

LEGISLATIVE BILL 1194

Approved by the Governor April 12, 1994

Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Engel, 17; Hillman, 48; Wehrbein, 2

AN ACT relating to funds; to amend sections 81-1201.01 and 83-129, Reissue Revised Statutes of Nebraska, 1943, and sections 66-4,100, 80-301, and 80-301.02, Revised Statutes Supplement, 1992; to create funds; to authorize the administrative establishment of funds; to provide for use of the funds; to eliminate a transfer of funds; to harmonize provisions; and to repeal the original sections, and also section 80-301.01, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. There is hereby created the Department of Administrative Services Revolving Fund. The fund shall be administered by the Department of Administrative Services. The fund shall consist of assessments against each division within the department and miscellaneous fees for services provided by the department. The money in the fund shall be used to defray the administrative expenses incurred by the department.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 2. There is hereby created the Materiel Division Revolving Fund. The fund shall be administered by the materiel division of the Department of Administrative Services. The fund shall consist of fees paid for printing, copying, central supply, and mailing services provided to state agencies and local subdivisions by the division and shall be used to pay for expenses incurred by the division to provide such services.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 3. There is hereby created the Intergovernmental Data Services Revolving Fund. The fund shall be administered by the intergovernmental data services division of the Department of Administrative Services. The fund shall consist of fees paid for services provided to state agencies, political subdivisions, or other governmental or private entities by the division and shall be used to pay for expenses incurred by the division.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 4. There is hereby created the Temporary Employee Pool Revolving Fund. The fund shall be administered by the personnel division of the Department of Administrative Services. The fund shall consist of fees paid for services provided to state agencies by the division in providing temporary employees. The fund shall be used to pay for expenses incurred by the division in providing temporary employees.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 5. There is hereby created the Personnel Division Cash Fund. The fund shall consist of payments made by individuals eligible for program benefits and interest earnings as directed by the Legislature. The fund shall be used by the personnel division of the Department of Administrative Services to administer the provisions of the federal Public Health Service Act and administer the flexible spending benefit account.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 6. There is hereby created the State Surplus Property Revolving Fund. The fund shall be administered by the materiel division of the Department of Administrative Services. The fund shall consist of money collected from the sale of surplus property and fees from such sales and shall be used to reimburse the appropriate funds from the proceeds of such sales and pay for expenses incurred by the division for the sale of the property.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 7. (1) The Accounting Administrator may administratively establish cash and revolving funds to (a) account for gifts, bequests, or devises when no cash fund exists and (b) account for specific, one-time, nonfederal sources of revenue.

(2) All cash or revolving funds administratively created by the Accounting Administrator shall exist for a maximum of two fiscal years after

the date of establishment. Prior to the end of two fiscal years, the expending agency shall notify the Accounting Administrator of its intentions to (a) lapse the balance of the administrative cash or revolving fund to the General Fund or (b) permanently establish the fund in statute.

(3) In addition, the Accounting Administrator may administratively establish federal funds, trust funds, and distributive funds as necessary.

Sec. 8. There is hereby created the Secretary of State Administration Cash Fund. The fund shall consist of revenue received to defray costs as authorized in sections 84-901 to 84-908. The revenue shall be collected by the Secretary of State and remitted to the State Treasurer for credit to the fund. The fund shall be used to offset expenses incurred as a result of such sections.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 9. There is hereby created the Foster Care Review Board Cash Fund. The fund shall be administered by the State Foster Care Review Board. The board shall remit revenue from the following sources to the State Treasurer for credit to the fund:

(1) Registration and other fees received for training, seminars, or conferences fully or partially sponsored or hosted by the board;

(2) Payments to offset printing, postage, and other expenses for books, documents, or other materials printed or published by the board; and

(3) Money received by the board as gifts, grants, reimbursements, or appropriations from any source intended for the purposes of the fund.

The fund shall be used for the administration of the Foster Care Review Act.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 10. There is hereby created the Department on Aging Cash Fund. Such fund shall be administered by the Department on Aging. The department shall remit revenue from the following sources to the State Treasurer for credit to the fund:

(1) Money paid as fees, deposits, or contractual agreements; and

(2) Money donated as gifts, bequests, grants, or other contributions to such fund from public or private entities.

The fund shall be used for the administration of the Nebraska Community Aging Services Act and section 81-2229 to 81-2235.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 11. There is hereby created the School District Reimbursement Fund for use by the Department of Public Institutions. The fund shall consist of money received from school districts or the Department of Social Services pursuant to section 79-3341 for the operation of special education programs within the Department of Public Institutions. The fund shall be used for the operation of such programs pursuant to sections 79-3341 to 79-3346.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 12. There is hereby created the Department of Justice Revolving Fund. The fund shall be administered by the Attorney General and shall consist of funds received from other governmental agencies for the provision of legal services pursuant to agreements with the Department of Justice. Money in the fund shall be used to pay the salaries and related expenses of department staff pursuant to the terms of such agreements.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 13. There is hereby created the Department of Justice Cash Fund to be administered by the Attorney General. The fund shall consist of payments received for copies of the Report of the Attorney General of the State of Nebraska and Opinions of the Attorney General in bound, loose-leaf, microfiche, electronic, or other form. Money in the fund may be used for expenses incurred in publishing the Report of the Attorney General of the State of Nebraska and Opinions of the Attorney General.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 14. There is hereby created the Commission on the Status of Women Cash Fund to be administered by the Nebraska Commission on the Status of Women. The fund shall consist of money received from contractual agreements, grants, fees, and donations. The fund shall be used to carry out the duties and purposes of the commission as provided in sections 81-8,255 to 81-8,260.01.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 15. That section 66-4,100, Revised Statutes Supplement, 1992, be amended to read as follows:

66-4,100. The Highway Cash Fund and the Roads Operations Cash Fund are hereby created. If bonds are issued pursuant to subsection (2) of section 39-2223, the balance of the share of the Highway Trust Fund allocated to the Department of Roads and deposited into the Highway Restoration and Improvement Bond Fund as provided in subsection (6) of section 39-2215 and the balance of the money deposited in the Highway Restoration and Improvement Bond Fund as provided in section 39-2215.01 shall be transferred by the State Treasurer, on or before the last day of each month, to the Highway Cash Fund, ~~7~~ which fund is hereby created. If no bonds are issued pursuant to subsection (2) of section 39-2223, the share of the Highway Trust Fund allocated to the Department of Roads shall be transferred by the State Treasurer on or before the last day of each month to the Highway Cash Fund.

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

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

Sec. 16. That section 80-301, Revised Statutes Supplement, 1992, be amended to read as follows:

80-301. There shall be established and maintained by the State of Nebraska two institutions to be known as the Nebraska Veterans' Home, Grand Island, Nebraska, and the other to be known and named as the Thomas Fitzgerald Veterans' Home, Douglas County, Nebraska. The object of these homes shall be to provide domiciliary and nursing home care and subsistence (1) to all persons who served in the armed forces of the United States during a period of war as defined in section 80-401.01 if at the time of making an application for admission to one of the homes (a) the applicant has been a bona fide resident of the State of Nebraska for at least two years, (b) the applicant has become disabled due to service, old age, or otherwise to an extent that it would prevent such applicant from earning a livelihood, and (c) the applicant's income from all sources is such that such applicant would be dependent wholly or partially upon public charities for support, or the type of care needed is available only at a state institution, (2) to the spouse of any such person admitted to one of the homes who has attained the age of fifty years and has been married to such member for at least two years before his or her entrance into the home, (3) to the surviving spouses and parents of eligible servicemen and women, as defined in subdivision (1) of this section, who died while in the service of the United States or who have since died of a service-connected disability as determined by the United States Department of Veterans Affairs, and (4) to the surviving spouses of eligible servicemen or servicewomen, as defined in subdivision (1) of this section, who have since died if the surviving spouses and parents referred to in subdivision (3) or (4) of this section at the time of applying have been bona fide residents of the State of Nebraska for at least two years, have attained the age of fifty years, are unable to earn a livelihood, and are dependent wholly or partially upon public charities, or the type of care needed is available only at a state

institution.

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

Sec. 17. That section 80-301.02, Revised Statutes Supplement, 1992, be amended to read as follows:

80-301.02. The Veterans' Home Building Fund as provided for in section 80-301.01 shall be hereby created. The fund shall include money allocated to the fund. The fund shall be used, along with matching federal funds available, be used for the specific purposes of adding or improving nursing facilities when needed. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 18. That section 81-1201.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1201.01. As used in sections 81-1201.01 to 81-1201.20 81-1201.21 and section 19 of this act, unless the context otherwise requires:

- (1) Commission shall mean the Economic Development Commission;
- (2) Community Development Block Grant shall mean the grants distributed pursuant to the Housing and Community Development Act of 1974 as amended by the Housing and Urban-Rural Recovery Act of 1983;
- (3) Department shall mean the Department of Economic Development;
- (4) Director shall mean the Director of Economic Development;
- (5) Economic articulation shall mean the creation of economic activities which will provide inputs to and markets for other businesses in the state;
- (6) Educational institutions shall mean nonprofit public and private colleges, community colleges, state colleges, and universities in the state; and
- (7) Value-adding industry shall mean an economic enterprise that adds value through processing, fabrication, or other means to goods or services.

Sec. 19. (1) There is hereby created the Administrative Cash Fund to be administered by the department. Revenue from the following sources shall be remitted to the State Treasurer for credit to the fund:

- (a) Fees charged for the sale of department publications or subscription to publications;
- (b) Fees charged for the sale of Nebraska items promoting economic development of the state, including travel and tourism;
- (c) Deposits charged for the temporary use of Nebraska items promoting economic development of the state, including travel and tourism;
- (d) Fees charged for attendance and participation in department-sponsored conferences, training sessions, and other special events;
- (e) Money collected from nondepartment sources in connection with cooperative funding of advertising, marketing, promotional, or consulting activities; and
- (f) Money received by the department in the form of gifts, grants, reimbursements, or appropriations from any source intended to be used by the department for carrying out the provisions of Chapter 81, article 12.

(2) Revenue from the fund may be expended for the following purposes:

- (a) Production and distribution costs of department publications;
- (b) Purchase of items promoting economic development of the state, including travel and tourism, intended for sale;
- (c) Reimbursement of deposits collected for the temporary use of promotional items;
- (d) Payment of costs in connection with department-sponsored

conferences, training sessions, and other special events:

(e) Payment of costs of advertising, marketing, promotional, or consulting activities in cooperative funding partnerships with nondepartment organizations; and

(f) Payment of costs for which fund revenue has been received and which are related to department activities in Chapter 81, article 12.

(3) Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 20. That section 83-129, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-129. All money derived from any source There is hereby created the Department of Public Institutions Institutional Cash Fund. Revenue from all sources in any institution controlled by the Department of Public Institutions shall be remitted to the State Treasurer by the proper executive officer on the first day of each month for credit to the fund excluding revenue that is dedicated to other funds as specified by state statutes or federal funds received by the department. Money in the fund shall be used for the operating budget of the department as appropriated by the Legislature. Detailed reports showing the source of all money received shall be made to the department every thirty days.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 21. That original sections 81-1201.01 and 83-129, Reissue Revised Statutes of Nebraska, 1943, and sections 66-4,100, 80-301, and 80-301.02, Revised Statutes Supplement, 1992, and also section 80-301.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.