specialized programs, and (h) administering the Beatrice State
9 Developmental Center;

10 (2) Ensure a coordinated statewide response by (a)
11 developing a comprehensive and integrated statewide plan for
12 specialized services to persons with developmental disabilities in
13 conjunction with state and local officials, designated advocates for
14 such persons, service providers, and the general public, (b)
15 reporting biennially to the Legislature, the Governor, service
16 providers, and the public on persons served and progress made toward
17 meeting requirements of the plan, and (c) creating a statewide
18 registry of persons eligible for specialized services. The report
19 submitted to the Legislature shall be submitted electronically;

20 (3) Ensure specialized services which are efficient and
21 individualized by (a) developing a written policy which ensures the
22 adequate and equitable distribution of fiscal resources based upon a
23 consistent rationale for reimbursement that allows funding to follow
24 service recipients as their service needs change and which also
25 includes a plan for funding shortfalls and (b) administering all

1 state and federal funds as may be allowed by law;

2 (4) Ensure maximum quality of services by (a) developing
3 a due process mechanism for resolution of disputes, (b) coordinating
4 the development of review teams designed to enhance the quality of
5 specialized services, (c) developing certification and accreditation
6 requirements for service providers, (d) providing technical
7 assistance to local service providers, and (e) providing eligible
8 persons, their families, and the designated protection and advocacy
9 system authorized pursuant to the Developmental Disabilities
10 Assistance and Bill of Rights Act of 2000, 42 U.S.C. 15001 et seq.,
11 with copies of all reports resulting from surveys of providers of
12 specialized services conducted as part of the certification and
13 accreditation process; and

14 (5) Establish and staff a developmental disabilities
15 division which shall assist in carrying out the policies and purposes
16 of the Developmental Disabilities Services Act.

17 Sec. 224. Section 84-205, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 84-205 The duties of the Attorney General shall be:

20 (1) To appear and defend actions and claims against the
21 state;

22 (2) To investigate, commence, and prosecute any and all
23 actions resulting from violations of sections 32-1401 to 32-1417;

24 (3) To consult with and advise the county attorneys, when
25 requested by them, in all criminal matters and in matters relating to

1 the public revenue. He or she shall have authority to require aid and
2 assistance of the county attorney in all matters pertaining to the
3 duties of the Attorney General in the county of such county attorney
4 and may, in any case brought to the Court of Appeals or Supreme Court
5 from any county, demand and receive the assistance of the county
6 attorney from whose county such case is brought;

7 (4) To give, when required, without fee, his or her
8 opinion in writing upon all questions of law submitted to him or her
9 by the Governor, head of any executive department, Secretary of
10 State, State Treasurer, Auditor of Public Accounts, Board of
11 Educational Lands and Funds, State Department of Education, Public
12 Service Commission, or Legislature;

13 (5) At the request of the Governor, head of any executive
14 department, Secretary of State, State Treasurer, Auditor of Public
15 Accounts, Board of Educational Lands and Funds, State Department of
16 Education, or Public Service Commission, to prosecute any official
17 bond or any contract in which the state is interested which is
18 deposited with any of them and to prosecute or defend for the state
19 all civil or criminal actions and proceedings relating to any matter
20 connected with any of such officers' departments if, after
21 investigation, he or she is convinced there is sufficient legal merit
22 to justify the proceeding. Such officers shall not pay or contract to
23 pay from the funds of the state any money for special attorneys or
24 counselors-at-law unless the employment of such special counsel is
25 made upon the written authorization of the Governor or the Attorney

1 General;

2 (6) To enforce the proper application of money
3 appropriated by the Legislature to the various funds of the state and
4 prosecute breaches of trust in the administration of such funds;

5 (7) To prepare, when requested by the Governor, Secretary
6 of State, State Treasurer, or Auditor of Public Accounts or any other
7 executive department, proper drafts for contracts, forms, or other
8 writings which may be wanted for the use of the state and report to
9 the Legislature, whenever requested, upon any business pertaining to
10 the duties of his or her office. The report submitted to the
11 Legislature shall be submitted electronically;

12 (8) To pay all money received, belonging to the people of
13 the state, immediately upon receipt thereof, into the state treasury;

14 (9) To keep a record in proper books provided for that
15 purpose at the expense of the state, a register of all actions and
16 demands prosecuted or defended by him or her in behalf of the state
17 and all proceedings had in relation thereto, and deliver the same to
18 his or her successor in office;

19 (10) To appear for the state and prosecute and defend all
20 civil or criminal actions and proceedings in the Court of Appeals or
21 Supreme Court in which the state is interested or a party. When
22 requested by the Governor or the Legislature, the Attorney General
23 shall appear for the state and prosecute or defend any action or
24 conduct any investigation in which the state is interested or a party
25 before any court, officer, board, tribunal, or commission;

1 (11) To prepare and promulgate model rules of procedure
2 appropriate for use by as many agencies as possible. The Attorney
3 General shall add to, amend, or revise the model rules as necessary
4 for the proper guidance of agencies;

5 (12) To include within the budget of the office
6 sufficient funding to assure oversight and representation of the
7 State of Nebraska for district court appeals of administrative
8 license revocation proceedings under section 60-498.04; and

9 (13) To create a Child Protection Division to be staffed
10 by at least three assistant attorneys general who each have five or
11 more years of experience in the prosecution or defense of felonies or
12 misdemeanors, including two years in the prosecution or defense of
13 crimes against children. Upon the written request of a county
14 attorney, the division shall provide consultation and advise and
15 assist in the preparation of the trial of any case involving a crime
16 against a child, including, but not limited to, the following
17 offenses:

- 18 (a) Murder as defined in sections 28-303 and 28-304;
19 (b) Manslaughter as defined in section 28-305;
20 (c) Kidnapping as defined in section 28-313;
21 (d) False imprisonment as defined in sections 28-314 and
22 28-315;
23 (e) Child abuse as defined in section 28-707;
24 (f) Pandering as defined in section 28-802;
25 (g) Debauching a minor as defined in section 28-805; and

1 (h) Offenses listed in sections 28-813, 28-813.01, and
2 28-1463.03.

3 Any offense listed in subdivisions (a) through (h) of
4 this subdivision shall include all inchoate offenses pursuant to the
5 Nebraska Criminal Code and compounding a felony pursuant to section
6 28-301. Such crimes shall not include matters involving dependent and
7 neglected children, infraction violations, custody, parenting time,
8 visitation, or other access matters, or child support. If the county
9 attorney declines in writing to prosecute a case involving a crime
10 against a child because of an ethical consideration, including the
11 presence or appearance of a conflict of interest, or for any other
12 reason, the division shall, upon the receipt of a written request of
13 the county attorney, the Department of Health and Human Services, the
14 minor child, the parents of the minor child, or any other interested
15 party, investigate the matter and either decline to prosecute the
16 matter or initiate the appropriate criminal proceedings in a court of
17 proper jurisdiction.

18 For purposes of this subdivision, child or children shall
19 mean an individual or individuals sixteen years of age or younger.

20 Sec. 225. Section 84-304, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 84-304 It shall be the duty of the Auditor of Public
23 Accounts:

24 (1) To give information ~~in writing~~ electronically to the
25 Legislature, whenever required, upon any subject relating to the

1 fiscal affairs of the state or with regard to any duty of his or her
2 office;

3 (2) To furnish offices for himself or herself and all
4 fuel, lights, books, blanks, forms, paper, and stationery required
5 for the proper discharge of the duties of his or her office;

6 (3) To examine or cause to be examined, at such time as
7 he or she shall determine, books, accounts, vouchers, records, and
8 expenditures of all state officers, state bureaus, state boards,
9 state commissioners, the state library, societies and associations
10 supported by the state, state institutions, state colleges, and the
11 University of Nebraska, except when required to be performed by other
12 officers or persons. Such examinations shall be done in accordance
13 with generally accepted government auditing standards for financial
14 audits and attestation engagements set forth in Government Auditing
15 Standards (2007 Revision), published by the Comptroller General of
16 the United States, Government Accountability Office, and except as
17 provided in subdivision (11) of this section, subdivision (16) of
18 section 50-1205, and section 84-322, shall not include performance
19 audits, whether conducted pursuant to attestation engagements or
20 performance audit standards as set forth in Government Auditing
21 Standards (2007 Revision), published by the Comptroller General of
22 the United States, Government Accountability Office;

23 (4)(a) To examine or cause to be examined, at the expense
24 of the political subdivision, when the Auditor of Public Accounts
25 determines such examination necessary or when requested by the

1 political subdivision, the books, accounts, vouchers, records, and
2 expenditures of any agricultural association formed under Chapter 2,
3 article 20, any county agricultural society, any joint airport
4 authority formed under the Joint Airport Authorities Act, any city or
5 county airport authority, any bridge commission created pursuant to
6 section 39-868, any cemetery district, any development district, any
7 drainage district, any health district, any local public health
8 department as defined in section 71-1626, any historical society, any
9 hospital authority or district, any county hospital, any housing
10 agency as defined in section 71-1575, any irrigation district, any
11 county or municipal library, any community mental health center, any
12 railroad transportation safety district, any rural water district,
13 any township, Wyuka Cemetery, the Educational Service Unit
14 Coordinating Council, any entity created pursuant to the Interlocal
15 Cooperation Act which includes either the participation of the
16 Educational Service Unit Coordinating Council or any educational
17 service unit, any village, any political subdivision with the
18 authority to levy a property tax or a toll, or any entity created
19 pursuant to the Joint Public Agency Act which has separately levied a
20 property tax based on legal authority for a joint public agency to
21 levy such a tax independent of the public agencies forming such joint
22 public agency.

23 (b) The Auditor of Public Accounts may waive the audit
24 requirement of subdivision (4)(a) of this section upon the submission
25 by the political subdivision of a written request in a form

1 prescribed by the auditor. The auditor shall notify the political
2 subdivision in writing of the approval or denial of the request for a
3 waiver;

4 (5) To report promptly to the Governor and the
5 appropriate standing committee of the Legislature the fiscal
6 condition shown by such examinations conducted by the auditor,
7 including any irregularities or misconduct of officers or employees,
8 any misappropriation or misuse of public funds or property, and any
9 improper system or method of bookkeeping or condition of accounts.
10 The report submitted to the committee shall be submitted
11 electronically. In addition, if, in the normal course of conducting
12 an audit in accordance with subdivision (3) of this section, the
13 auditor discovers any potential problems related to the
14 effectiveness, efficiency, or performance of state programs, he or
15 she shall immediately report them ~~in writing~~ electronically to the
16 Legislative Performance Audit Committee which may investigate the
17 issue further, report it electronically to the appropriate standing
18 committee of the Legislature, or both;

19 (6)(a) To examine or cause to be examined the books,
20 accounts, vouchers, records, and expenditures of a fire protection
21 district. The expense of the examination shall be paid by the
22 political subdivision.

23 (b) Whenever the expenditures of a fire protection
24 district are one hundred fifty thousand dollars or less per fiscal
25 year, the fire protection district shall be audited no more than once

1 every five years except as directed by the board of directors of the
2 fire protection district or unless the auditor receives a verifiable
3 report from a third party indicating any irregularities or misconduct
4 of officers or employees of the fire protection district, any
5 misappropriation or misuse of public funds or property, or any
6 improper system or method of bookkeeping or condition of accounts of
7 the fire protection district. In the absence of such a report, the
8 auditor may waive the five-year audit requirement upon the submission
9 of a written request by the fire protection district in a form
10 prescribed by the auditor. The auditor shall notify the fire
11 protection district in writing of the approval or denial of a request
12 for waiver of the five-year audit requirement. Upon approval of the
13 request for waiver of the five-year audit requirement, a new five-
14 year audit period shall begin.

15 (c) Whenever the expenditures of a fire protection
16 district exceed one hundred fifty thousand dollars in a fiscal year,
17 the auditor may waive the audit requirement upon the submission of a
18 written request by the fire protection district in a form prescribed
19 by the auditor. The auditor shall notify the fire protection district
20 in writing of the approval or denial of a request for waiver. Upon
21 approval of the request for waiver, a new five-year audit period
22 shall begin for the fire protection district if its expenditures are
23 one hundred fifty thousand dollars or less per fiscal year in
24 subsequent years;

25 (7) To appoint two assistant deputies (a) whose entire

1 time shall be devoted to the service of the state as directed by the
2 auditor, (b) who shall be certified public accountants with at least
3 five years' experience, (c) who shall be selected without regard to
4 party affiliation or to place of residence at the time of
5 appointment, (d) who shall promptly report in duplicate to the
6 auditor the fiscal condition shown by each examination, including any
7 irregularities or misconduct of officers or employees, any
8 misappropriation or misuse of public funds or property, and any
9 improper system or method of bookkeeping or condition of accounts,
10 and it shall be the duty of the auditor to file promptly with the
11 Governor a duplicate of such report, and (e) who shall qualify by
12 taking an oath which shall be filed in the office of the Secretary of
13 State;

14 (8) To conduct audits and related activities for state
15 agencies, political subdivisions of this state, or grantees of
16 federal funds disbursed by a receiving agency on a contractual or
17 other basis for reimbursement to assure proper accounting by all such
18 agencies, political subdivisions, and grantees for funds appropriated
19 by the Legislature and federal funds disbursed by any receiving
20 agency. The auditor may contract with any political subdivision to
21 perform the audit of such political subdivision required by or
22 provided for in section 23-1608 or 79-1229 or this section and charge
23 the political subdivision for conducting the audit. The fees charged
24 by the auditor for conducting audits on a contractual basis shall be
25 in an amount sufficient to pay the cost of the audit. The fees

1 remitted to the auditor for such audits and services shall be
2 deposited in the Auditor of Public Accounts Cash Fund;

3 (9) To conduct all audits and examinations in a timely
4 manner and in accordance with the standards for audits of
5 governmental organizations, programs, activities, and functions
6 published by the Comptroller General of the United States;

7 (10) To develop and maintain an annual budget and actual
8 financial information reporting system for political subdivisions
9 that is accessible on-line by the public; and

10 (11) When authorized, to conduct joint audits with the
11 Legislative Performance Audit Committee as described in section
12 50-1205.

13 Sec. 226. Section 84-322, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 84-322 The Auditor of Public Accounts, when expressly
16 authorized by a majority vote of the members of the Legislative
17 Performance Audit Committee, may conduct performance audits of state
18 executive branch offices, state agencies, state bureaus, state
19 boards, state commissions, the state library, societies and
20 associations supported by the state, state institutions, state
21 colleges, and the University of Nebraska. The auditor shall issue the
22 performance audit report to the Governor, the appropriate standing
23 committee of the Legislature, and the Legislative Performance Audit
24 Committee. The report submitted to the committees of the Legislature
25 shall be submitted electronically.

1 Sec. 227. Section 84-602, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 84-602 It shall be the duty of the State Treasurer:

4 (1) To receive and keep all money of the state not
5 expressly required to be received and kept by some other person;

6 (2) To disburse the public money upon warrants drawn upon
7 the state treasury according to law and not otherwise;

8 (3) To keep a just, true, and comprehensive account of
9 all money received and disbursed;

10 (4) To keep a just account with each fund, and each head
11 of appropriation made by law, and the warrants drawn against them;

12 (5) To render a full statement to the Department of
13 Administrative Services of all money received by him or her from
14 whatever source, and if on account of revenue, for what year; of all
15 penalties and interest on delinquent taxes reported or accounted for
16 to him or her, and of all disbursements of public funds; with a list,
17 in numerical order, of all warrants redeemed, the name of the payee,
18 amount, interest, and total amount allowed thereon, and with the
19 amount of the balance of the several funds unexpended; which
20 statement shall be made on the first day of December, March, June,
21 and September, and more often if required;

22 (6) To report electronically to the Legislature as soon
23 as practicable, but within ten days after the commencement of each
24 regular session, a detailed statement of the condition of the
25 treasury and its operations for the preceding fiscal year;

1 (7) To give information ~~in writing~~ electronically to the
2 Legislature, whenever required, upon any subject connected with the
3 treasury or touching any duty of his or her office;

4 (8) To account for, and pay over, all money received by
5 him or her as such treasurer, to his or her successor in office, and
6 deliver all books, vouchers, and effects of office to him or her; and
7 such successor shall receipt therefor. In accounting for and paying
8 over such money the treasurer shall not be held liable on account of
9 any loss occasioned by any investment, when such investment shall
10 have been made pursuant to the direction of the state investment
11 officer; and

12 (9) To develop and maintain a single, searchable web site
13 with information on state tax receipts and expenditures which is
14 accessible by the public at no cost to access as provided in section
15 84-602.02. The web site shall be hosted on a server owned and
16 operated by the State of Nebraska or approved by the Chief
17 Information Officer. The naming convention for the web site shall
18 identify the web site as a state government web site. The web site
19 shall not include the treasurer's name, the treasurer's image, the
20 treasurer's seal, or a welcome message.

21 Sec. 228. Section 84-605, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 84-605 All the books, papers, letters, and transactions
24 pertaining to the office of State Treasurer shall be open to the
25 inspection of a committee of the Legislature to examine and settle

1 all accounts, and to count all money. ~~When~~ ~~and,~~ ~~when~~ the successor
2 of any such treasurer shall be elected and qualified, the Auditor of
3 Public Accounts shall examine and settle all accounts of such
4 treasurer remaining unsettled, and give him or her a certified
5 statement showing the balance of money, securities, and effects for
6 which he or she is accountable, and which have been delivered to his
7 or her successor, and report the ~~same balance electronically~~ to the
8 Legislature.

9 Sec. 229. Section 84-702, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 84-702 ~~The state officers who are required by law to make~~
12 ~~biennial reports to the Clerk of the Legislature shall cause as many~~
13 ~~copies as they may determine proper to be printed and ready for~~
14 ~~distribution on or before the first day of the session of the~~
15 ~~Legislature.~~ Each member of the Legislature shall receive a an
16 electronic copy of such a biennial report required to be submitted by
17 a state officer to the Clerk of the Legislature by making a request
18 for it to the state officer responsible for the report.

19 Sec. 230. Section 84-901.01, Revised Statutes Supplement,
20 2011, is amended to read:

21 84-901.01 ~~On or after May 25, 2011, when~~ (1) When
22 legislation is enacted requiring the adoption and promulgation of
23 rules and regulations by an agency, such agency shall adopt and
24 promulgate such rules and regulations within one year after the
25 public hearing required under subsection (2) of section 84-907. Such

1 time shall not include the time necessary for submission of the rules
2 and regulations to the Attorney General pursuant to section 84-905.01
3 or submission of the rules and regulations to the Governor pursuant
4 to section 84-908. Any agency which does not adopt and promulgate
5 such rules and regulations as required by this section shall submit a
6 ~~written~~electronically an explanation to the Executive Board of the
7 Legislative Council and the standing committee of the Legislature
8 which has subject matter jurisdiction over the issue involved in the
9 legislation, stating the reasons why it has not adopted such rules
10 and regulations as required by this section, the date by which the
11 agency expects to adopt such rules and regulations, and any suggested
12 statutory changes that may enable the agency to adopt such rules and
13 regulations.

14 (2) The changes made to the Administrative Procedure Act
15 by Laws 2011, LB617, shall not affect the validity or effectiveness
16 of a rule or regulation adopted prior to May 25, 2011.

17 Sec. 231. Section 84-907.06, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 84-907.06 Whenever an agency proposes to adopt, amend, or
20 repeal a rule or regulation, (1) at least thirty days before the
21 public hearing, when notice of a proposed rule or regulation is sent
22 out, or (2) at the same time the agency applies to the Governor for a
23 waiver of the notice of public hearing, the agency shall send
24 electronically to the Executive Board of the Legislative Council (a)
25 a copy of the hearing notice required by section 84-907, (b) if

1 applicable, a draft copy of the rule or regulation, and (c) the
2 information provided to the Governor pursuant to section 84-907.09.

3 Sec. 232. Section 84-910, Revised Statutes Supplement,
4 2011, is amended to read:

5 84-910 On or before July 1 of each year, each agency
6 shall provide electronically to the Legislative Performance Audit
7 Committee a status report on all rules and regulations pending before
8 the agency which have not been adopted and promulgated. If an
9 additional appropriation was made with respect to legislation enacted
10 to provide funding for or additional staff to implement a program for
11 which rules and regulations are required to be adopted, the status
12 report shall include what the funding has been used for and what
13 functions the staff have been performing while such rules and
14 regulations are pending. The format of the report shall be
15 established by the committee no later than June 1, 2011, and shall be
16 updated thereafter.

17 Sec. 233. Section 84-1205.03, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 84-1205.03 (1) Any state agency other than the courts or
20 the Legislature desiring to enter into an agreement to or otherwise
21 provide electronic access to public records through a gateway for a
22 fee shall make a written request for approval to the board. The
23 request shall include (a) a copy of the contract under consideration
24 if the electronic access is to be provided through a contractual
25 arrangement, (b) the public records which are the subject of the

1 contract or proposed electronic access fee, (c) the anticipated or
2 actual timeline for implementation, and (d) any security provisions
3 for the protection of confidential or sensitive records. The board
4 shall take action on such request in accordance with section
5 84-1205.02 and after a public hearing within thirty days after
6 receipt. The board may request a presentation or such other
7 information as it deems necessary from the requesting state agency.

8 (2) A state agency other than the courts or the
9 Legislature may charge a fee for electronic access to public records
10 without the board's approval for a one-time sale in a unique format.
11 The purchaser may object to the fee in writing to the board, and the
12 one-time fee shall then be subject to approval by the board according
13 to the procedures and guidelines established in sections 84-1205 to
14 84-1205.04.

15 (3) Courts or the Legislature providing electronic access
16 to public records through a gateway for a fee shall make a written
17 report. The report shall be filed with the State Records Board by the
18 State Court Administrator for the courts and the chairperson of the
19 Executive Board of the Legislative Council for the Legislature. The
20 report submitted to the executive board shall be submitted
21 electronically. The report shall include (a) a copy of the contract
22 under consideration if the electronic access is to be provided
23 through a contractual arrangement, (b) the public records which are
24 the subject of the contract or proposed electronic access fee, (c)
25 the anticipated or actual timeline for implementation, and (d) any

1 security provisions for the protection of confidential or sensitive
2 records. The State Records Board may request a presentation or such
3 other information as it deems necessary. The courts and the
4 Legislature shall take into consideration any recommendation made by
5 the State Records Board with respect to such fees.

6 (4) Courts and the Legislature may charge a fee for
7 electronic access to public records for a one-time sale in a unique
8 format without providing a report to the board as required under
9 subsection (3) of this section.

10 Sec. 234. Section 84-1205.05, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 84-1205.05 The board shall provide quarterly reports to
13 the Executive Board of the Legislative Council and Nebraska
14 Information Technology Commission on its activities pursuant to
15 sections 84-1205 to 84-1205.04. The report submitted to the executive
16 board shall be submitted electronically.

17 Sec. 235. Section 84-1219, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 84-1219 The administrator shall prepare a biennial report
20 on the status of programs established by him as provided in sections
21 84-1201 to 84-1226, and on the progress made during the preceding
22 biennium in implementing and effectuating such programs. Copies of
23 this report shall be furnished the Governor, the Speaker of the
24 Legislature, and such other officials and agencies as the Governor or
25 the board shall direct. The report submitted to the Speaker of the

1 Legislature shall be submitted electronically.

2 Sec. 236. Section 84-1315, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 84-1315 It shall be the duty of the Auditor of Public
5 Accounts to make an annual audit of the retirement system and an
6 annual report to the retirement board and to the Clerk of the
7 Legislature of the condition of the retirement system. The report
8 submitted to the Clerk of the Legislature shall be submitted
9 electronically. Each member of the Legislature shall receive a ~~an~~
10 electronic copy of the report required by this section by making a
11 request for such report to either the Auditor of Public Accounts or
12 the retirement board.

13 Sec. 237. Section 84-1617, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 84-1617 The personnel division of the Department of
16 Administrative Services shall provide electronically an annual report
17 to the Clerk of the Legislature. The report shall include the
18 following information based on the prior fiscal year: (1) The number
19 of temporary employees employed by the state; (2) the number of such
20 temporary employees who were eligible for health insurance coverage
21 pursuant to section 84-1601; (3) the number of such temporary
22 employees who elected coverage; and (4) the average length of health
23 insurance coverage for those temporary employees who elected
24 coverage.

25 Sec. 238. Section 85-414, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 85-414 (1) Beginning with the fiscal year commencing July
3 1, 1999, and continuing through the fiscal year ending June 30, 2009,
4 the Legislature shall appropriate each fiscal year from the General
5 Fund an amount not less than five million five hundred thousand
6 dollars to the University of Nebraska Facilities Program to be used
7 by the Board of Regents of the University of Nebraska to accomplish
8 projects as provided in this section. Through the allotment process
9 established in section 81-1113, the Department of Administrative
10 Services shall make appropriated funds available. Undisbursed
11 appropriations balances existing in the University of Nebraska
12 Facilities Program at the end of each fiscal year until June 30,
13 2012, shall be and are hereby reappropriated.

14 (2) The Legislature finds and determines that the
15 projects funded through the University of Nebraska Facilities Program
16 are of critical importance to the State of Nebraska. It is the intent
17 of the Legislature that the appropriations to the program shall not
18 be reduced until all contracts and securities relating to the
19 construction and financing of the projects or portions of the
20 projects funded from such funds or accounts of such funds are
21 completed or paid but in no case shall such appropriations extend
22 beyond the fiscal year ending June 30, 2009, nor shall the cumulative
23 total of the General Fund appropriations for the program exceed
24 fifty-five million dollars.

25 (3) Subject to the receipt of project approval from the

1 Coordinating Commission for Postsecondary Education as required by
2 subsection (10) of section 85-1414 for each of the following
3 University of Nebraska projects, the Board of Regents of the
4 University of Nebraska is authorized to make expenditures from the
5 University of Nebraska Facilities Program for the following projects:
6 (a) Deferred maintenance, repair, and renovation of University of
7 Nebraska at Kearney Bruner Hall; (b) deferred maintenance, repair,
8 and renovation of University of Nebraska at Kearney Otto Olson
9 Vocational Arts Building; (c) deferred maintenance, repair, and
10 renovation of University of Nebraska-Lincoln Love Library; (d)
11 deferred maintenance, repair, and renovation of University of
12 Nebraska-Lincoln Snyder Building at the West Central Research
13 Extension Center; (e) construction of a facility to replace
14 University of Nebraska-Lincoln Lyman Hall and Bancroft Hall; (f)
15 construction of a facility to replace University of Nebraska-Lincoln
16 Biochemistry Building; (g) deferred maintenance, repair, and
17 renovation of University of Nebraska-Lincoln Hamilton Hall; (h)
18 deferred maintenance, repair, and renovation of University of
19 Nebraska-Lincoln Avery Hall; (i) deferred maintenance, repair, and
20 renovation of University of Nebraska Medical Center Poynter Hall; (j)
21 deferred maintenance, repair, and renovation of University of
22 Nebraska Medical Center Swanson Hall, Bennet Hall, and Service
23 Building; (k) deferred maintenance, repair, and renovation of
24 University of Nebraska Medical Center Library housed in Wittson Hall;
25 (l) deferred maintenance, repair, and renovation of University of

1 Nebraska at Omaha Allwine Hall; (m) deferred maintenance, repair, and
2 renovation of University of Nebraska at Omaha Arts and Sciences Hall,
3 and (n) demolition of University of Nebraska Miller Hall.

4 (4) Expenditures of matching funds provided for the
5 projects listed in this section by the Board of Regents of the
6 University of Nebraska as provided for in section 85-412 shall be
7 accounted for in the Nebraska State Accounting System through the
8 University of Nebraska Facilities Program or according to some other
9 reporting process mutually agreed upon by the University of Nebraska
10 and the Department of Administrative Services.

11 (5) The Board of Regents of the University of Nebraska
12 shall record and report, on the Nebraska State Accounting System,
13 expenditure of amounts from the University of Nebraska Facilities
14 Program and expenditure of proceeds arising from any contract entered
15 into pursuant to this section and section 85-415 in such manner and
16 format as prescribed by the Department of Administrative Services or
17 according to some other reporting process mutually agreed upon by the
18 University of Nebraska and the Department of Administrative Services.

19 (6) The Board of Regents of the University of Nebraska
20 shall provide electronically to the Task Force for Building Renewal
21 semiannual reports concerning the status of each project authorized
22 by this section.

23 Sec. 239. Section 85-417, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 85-417 (1) Beginning with the fiscal year commencing July

1 1, 1999, and continuing through the fiscal year ending June 30, 2009,
2 the Legislature shall appropriate each fiscal year from the General
3 Fund an amount not less than four hundred thousand dollars to the
4 State College Facilities Program to be used by the Board of Trustees
5 of the Nebraska State Colleges to accomplish projects as provided in
6 this section. Through the allotment process established in section
7 81-1113, at a minimum, the Department of Administrative Services
8 shall make appropriated funds available. Undisbursed appropriations
9 balances existing in the State College Facilities Program at the end
10 of each fiscal year until June 30, 2012, shall be and are hereby
11 reappropriated.

12 (2) The Legislature finds and determines that the
13 projects funded through the program are of critical importance to the
14 State of Nebraska. It is the intent of the Legislature that the
15 appropriations to the program shall not be reduced until all
16 contracts and securities relating to the construction and financing
17 of the projects or portions of the projects funded from such funds or
18 accounts of such funds are completed or paid but in no case shall
19 such appropriations extend beyond the fiscal year ending June 30,
20 2009, nor shall the cumulative total of the General Fund
21 appropriations for the program exceed four million dollars.

22 (3) Subject to the receipt of project approval from the
23 Coordinating Commission for Postsecondary Education as required by
24 subsection (10) of section 85-1414 for each of the following state
25 college projects, the Board of Trustees of the Nebraska State

1 Colleges is authorized to make expenditures from the State College
2 Facilities Program for the following state college projects: (a)
3 Deferred maintenance, repair, and renovation of Chadron State College
4 Administration Building; (b) deferred maintenance, repair, and
5 renovation of Chadron State College Memorial Hall; (c) deferred
6 maintenance, repair, and renovation of Chadron State College Math and
7 Science Building; (d) deferred maintenance, repair, and renovation of
8 Chadron State College Old Library; (e) deferred maintenance, repair,
9 and renovation of Chadron State College Reta King Library; (f)
10 deferred maintenance, repair, and renovation of Peru State College
11 Library; (g) deferred maintenance, repair, and renovation of Peru
12 State College Hoyt Science Hall; (h) deferred maintenance, repair,
13 and renovation of Peru State College Old Gymnasium; (i) deferred
14 maintenance, repair, and renovation of Peru State College Power
15 Plant; (j) deferred maintenance, repair, and renovation of Wayne
16 State College Broadcast Studio; (k) deferred maintenance, repair, and
17 renovation of Wayne State College Hahn Administration Building; (l)
18 deferred maintenance, repair, and renovation of Wayne State College
19 Memorial Stadium; (m) deferred maintenance, repair, and renovation of
20 Wayne State College Ramsey Theater; (n) deferred maintenance, repair,
21 and renovation of Wayne State College Rice Auditorium; (o) deferred
22 maintenance, repair, and renovation of Wayne State College
23 Telecommunications Classrooms; and (p) systemwide miscellaneous fire
24 and life safety, energy conservation, deferred repair, federal
25 Americans with Disabilities Act of 1990, and asbestos removal

1 projects.

2 (4) Expenditures of matching funds provided for the
3 projects listed in this section by the Board of Trustees of the
4 Nebraska State Colleges as provided for in section 85-412 shall be
5 accounted for in the Nebraska State Accounting System through the
6 State College Facilities Program or according to some other reporting
7 process mutually agreed upon by the state colleges and the Department
8 of Administrative Services.

9 (5) The Board of Trustees of the Nebraska State Colleges
10 shall record and report, on the Nebraska State Accounting System,
11 expenditure of amounts from the State College Facilities Program and
12 expenditure of proceeds arising from any contract entered into
13 pursuant to this section and section 85-418 in such manner and format
14 as prescribed by the Department of Administrative Services or
15 according to some other reporting process mutually agreed upon by the
16 state colleges and the Department of Administrative Services.

17 (6) The Board of Trustees of the Nebraska State Colleges
18 shall provide electronically to the Task Force for Building Renewal
19 semiannual reports concerning the status of each project authorized
20 by this section.

21 Sec. 240. Section 85-421, Revised Statutes Cumulative
22 Supplement, 2010, is amended to read:

23 85-421 (1) The Legislature shall appropriate from the
24 General Fund (a) an amount not less than five million five hundred
25 thousand dollars for each fiscal year for the period beginning with

1 the fiscal year commencing July 1, 2006, and continuing through the
2 fiscal year ending June 30, 2009, and (b) an amount not less than
3 eleven million dollars for each fiscal year for the period beginning
4 with the fiscal year commencing July 1, 2009, and continuing through
5 the fiscal year ending June 30, 2020, to the University of Nebraska
6 Facilities Program of 2006 to be used by the Board of Regents of the
7 University of Nebraska to accomplish projects as provided in this
8 section. Through the allotment process established in section
9 81-1113, the Department of Administrative Services shall make
10 appropriated funds available. Undisbursed appropriations balances
11 existing in the University of Nebraska Facilities Program of 2006 at
12 the end of each fiscal year until June 30, 2021, shall be and are
13 hereby reappropriated.

14 (2) The Legislature finds and determines that the
15 projects funded through the University of Nebraska Facilities Program
16 of 2006 are of critical importance to the State of Nebraska. It is
17 the intent of the Legislature that the appropriations to the program
18 shall not be reduced until all contracts and securities relating to
19 the construction and financing of the projects or portions of the
20 projects funded from such funds or accounts of such funds are
21 completed or paid but in no case shall such appropriations extend
22 beyond the fiscal year ending June 30, 2020, nor shall the cumulative
23 total of the General Fund appropriations for the program exceed one
24 hundred thirty-seven million five hundred thousand dollars.

25 (3) Subject to the receipt of project approval from the

1 Coordinating Commission for Postsecondary Education as required by
2 subsection (10) of section 85-1414 for each of the following
3 University of Nebraska projects, the Board of Regents of the
4 University of Nebraska is authorized to make expenditures from the
5 University of Nebraska Facilities Program of 2006 for the following
6 projects: (a) Deferred maintenance, repair, and renovation of
7 University of Nebraska at Kearney Bruner Hall; (b) construction of
8 University of Nebraska at Kearney campus-wide central utilities plant
9 and system; (c) construction of facilities to replace University of
10 Nebraska-Lincoln Behlen, Brace, and Ferguson Halls or deferred
11 maintenance, repair, and renovation of University of Nebraska-Lincoln
12 Behlen, Brace, and Ferguson Halls; (d) construction of a facility to
13 replace University of Nebraska-Lincoln Keim Hall or deferred
14 maintenance, repair, and renovation of University of Nebraska-Lincoln
15 Keim Hall; (e) deferred maintenance, repair, and renovation of
16 University of Nebraska-Lincoln Sheldon Memorial Art Gallery; (f)
17 deferred maintenance, repair, and renovation of University of
18 Nebraska-Lincoln Animal Science Complex; (g) deferred maintenance,
19 repair, and renovation of University of Nebraska Medical Center
20 Poynter, Bennet, and Wittson Halls; (h) deferred maintenance, repair,
21 and renovation of University of Nebraska Medical Center Eppley
22 Institute for Research in Cancer and Allied Diseases or replacement
23 if additional federal or private funds are received; (i) deferred
24 maintenance, repair, and renovation of University of Nebraska Medical
25 Center College of Dentistry; (j) deferred maintenance, repair, and

1 renovation of University of Nebraska at Omaha Library; and (k)
2 deferred maintenance, repair, and renovation of University of
3 Nebraska at Omaha utilities infrastructure.

4 (4) Expenditures of matching funds provided for the
5 projects listed in this section by the Board of Regents of the
6 University of Nebraska as provided for in section 85-419 shall be
7 accounted for in the Nebraska State Accounting System through the
8 University of Nebraska Facilities Program of 2006 or according to
9 some other reporting process mutually agreed upon by the University
10 of Nebraska and the Department of Administrative Services.

11 (5) The Board of Regents of the University of Nebraska
12 shall record and report, on the Nebraska State Accounting System,
13 expenditure of amounts from the University of Nebraska Facilities
14 Program of 2006 and expenditure of proceeds arising from any contract
15 entered into pursuant to this section and section 85-422 in such
16 manner and format as prescribed by the Department of Administrative
17 Services or according to some other reporting process mutually agreed
18 upon by the University of Nebraska and the Department of
19 Administrative Services.

20 (6) The Board of Regents of the University of Nebraska
21 shall provide electronically to the Task Force for Building Renewal
22 semiannual reports concerning the status of each project authorized
23 by this section.

24 Sec. 241. Section 85-424, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 85-424 (1) Beginning with the fiscal year commencing July
2 1, 2006, and continuing through the fiscal year ending June 30, 2020,
3 the Legislature shall appropriate each fiscal year from the General
4 Fund an amount not less than one million one hundred twenty-five
5 thousand dollars to the State College Facilities Program of 2006 to
6 be used by the Board of Trustees of the Nebraska State Colleges to
7 accomplish projects as provided in this section. Through the
8 allotment process established in section 81-1113, at a minimum, the
9 Department of Administrative Services shall make appropriated funds
10 available. Undisbursed appropriations balances existing in the State
11 College Facilities Program of 2006 at the end of each fiscal year
12 until June 30, 2021, shall be and are hereby reappropriated.

13 (2) The Legislature finds and determines that the
14 projects funded through the program are of critical importance to the
15 State of Nebraska. It is the intent of the Legislature that the
16 appropriations to the program shall not be reduced until all
17 contracts and securities relating to the construction and financing
18 of the projects or portions of the projects funded from such funds or
19 accounts of such funds are completed or paid but in no case shall
20 such appropriations extend beyond the fiscal year ending June 30,
21 2020, nor shall the cumulative total of the General Fund
22 appropriations for the program exceed fifteen million seven hundred
23 fifty thousand dollars.

24 (3) Subject to the receipt of project approval from the
25 Coordinating Commission for Postsecondary Education as required by

1 subsection (10) of section 85-1414 for each of the following state
2 college projects, the Board of Trustees of the Nebraska State
3 Colleges is authorized to make expenditures from the State College
4 Facilities Program of 2006 for the following state college projects:
5 (a) Deferred maintenance, repair, and renovation of Chadron State
6 College Academic/Administration Building; (b) design and placement of
7 a new Peru State College emergency power generator; (c) replacement
8 of existing Peru State College Al Wheeler Activity Center bleachers;
9 (d) addition to and deferred maintenance, repair, and renovation of
10 Peru State College Al Wheeler Activity Center; (e) addition to and
11 deferred maintenance, repair, and renovation of Wayne State College
12 Campus Services Building; (f) deferred maintenance, repair, and
13 renovation of Wayne State College Rice Auditorium; (g) deferred
14 maintenance, repair, and renovation of Wayne State College Memorial
15 Stadium; and (h) systemwide miscellaneous fire and life safety,
16 energy conservation, deferred repair, federal Americans with
17 Disabilities Act of 1990, and asbestos removal projects.

18 (4) Expenditures of matching funds provided for the
19 projects listed in this section by the Board of Trustees of the
20 Nebraska State Colleges as provided for in section 85-419 shall be
21 accounted for in the Nebraska State Accounting System through the
22 State College Facilities Program of 2006 or according to some other
23 reporting process mutually agreed upon by the state colleges and the
24 Department of Administrative Services.

25 (5) The Board of Trustees of the Nebraska State Colleges

1 shall record and report, on the Nebraska State Accounting System,
2 expenditure of amounts from the State College Facilities Program of
3 2006 and expenditure of proceeds arising from any contract entered
4 into pursuant to this section and section 85-425 in such manner and
5 format as prescribed by the Department of Administrative Services or
6 according to some other reporting process mutually agreed upon by the
7 state colleges and the Department of Administrative Services.

8 (6) The Board of Trustees of the Nebraska State Colleges
9 shall provide electronically to the Task Force for Building Renewal
10 semiannual reports concerning the status of each project authorized
11 by this section.

12 Sec. 242. Section 85-1412, Revised Statutes Supplement,
13 2011, is amended to read:

14 85-1412 The commission shall have the following
15 additional powers and duties:

16 (1) Conduct surveys and studies as may be necessary to
17 undertake the coordination function of the commission pursuant to
18 section 85-1403 and request information from governing boards and
19 appropriate administrators of public institutions and other
20 governmental agencies for research projects. All public institutions
21 and governmental agencies receiving state funds shall comply with
22 reasonable requests for information under this subdivision. Public
23 institutions may comply with such requests pursuant to section
24 85-1417;

25 (2) Recommend to the Legislature and the Governor

1 legislation it deems necessary or appropriate to improve
2 postsecondary education in Nebraska and any other legislation it
3 deems appropriate to change the role and mission provisions in
4 sections 85-917 to 85-966.01. The recommendations submitted to the
5 Legislature shall be submitted electronically;

6 (3) Establish any advisory committees as may be necessary
7 to undertake the coordination function of the commission pursuant to
8 section 85-1403 or to solicit input from affected parties such as
9 students, faculty, governing boards, administrators of the public
10 institutions, administrators of the private nonprofit institutions of
11 postsecondary education and proprietary institutions in the state,
12 and community and business leaders regarding the coordination
13 function of the commission;

14 (4) Participate in or designate an employee or employees
15 to participate in any committee which may be created to prepare a
16 coordinated plan for the delivery of educational programs and
17 services in Nebraska through the telecommunications system;

18 (5) Seek a close liaison with the State Board of
19 Education and the State Department of Education in recognition of the
20 need for close coordination of activities between elementary and
21 secondary education and postsecondary education;

22 (6) Administer the Integrated Postsecondary Education
23 Data System or other information system or systems to provide the
24 commission with timely, comprehensive, and meaningful information
25 pertinent to the exercise of its duties. The information system shall

1 be designed to provide comparable data on each public institution.
2 The commission shall also administer the uniform information system
3 prescribed in sections 85-1421 to 85-1427 known as the Nebraska
4 Educational Data System. Public institutions shall supply the
5 appropriate data for the information system or systems required by
6 the commission;

7 (7) Administer the Access College Early Scholarship
8 Program Act, the Nebraska Opportunity Grant Act, and the
9 Postsecondary Institution Act;

10 (8) Accept and administer loans, grants, and programs
11 from the federal or state government and from other sources, public
12 and private, for carrying out any of its functions, including the
13 administration of privately endowed scholarship programs. Such loans
14 and grants shall not be expended for any other purposes than those
15 for which the loans and grants were provided. The commission shall
16 determine eligibility for such loans, grants, and programs, and such
17 loans and grants shall not be expended unless approved by the
18 Governor;

19 (9) On or before December 1 of each even-numbered year,
20 submit to the Legislature and the Governor a report of its objectives
21 and activities and any new private colleges in Nebraska and the
22 implementation of any recommendations of the commission for the
23 preceding two calendar years. The report submitted to the Legislature
24 shall be submitted electronically;

25 (10) Provide staff support for interstate compacts on

1 postsecondary education; and

2 (11) Request inclusion of the commission in any existing
3 grant review process and information system. ~~;~~ and

4 ~~(12) In collaboration with the State Department of~~
5 ~~Education, public and private postsecondary educational institutions,~~
6 ~~private, denominational, or parochial secondary schools, educational~~
7 ~~service units, and school districts, conduct a study regarding the~~
8 ~~need for uniform policies and practices for dual enrollment courses~~
9 ~~and career academies in Nebraska, including transferability of dual-~~
10 ~~enrollment courses and consistency of administration of career~~
11 ~~academies. The study shall also include a review of any program that~~
12 ~~provides Nebraska high school students with the opportunity to earn~~
13 ~~college credit or advanced placement through participation in courses~~
14 ~~and examinations administered by a not for profit organization and of~~
15 ~~the need for uniform policies and practices related to the acceptance~~
16 ~~and transferability of such courses and the college credit or~~
17 ~~advanced placement earned as a result of a student's performance on~~
18 ~~such examinations. The commission shall report the findings of such~~
19 ~~study and its recommendations, including recommendations for possible~~
20 ~~legislation, to the Legislature on or before December 15, 2011. For~~
21 ~~purposes of this subdivision, dual enrollment course has the same~~
22 ~~definition as provided in section 79-1201.01.~~

23 Sec. 243. Section 85-1413, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 85-1413 (1) Pursuant to the authority granted in Article

1 VII, section 14, of the Constitution of Nebraska and the Coordinating
2 Commission for Postsecondary Education Act, the commission shall
3 establish and revise as needed a comprehensive statewide plan for
4 postsecondary education which shall include (a) definitions of the
5 role and mission of each public postsecondary educational institution
6 within any general assignments of role and mission as prescribed in
7 sections 85-917 to 85-966 and (b) a plan for facilities which utilize
8 tax funds designated by the Legislature.

9 ~~(2) Beginning on September 1, 1999, the commission shall~~
10 ~~work in consultation with the governing boards in revising the~~
11 ~~existing comprehensive statewide plan to reflect the role and mission~~
12 ~~of public postsecondary educational institutions and to articulate~~
13 ~~statewide goals. The process of reviewing and revising the plan shall~~
14 ~~be completed by January 1, 2001, if practicable.~~

15 ~~(3)-(2)~~ The planning process of the commission (a) shall
16 be policy-based and ongoing in order to achieve, within the
17 coordination function of the commission pursuant to section 85-1403,
18 the best possible use of available state resources for high quality
19 and accessible postsecondary educational services and (b) shall take
20 into consideration (i) the needs of the state as described in
21 subsection ~~(4)-(3)~~ of this section, (ii) general assignments of role
22 and mission for each public institution in sections 85-917 to 85-966,
23 and (iii) plans for facilities which utilize tax funds designated by
24 the Legislature.

25 ~~(4)-(3)~~ In establishing the plan, the commission shall

1 assess the postsecondary educational needs of the state in the
2 following areas:

3 (a) The basic and continuing needs of various age groups;

4 (b) Business and industrial needs for a skilled work
5 force;

6 (c) Demographic, social, and economic trends;

7 (d) The needs of the ethnic populations;

8 (e) College attendance, retention, and dropout rates;

9 (f) The needs of recent high school graduates and place-
10 bound adults;

11 (g) The needs of residents of all geographic regions; and

12 (h) Any other areas the commission may designate.

13 ~~(5)~~-(4) The plan shall provide a structure or process
14 which encourages and facilitates harmonious and cooperative
15 relationships between public and private postsecondary educational
16 institutions and shall recognize the role and relationship of
17 elementary and secondary education and private postsecondary
18 educational institutions in the state to postsecondary education.

19 ~~(6)~~-(5) The commission shall incorporate into the plan
20 provisions and policies to guide decisionmaking by the commission
21 pursuant to this section and sections 85-1414 and 85-1415. The
22 provisions and policies shall address issues which include, but are
23 not limited to:

24 (a) The facilitation of statewide transfer-of-credit
25 guidelines to be considered by institutional governing boards. The

1 statewide transfer-of-credit guidelines shall be designed to
2 facilitate the transfer of students among public institutions. The
3 statewide transfer-of-credit guidelines shall not require nor
4 encourage the standardization of course content and shall not
5 prescribe course content or credit value assigned by any public
6 institution to the courses;

7 (b) Recommended guidelines for admissions which recognize
8 selective and differentiated admission standards at public
9 institutions and which are consistent with the role and mission of
10 each public institution. It is the intent of the Legislature that
11 changes in admission standards be implemented in conjunction with the
12 role and mission statements established pursuant to this section and
13 sections 85-917 to 85-966 and the adoption of statewide transfer-of-
14 credit and remedial program policies to assure that access to
15 postsecondary education is not limited;

16 (c) Recommended enrollment guidelines consistent with the
17 role and mission of each public institution and specific
18 recommendations designed to increase diversity through more effective
19 enrollment and retention at public institutions;

20 (d) Recommended guidelines for rational and equitable
21 statewide tuition rates and fees for public institutions. The
22 commission shall identify public policy issues relating to tuition
23 and fees of the public postsecondary educational institutions in the
24 state. The recommended guidelines shall take into account the role
25 and mission of each public institution and the need to maximize

1 access to public postsecondary education regardless of a student's
2 financial circumstance;

3 (e) In conjunction with and consistent with its
4 recommended guidelines on admission standards, recommended guidelines
5 which place the primary emphasis at the community college level for
6 postsecondary education remedial programs and reduce the role of the
7 University of Nebraska in offering remedial programs. The commission
8 shall collaborate with the Commissioner of Education to develop
9 recommendations for secondary schools designed to reduce the need for
10 remedial or developmental programs at the postsecondary level;

11 (f) In consultation with the governing boards or their
12 designated representatives, designation of geographic and
13 programmatic service areas for each public institution consistent
14 with role and mission assignments. Except as permitted by the
15 commission pursuant to section 85-1414, ~~after July 1, 1992,~~ no public
16 institution shall provide programs at any site outside its assigned
17 geographic and programmatic service area unless permitted under rules
18 and regulations adopted and promulgated by the commission;

19 (g) After consultation with the governing boards and
20 experts from outside the State of Nebraska, the establishment of a
21 peer group or groups for each public institution for purposes of
22 budget review. In fulfilling this charge, the commission may accept a
23 peer group determined by a governing board in consultation with out-
24 of-state experts;

25 (h) Effective use of information technologies and

1 telecommunications to aid in the delivery of instruction at the
2 postsecondary level. In cooperation with the Nebraska Educational
3 Telecommunications Commission, other state agencies, and, when
4 appropriate, representatives of elementary and secondary public
5 education, the commission may assist in the development of
6 instructional delivery systems employing information technologies and
7 telecommunications. The commission, with the involvement of
8 faculties, public institutions and private postsecondary educational
9 institutions, and the information technology and telecommunications
10 community, shall establish policies to ensure that the objectives of
11 quality and efficiency are met in the delivery of information
12 technology and telecommunications-aided instruction;

13 (i) Workforce development. The commission shall explore
14 methods to improve the competitive quality of the work force and
15 shall encourage enhanced communications and partnerships between
16 public institutions and business and industry;

17 (j) Public service activities. The public institutions
18 shall develop and provide to the commission a comprehensive inventory
19 of public service programs and activities of public institutions; and

20 (k) Financial aid strategy. The commission shall develop
21 a state strategy for state-supported student financial aid programs
22 with the goal of assuring access to and choice in postsecondary
23 education in Nebraska for Nebraska residents within the limits of
24 available state resources.

25 ~~(7)~~-(6) The commission shall develop a unified statewide

1 facilities plan in consultation with the governing boards or their
2 designated representatives and update the plan periodically.

3 ~~(8)-(7)~~ Prior to March 15 of the year following ~~the year~~
4 ~~of adoption of the revised comprehensive statewide plan for~~
5 ~~postsecondary education required by subsection (2) of this section~~
6 ~~and prior to March 15 of the year following~~ a year in which any
7 revision is made to the comprehensive statewide plan, the Education
8 Committee of the Legislature shall review the comprehensive statewide
9 plan and revisions thereto at a public hearing and report its
10 findings electronically to the Legislature.

11 Sec. 244. Section 85-1414, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 85-1414 (1) Pursuant to the authority granted in Article
14 VII, section 14, of the Constitution of Nebraska and the Coordinating
15 Commission for Postsecondary Education Act, the commission shall
16 establish an ongoing process to review, monitor, and approve or
17 disapprove the new and existing programs of public institutions and
18 proposed capital construction projects which utilize tax funds
19 designated by the Legislature in order to provide compliance and
20 consistency with the comprehensive statewide plan and to prevent
21 unnecessary duplication. When complying with requests for information
22 during the review, monitoring, and approval process, public
23 institutions may comply pursuant to section 85-1417.

24 (2)(a) Governing boards shall submit to the commission
25 all proposals for any new program after the governing board has

1 approved the program and prior to implementation of the program.
2 Except for programs submitted for conditional approval by the
3 commission pursuant to subdivision (b) of this subsection, the
4 commission shall have ninety days from the date the program was
5 submitted to take action to approve or disapprove a program or it
6 shall stand approved. The commission shall establish a waiver process
7 for specific, short-term job training programs and short-term public
8 service programs as defined by the commission. New programs submitted
9 for review may be approved or disapproved in whole or in part and
10 with or without recommended modifications based on criteria
11 established pursuant to subsection (7) of this section.

12 (b) After approval of the program by the governing board,
13 the governing board may submit a proposal for a program which is not
14 authorized by the role and mission provisions of sections 85-917 to
15 85-966 to the commission for conditional approval. Within one hundred
16 twenty days from its receipt of the proposal, the commission shall
17 report to the Legislature its recommendation in support for or
18 opposition to the amendments to the role and mission statutes that
19 would be necessary for the commission to approve the program and for
20 the institution to offer the program. The time period for submission
21 of the report may be extended for up to an additional ninety days by
22 resolution of the commission which shall show good cause why the
23 extent of review required for this particular proposal necessitates
24 an extension of time to complete the review. Such extension shall be
25 filed electronically with the chairperson of the Education Committee

1 of the Legislature prior to the expiration of the initial one hundred
2 twenty days. The report shall contain supporting rationale for the
3 commission's position, such additional comments as the commission
4 deems appropriate and, in the event the commission supports the
5 amendments to the role and mission statutes, the commission's
6 specific recommendation as to the form of such amendments. If the
7 report indicates support for the necessary amendments to the role and
8 mission statutes, the report shall also constitute the commission's
9 conditional approval of the program, unless the report specifically
10 indicates disapproval of the program. If the necessary amendments to
11 the role and mission statutes supported by the commission in its
12 report to the Legislature are subsequently enacted by the
13 Legislature, the program shall stand approved. Nothing in this
14 section for conditional approval shall be construed to affect the
15 commission's future consideration of such proposal or approval or
16 disapproval of any programs affected by the proposal.

17 (3) Following approval of a new program, such program
18 shall be added to the schedule of existing programs to be reviewed by
19 the commission. Following consultation with the governing board, new
20 programs approved by the commission may also be required to meet,
21 within a reasonable time as stipulated by the commission, minimum
22 performance standards established by the commission pursuant to its
23 rules and regulations. If a program fails to meet minimum performance
24 standards, the commission shall review the program and may continue
25 or withdraw its approval for the program.

1 (4) Existing programs shall be reviewed by the commission
2 pursuant to a program review process established by the commission in
3 consultation with the governing boards or their designated
4 representatives which, to the extent possible while still allowing
5 for timely review by the commission, shall coincide with
6 institutional review and accreditation cycles. In reviewing existing
7 programs, the commission may make use of nonconfidential information
8 and conclusions provided by accreditation processes supplied to the
9 commission by the institutions. All programs in existence prior to
10 January 1, 1992, shall be considered approved until the approval is
11 confirmed or withdrawn by the commission pursuant to the program
12 review process conducted by the commission.

13 (5) Existing programs which do not meet criteria
14 established by the commission pursuant to subsection (7) of this
15 section shall be targeted for indepth review by the public
16 institutions and their governing boards. In performing such indepth
17 review, institutions may make use of information and conclusions
18 provided by accreditation and other established and ongoing academic
19 review processes rather than providing for a separate review process.
20 Programs continued by the governing boards shall be further monitored
21 by the governing board which shall report the status and process of
22 the monitoring to the commission. If the commission determines that a
23 program does not merit continuation, it shall hold a public hearing,
24 following thirty days' notice to the public institution, to consider
25 if the program should be continued. Following the hearing, the

1 commission shall take action to approve or disapprove continuance of
2 the program.

3 (6) Existing programs disapproved for continuance by the
4 commission shall be terminated by a public institution when all
5 students in the program on the date of the decision of the commission
6 to disapprove continuance of the program have had a reasonable
7 opportunity, as determined by the governing board of the public
8 institution, to complete the program. Existing public service
9 programs disapproved for continuance by the commission shall be
10 terminated at the end of the fiscal year in which the decision to
11 disapprove is made.

12 (7) The commission shall establish criteria for the
13 review, monitoring, and approval or disapproval of programs. The
14 governing boards of the public institutions shall be responsible for
15 assuring the quality and effectiveness of programs offered by their
16 institutions. The commission's criteria shall be designed to (a) meet
17 educational needs and (b) assure efficiency and avoid unnecessary
18 duplication. Criteria shall include:

19 (i) Centrality to the role and mission of the public
20 institution;

21 (ii) Consistency with the comprehensive statewide plan;

22 (iii) Evidence of need and demand; and

23 (iv) Adequacy of resources to support proposed new
24 programs.

25 The criteria shall not infringe on the prerogative of the

1 governing boards to make decisions on the quality of staff and the
2 design of curriculum.

3 (8) The commission shall develop specific criteria for
4 review, monitoring, and approval or disapproval of participation by
5 any public institution in proposed or existing education centers in
6 addition to the criteria specified in this section. Participation by
7 a public institution in an education center shall also be approved by
8 the governing board of such public institution. The commission shall
9 develop policies and procedures for conducting and approving off-
10 campus programming in an education center.

11 (9) Each public institution shall submit its most recent
12 institutional facilities plan to the commission subject to commission
13 guidelines for the format and content of such plans. The commission
14 shall (a) review each institutional facilities plan to ensure (i)
15 consistency with the comprehensive statewide plan, statewide
16 facilities plan, and institutional role and mission assignments and
17 (ii) identification of unnecessary duplication of facilities and (b)
18 make a written report of its review to the governing board of the
19 public institution within ninety days after receipt of the
20 institutional facilities plan. The commission may, in accordance with
21 the coordination function of the commission pursuant to section
22 85-1403, recommend modifications to the institutional facilities
23 plans and may require submission of periodic updates of the
24 institutional facilities plans.

25 (10) Governing boards shall submit all proposed capital

1 construction projects which utilize tax funds designated by the
2 Legislature to the commission for review and approval or disapproval.
3 The commission shall, in accordance with the coordination function of
4 the commission pursuant to section 85-1403, review, monitor, and
5 approve or disapprove each such capital construction project to
6 provide compliance and consistency with the statewide facilities plan
7 and the comprehensive statewide plan and to prevent unnecessary
8 duplication of capital facilities. The commission may disapprove a
9 project only on the basis of a finding by the commission that the
10 project (a) does not comply or is inconsistent with one or more
11 provisions of the statewide facilities plan or other relevant
12 provisions of the comprehensive statewide plan or (b) will result in
13 unnecessary duplication of capital facilities.

14 (11) In fulfilling its program and project approval
15 activities prescribed in this section, the commission shall, in
16 accordance with the coordination function of the commission pursuant
17 to section 85-1403, recognize educational activities among all
18 segments of postsecondary education and take into account the
19 educational programs, facilities, and other resources of both public
20 and independent and private postsecondary educational institutions.

21 (12) Any program which is authorized by action of the
22 Legislature or a governing board and which is not in existence prior
23 to January 1, 1992, shall not become operative unless and until such
24 program has been approved by the commission pursuant to this section.

25 Sec. 245. Section 85-1415, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 85-1415 (1) Consistent with the authority granted to the
3 Legislature pursuant to Article XIII, section 1, of the Constitution
4 of Nebraska, the commission shall review all capital construction
5 projects proposed by the Board of Regents of the University of
6 Nebraska and the Board of Trustees of the Nebraska State Colleges
7 pursuant to sections 85-404 and 85-408 and by any nonprofit
8 corporation created by the Board of Regents of the University of
9 Nebraska or the Board of Trustees of the Nebraska State Colleges when
10 (a) state general funds, (b) funds received by the University of
11 Nebraska or any state college for the purposes of reimbursing
12 overhead costs and expenses in connection with any federal or other
13 grant or contract, (c) tuition, or (d) the state's operating
14 investment pool investment income constitute all or any part of the
15 funds used for the repayment of all or any part of the bonds of such
16 nonprofit corporation. Such boards shall submit all such projects,
17 including applicable financing plans, to the commission for review.

18 (2) Within sixty days ~~from~~after the date of submission
19 of a proposed project, the commission shall take action by
20 recommending that the Legislature or the Executive Board of the
21 Legislative Council either approve or disapprove the project.
22 Following such action by the commission, each such proposed project
23 together with the commission's recommendation of approval or
24 disapproval shall be submitted electronically by the board concerned
25 to the Legislature or to the Executive Board of the Legislative

1 Council. The Legislature or, if the Legislature is not in session,
2 the Executive Board of the Legislative Council shall thereafter take
3 action to approve or disapprove the proposed project.

4 Sec. 246. Section 85-1416, Revised Statutes Cumulative
5 Supplement, 2010, is amended to read:

6 85-1416 (1) Pursuant to the authority granted in Article
7 VII, section 14, of the Constitution of Nebraska and the Coordinating
8 Commission for Postsecondary Education Act, the commission shall, in
9 accordance with the coordination function of the commission pursuant
10 to section 85-1403, review and modify, if needed to promote
11 compliance and consistency with the comprehensive statewide plan and
12 prevent unnecessary duplication, the budget requests of the governing
13 boards.

14 (2)(a) At least thirty days prior to submitting to the
15 Governor their biennial budget requests pursuant to section 81-1113
16 and any major deficit appropriation requests pursuant to instructions
17 of the Department of Administrative Services, the Board of Regents of
18 the University of Nebraska and the Board of Trustees of the Nebraska
19 State Colleges shall each submit to the commission an outline of its
20 proposed operating budget. The outline of its proposed operating
21 budget or outline of proposed state aid request shall include those
22 information summaries provided to the institution's governing board
23 describing the respective institution's budget for the next fiscal
24 year or biennium. The outline shall contain projections of funds
25 necessary for (i) the retention of current programs and services at

1 current funding levels, (ii) any inflationary costs necessary to
2 maintain current programs and services at the current programmatic or
3 service levels, and (iii) proposed new and expanded programs and
4 services. In addition to the outline, the commission may request an
5 institution to provide to the commission any other supporting
6 information to assist the commission in its budget review process. An
7 institution may comply with such requests pursuant to section
8 85-1417.

9 (b) On September 15 of each biennial budget request year,
10 the boards of governors of the community colleges or their designated
11 representatives shall submit to the commission outlines of their
12 proposed state aid requests.

13 (c) The commission shall analyze institutional budget
14 priorities in light of the comprehensive statewide plan, role and
15 mission assignments, and the goal of prevention of unnecessary
16 duplication. The commission shall submit to the Governor and
17 Legislature by October 15 of each year recommendations for approval
18 or modification of the budget requests together with a rationale for
19 its recommendations. The recommendations submitted to the Legislature
20 shall be submitted electronically. The analysis and recommendations
21 by the commission shall focus on budget requests for new and expanded
22 programs and services and major statewide funding issues or
23 initiatives as identified in the comprehensive statewide plan. If an
24 institution does not comply with the commission's request pursuant to
25 subdivision (a) of this subsection for additional budget information,

1 the commission may so note the refusal and its specific information
2 request in its report of budget recommendations. The commission shall
3 also provide to the Governor and the Appropriations Committee of the
4 Legislature on or before October 1 of each even-numbered year a
5 report identifying public policy issues relating to student tuition
6 and fees, including the appropriate relative differentials of tuition
7 and fee levels between the sectors of public postsecondary education
8 in the state consistent with the comprehensive statewide plan. The
9 report submitted to the committee shall be submitted electronically.

10 (3) At least thirty days prior to submitting to the
11 Governor their biennial budget requests pursuant to section 81-1113
12 and any major deficit appropriation requests pursuant to instructions
13 of the Department of Administrative Services, the Board of Regents of
14 the University of Nebraska and the Board of Trustees of the Nebraska
15 State Colleges shall each submit to the commission information the
16 commission deems necessary regarding each board's capital
17 construction budget requests. The commission shall review the capital
18 construction budget request information and may recommend to the
19 Governor and the Legislature modification, approval, or disapproval
20 of such requests consistent with the statewide facilities plan and
21 any project approval determined pursuant to subsection (10) of
22 section 85-1414 and to section 85-1415. The recommendations submitted
23 to the Legislature shall be submitted electronically. The commission
24 shall develop from a statewide perspective a unified prioritization
25 of individual capital construction budget requests for which it has

1 recommended approval and submit such prioritization to the Governor
2 and the Legislature for their consideration. The prioritization
3 submitted to the Legislature shall be submitted electronically. In
4 establishing its prioritized list, the commission may consider and
5 respond to the priority order established by the Board of Regents or
6 the Board of Trustees in their respective capital construction budget
7 requests.

8 (4) Nothing in this section shall be construed to affect
9 other constitutional, statutory, or administrative requirements for
10 the submission of budget or state aid requests by the governing
11 boards to the Governor and the Legislature.

12 Sec. 247. Section 85-1429, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 85-1429 On or before March 15 of each year, the
15 Coordinating Commission for Postsecondary Education shall provide
16 electronically a report that evaluates progress toward attainment of
17 the priorities listed in subdivision (3) of section 85-1428. The
18 Education Committee of the Legislature shall review the report at a
19 public hearing and report its findings electronically to the
20 Legislature.

21 Sec. 248. Section 85-1807, Revised Statutes Cumulative
22 Supplement, 2010, is amended to read:

23 85-1807 (1) The State Treasurer shall deposit money
24 received by the Nebraska educational savings plan trust into three
25 funds: The College Savings Plan Program Fund, the College Savings

1 Plan Expense Fund, and the College Savings Plan Administrative Fund.
2 The State Treasurer shall deposit money received by the trust into
3 the appropriate fund. The State Treasurer and Accounting
4 Administrator of the Department of Administrative Services shall
5 determine the state fund types necessary to comply with section 529
6 of the Internal Revenue Code and state policy. The money in the funds
7 shall be invested by the state investment officer pursuant to
8 policies established by the Nebraska Investment Council. The program
9 fund, the expense fund, and the administrative fund shall be
10 separately administered. The Nebraska educational savings plan trust
11 shall be operated with no General Fund appropriations.

12 (2) All money paid by participants in connection with
13 participation agreements and all investment income earned on such
14 money shall be deposited as received into separate accounts within
15 the program fund. Contributions to the trust made by participants may
16 only be made in the form of cash. All funds generated in connection
17 with participation agreements shall be deposited into the appropriate
18 accounts within the program fund. A participant or beneficiary shall
19 not provide investment direction regarding program contributions or
20 earnings held by the trust. Money accrued by participants in the
21 program fund may be used for payments to any institution of higher
22 education.

23 (3) The College Savings Plan Administrative Fund is
24 created. Money from the trust transferred from the expense fund to
25 the administrative fund in an amount authorized by an appropriation

1 from the Legislature shall be utilized to pay for the costs of
2 administering, operating, and maintaining the trust, to the extent
3 permitted by section 529 of the Internal Revenue Code. The
4 administrative fund shall not be credited with any money other than
5 money transferred from the expense fund in an amount authorized by an
6 appropriation by the Legislature or any interest income earned on the
7 balances held in the administrative fund. ~~The State Treasurer shall~~
8 ~~transfer any money in the administrative fund on July 1, 2010, to the~~
9 ~~expense fund on July 1, 2010, or as soon as administratively~~
10 ~~possible.~~ Any money in the administrative fund available for
11 investment shall be invested by the state investment officer pursuant
12 to the Nebraska Capital Expansion Act and the Nebraska State Funds
13 Investment Act.

14 (4) The College Savings Plan Expense Fund is created. The
15 expense fund shall be used to pay costs associated with the Nebraska
16 educational savings plan trust and shall be funded with fees assessed
17 to the program fund. The State Treasurer shall transfer from the
18 expense fund to the State Investment Officer's Cash Fund an amount
19 equal to the pro rata share of the budget appropriated to the
20 Nebraska Investment Council as permitted in section 72-1249.02, to
21 cover reasonable expenses incurred for investment management of the
22 Nebraska educational savings plan trust. Annually and prior to such
23 transfer to the State Investment Officer's Cash Fund, the State
24 Treasurer shall report to the budget division of the Department of
25 Administrative Services and to the Legislative Fiscal Analyst the

1 amounts transferred during the previous fiscal year. ~~The State~~
2 ~~Treasurer shall transfer any money in the endowment fund on July 1,~~
3 ~~2010, to the expense fund on such date. The report submitted to the~~
4 Legislative Fiscal Analyst shall be submitted electronically.
5 Transfers may be made from the expense fund to the General Fund at
6 the direction of the Legislature. Any money in the expense fund
7 available for investment shall be invested by the state investment
8 officer pursuant to the Nebraska Capital Expansion Act and the
9 Nebraska State Funds Investment Act.

10 Sec. 249. Section 85-1811, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 85-1811 (1) The State Treasurer shall submit an annual
13 audited financial report, prepared in accordance with generally
14 accepted accounting principles, on the operations of the Nebraska
15 educational savings plan trust by November 1 to the Governor and the
16 Legislature. The report submitted to the Legislature shall be
17 submitted electronically. The State Treasurer shall cause the audit
18 to be made either by the Auditor of Public Accounts or by an
19 independent certified public accountant designated by the State
20 Treasurer, and the audit shall include direct and indirect costs
21 attributable to the use of outside consultants, independent
22 contractors, and any other persons who are not state employees.

23 (2) The annual audit shall be supplemented by all of the
24 following information prepared by the State Treasurer:

25 (a) Any related studies or evaluations prepared in the

1 preceding year;

2 (b) A summary of the benefits provided by the trust,
3 including the number of participants and beneficiaries in the trust;
4 and

5 (c) Any other information which is relevant in order to
6 make a full, fair, and effective disclosure of the operations of the
7 trust, including the investment performance of the funds.

8 Sec. 250. Section 85-2106, Revised Statutes Cumulative
9 Supplement, 2010, is amended to read:

10 85-2106 The commission shall prepare an annual report on
11 scholarships awarded pursuant to the Access College Early Scholarship
12 Program Act and shall submit the report electronically to the Clerk
13 of the Legislature. The report shall include, but not be limited to,
14 the number and amount of scholarships awarded, the postsecondary
15 educational institutions attended by scholarship recipients, and
16 information regarding the success of scholarship recipients in the
17 courses for which the scholarships were awarded.

18 Sec. 251. Section 86-163, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 86-163 The commission shall file electronically with the
21 Clerk of the Legislature an annual report on or before September 30
22 of each year on the status of the Nebraska telecommunications
23 industry. The report may be submitted in electronic format. The
24 report shall:

25 (1) Describe the quality of telecommunications service

1 being provided to the citizens of Nebraska;

2 (2) Describe the availability of diverse and affordable
3 telecommunications service to all of the people of Nebraska;

4 (3) Describe the level of telecommunications service
5 rates;

6 (4) Describe the use and continued need for the Nebraska
7 Telecommunications Universal Service Fund;

8 (5) Describe the availability and location of 911 service
9 and E-911 service as required by section 86-437;

10 (6) Describe the availability and location of wireless
11 911 service or enhanced wireless 911 service as required by section
12 86-460;

13 (7) Address the need for further legislation to achieve
14 the purposes of the Nebraska Telecommunications Regulation Act; and

15 (8) Address the funding level of the Nebraska Competitive
16 Telephone Marketplace Fund and an accounting of commission expenses
17 related to its duties under section 86-127.

18 Sec. 252. Section 86-516, Revised Statutes Cumulative
19 Supplement, 2010, is amended to read:

20 86-516 The commission shall:

21 (1) Annually by July 1, adopt policies and procedures
22 used to develop, review, and annually update a statewide technology
23 plan;

24 (2) Create an information technology clearinghouse to
25 identify and share best practices and new developments, as well as

1 identify existing problems and deficiencies;

2 (3) Review and adopt policies to provide incentives for
3 investments in information technology infrastructure services;

4 (4) Determine a broad strategy and objectives for
5 developing and sustaining information technology development in
6 Nebraska, including long-range funding strategies, research and
7 development investment, support and maintenance requirements, and
8 system usage and assessment guidelines;

9 (5) Adopt guidelines regarding project planning and
10 management and administrative and technical review procedures
11 involving state-owned or state-supported technology and
12 infrastructure. Governmental entities, state agencies, and
13 noneducation political subdivisions shall submit all projects which
14 use any combination of general funds, federal funds, or cash funds
15 for information technology purposes to the process established by
16 sections 86-512 to 86-524. The commission may adopt policies that
17 establish the format and minimum requirements for project
18 submissions. The commission may monitor the progress of any such
19 project and may require progress reports;

20 (6) Adopt minimum technical standards, guidelines, and
21 architectures upon recommendation by the technical panel. Such
22 standards and guidelines shall not unnecessarily restrict the use of
23 new technologies or prevent commercial competition, including
24 competition with Network Nebraska;

25 (7) Establish ad hoc technical advisory groups to study

1 and make recommendations on specific topics, including workgroups to
2 establish, coordinate, and prioritize needs for education, local
3 communities, intergovernmental data communications, and state
4 agencies;

5 (8) By November 15 of each even-numbered year, make
6 recommendations on technology investments to the Governor and the
7 Legislature, including a prioritized list of projects, reviewed by
8 the technical panel pursuant to section 86-521. The recommendations
9 submitted to the Legislature shall be submitted electronically;

10 (9) Approve grants from the Community Technology Fund and
11 Government Technology Collaboration Fund;

12 (10) Adopt schedules and procedures for reporting needs,
13 priorities, and recommended projects;

14 (11) Assist the Chief Information Officer in developing
15 and maintaining Network Nebraska pursuant to section 86-5,100; and

16 (12) Determine the format that state agencies, boards,
17 and commissions shall use to report their information technology
18 plans under section 86-524.01. The commission shall include an
19 analysis of such plans in the statewide technology plan.

20 Sec. 253. Section 86-518, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 86-518 By November 15 of each even-numbered year, the
23 Nebraska Information Technology Commission shall submit a progress
24 report to the Governor and Legislature. The report submitted to the
25 Legislature shall be submitted electronically.

1 Sec. 254. Section 86-530, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 86-530 The Chief Information Officer shall report
4 annually to the Governor and the Appropriations Committee of the
5 Legislature on the status of enterprise projects. The report
6 submitted to the committee shall be submitted electronically.

7 Sec. 255. Section 86-572, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 86-572 The Geographic Information Systems Council shall:

10 (1) Make recommendations to the Legislature and the
11 Nebraska Information Technology Commission for program initiatives
12 and funding. The recommendations submitted to the Legislature shall
13 be submitted electronically;

14 (2) Establish guidelines and policies for statewide
15 Geographic Information Systems operations and management to include:

16 (a) The acquisition, development, maintenance, quality
17 assurance such as standards, access, ownership, cost recovery, and
18 priorities of data bases;

19 (b) The compatibility, acquisition, and communications of
20 hardware and software;

21 (c) The assessment of needs, identification of scope,
22 setting of standards, and determination of an appropriate enforcement
23 mechanism;

24 (d) The fostering of training programs and promoting
25 education and information about Geographic Information Systems; and

1 (e) The promoting of Geographic Information Systems
2 development in the State of Nebraska and providing or coordinating
3 additional support to address Geographic Information Systems issues
4 as such issues arise;

5 (3) Report to, assist, and advise the Chief Information
6 Officer in setting information technology policy; and

7 (4) Provide assistance as requested by the commission and
8 support the technical panel created in section 86-521.

9 Sec. 256. Section 86-5,100, Revised Statutes Cumulative
10 Supplement, 2010, is amended to read:

11 86-5,100 The Chief Information Officer, in partnership
12 with the University of Nebraska, shall develop and maintain a
13 statewide, multipurpose, high capacity, scalable telecommunications
14 network to be called Network Nebraska. The network shall consist of
15 contractual arrangements with providers to meet the demand of state
16 agencies, local governments, and educational entities as defined in
17 section 79-1201.01. Such network shall provide access to a reliable
18 and affordable infrastructure capable of carrying a spectrum of
19 services and applications, including distance education, across the
20 state. The Chief Information Officer shall provide access to each
21 school district, each educational service unit, each community
22 college, each state college, and the University of Nebraska at the
23 earliest feasible date and no later than July 1, 2012. Access may be
24 provided through educational service units or other aggregation
25 points. Participation in Network Nebraska shall not be required for

1 any educational entity. The Chief Information Officer shall aggregate
2 demand for those state agencies and educational entities choosing to
3 participate and shall reduce costs for participants whenever
4 feasible. The Chief Information Officer shall establish a cost
5 structure based on actual costs, including necessary administrative
6 expenses but not including administrative travel or conference
7 expenses, and shall charge participants according to such cost
8 structure. The Chief Information Officer shall annually provide a
9 detailed report of such costs to each participant and to the
10 Legislative Fiscal Analyst. The report submitted to the Legislative
11 Fiscal Analyst shall be submitted electronically.

12 Sec. 257. Section 90-309, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 90-309 (1) The Nebraska State Capitol Environs Commission
15 shall meet at least annually with the Nebraska Capitol Commission to
16 discuss and coordinate projects that may impact the capitol and its
17 surrounding environs pursuant to section 81-1108.38.

18 (2) The Nebraska State Capitol Environs Commission shall
19 report each January to the city council and mayor of the city of
20 Lincoln, to the Legislature, and to the Governor. The report
21 submitted to the Legislature shall be submitted electronically. The
22 report shall review the major decisions rendered during the preceding
23 year and outline the rationale for the decisions. The report may also
24 survey the status of the Nebraska State Capitol Environs District and
25 make recommendations for its enhancement and protection.

1 Sec. 258. Original sections 2-15,106, 2-2812, 2-4245,
2 2-5303, 3-801, 9-1,105, 9-809, 9-811.01, 11-203, 13-1205, 13-2114,
3 18-2117.01, 20-325, 23-2313, 24-704, 24-705, 24-1205, 24-1206,
4 25-1809, 25-2920, 29-2252.01, 35-1207, 37-327.01, 37-352, 38-1216,
5 39-1111, 39-1365.02, 39-1391, 39-1392, 42-930, 43-405, 43-512.11,
6 43-1905, 43-2412, 43-3326, 43-3342.04, 43-3402, 44-113, 44-7507,
7 46-1304, 46-1305, 48-1,104, 48-1,118, 48-606, 48-621, 48-1117,
8 48-1625, 48-2213, 48-2307, 48-2909, 49-770, 49-904, 49-1483,
9 49-1483.03, 49-1488, 49-1492.01, 50-114.03, 50-405, 50-413, 50-414,
10 50-1205, 50-1210, 50-1211, 50-1302, 54-642, 54-2428, 58-246, 58-270,
11 66-4,144, 66-1336, 68-959, 68-1207.01, 68-1518, 69-503, 69-2409,
12 69-2423, 71-219.03, 71-707, 71-810, 71-816, 71-825, 71-827, 71-830,
13 71-1134, 71-1628.05, 71-1628.07, 71-17,115, 71-1904, 71-2516,
14 71-3407, 71-4728, 71-4741, 71-51,103, 71-5206.01, 71-5210, 71-5322,
15 71-6226, 71-7611, 71-8313, 71-8613, 71-8804, 72-240.26, 72-813,
16 72-1278, 72-1710, 73-305, 76-1521, 77-385, 77-3,116, 77-4110,
17 77-4933, 77-5204, 77-5210, 77-5214, 77-5412, 77-5542, 77-5544,
18 77-5731, 79-760.03, 79-909, 79-976, 79-1905, 81-106, 81-166, 81-187,
19 81-638, 81-650, 81-6,116, 81-829.43, 81-829.47, 81-829.56, 81-830,
20 81-8,226, 81-8,239.05, 81-8,251, 81-8,300, 81-1107.05, 81-1108.15,
21 81-1108.22, 81-1108.31, 81-1108.41, 81-1114, 81-1114.01, 81-1114.02,
22 81-1117, 81-1120.15, 81-1120.16, 81-1125.01, 81-1307.01, 81-1360,
23 81-1376, 81-1504.01, 81-15,101, 81-15,153, 81-1606, 81-1607, 81-1637,
24 81-1845, 81-2004.04, 81-2023, 81-2213, 81-2233, 81-2408, 82-333,
25 83-111, 83-4,147, 83-908, 83-924, 83-963, 84-205, 84-304, 84-322,

1 84-605, 84-702, 84-907.06, 84-1205.03, 84-1205.05, 84-1219, 84-1315,
2 84-1617, 85-414, 85-417, 85-424, 85-1413, 85-1414, 85-1415, 85-1429,
3 85-1811, 86-163, 86-518, 86-530, 86-572, and 90-309, Reissue Revised
4 Statutes of Nebraska, sections 2-111, 2-968, 2-1588, 2-3226.01,
5 4-113, 9-1,101, 13-1210, 20-504, 25-3309, 28-429, 43-2404.02, 68-908,
6 70-1003, 79-527.01, 79-2118, 81-1833, 83-1209, 84-602, 85-421,
7 85-1416, 85-1807, 85-2106, 86-516, and 86-5,100, Revised Statutes
8 Cumulative Supplement, 2010, and sections 23-362, 29-2252, 37-919,
9 43-3720, 44-4225, 47-624, 50-417, 54-857, 61-218, 66-1345, 68-909,
10 68-971, 68-1017.02, 71-529, 71-7606, 77-367, 77-6309, 79-318, 79-722,
11 79-759, 79-760.05, 79-8,139, 79-987, 79-1007.07, 79-1022, 79-1103,
12 79-2104.02, 81-8,239.02, 81-1108.33, 81-1201.11, 81-1201.13,
13 81-12,142, 81-12,151, 81-12,166, 81-1384, 81-1505.04, 81-15,175,
14 84-901.01, 84-910, and 85-1412, Revised Statutes Supplement, 2011,
15 are repealed.

16 Sec. 259. The following sections are outright repealed:
17 Sections 2-5304, 3-806, 43-4002, 43-4003, 50-422, 71-5213, 81-12,122,
18 and 85-1,130, Reissue Revised Statutes of Nebraska, section 71-465,
19 Revised Statutes Cumulative Supplement, 2010, and sections 46-2,140
20 and 54-1916, Revised Statutes Supplement, 2011.