

LEGISLATIVE BILL 61

Approved by the Governor March 3, 1999

Introduced by Landis, 46

AN ACT relating to state government; to amend sections 84-710 and 84-711, Reissue Revised Statutes of Nebraska; to change provisions relating to remittance of public funds to the state treasury; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 84-710, Reissue Revised Statutes of Nebraska, is amended to read:

84-710. It shall be unlawful for any executive department, state institution, board, or officer acting under or by virtue of any statute or authority of the state, including the State Racing Commission, to receive any fees, proceeds from the sale of any public property, or any money belonging to the state or due for any service rendered by virtue of state authority without paying the same into the state treasury within ~~ten~~ three business days of the receipt thereof when the aggregate amount is five hundred dollars or more and within seven days of the receipt thereof when the aggregate amount is less than five hundred dollars. The State Treasurer may, upon a written request from an executive department, state institution, board, or officer stating that the applicable time period cannot be met, grant additional time to remit the funds to the state treasury. Funds received by an executive department, state institution, board, or officer for a good or service which may or may not be delivered contingent upon a selection process shall not be subject to this section until the selection period is over.

The provisions of ~~sections 84-710 and~~ this section and section 84-711 shall not apply to money received as proceeds of any fair, exposition, or exhibition held by any state board or society or of membership contributions to or receipts from miscellaneous sales by the Nebraska State Historical Society.

Such money so paid into the treasury shall be withdrawn therefrom or paid out only upon proper voucher and warrant.

The head of any institution receiving, from any source, funds to be held in trust and expended for the benefit of any inmate thereof shall not be required to pay such trust funds into the state treasury as provided ~~herein,~~ in this section but shall, at the end of each month, file with the Director of Administrative Services a detailed and attested statement of all such money received and expended by him or her.

Sec. 2. Section 84-711, Reissue Revised Statutes of Nebraska, is amended to read:

84-711. ~~Any person or persons of any executive department, state institution or board, acting under or by virtue of any statute or authority of the state, who shall fail or refuse~~ The failure or refusal of an employee or officer of an executive department, state institution, or board to pay over the public money, or any part thereof, belonging to the state, or who shall fail to account to, or to make settlement ~~within a reasonable time after notice so to do,~~ with any proper and legal authority, of the official accounts of such officer or person, with the State Treasurer upon demand shall be held and taken as prima facie evidence of embezzlement, and such person or persons shall be punished, as now provided by law, for the embezzlement of public funds.

Sec. 3. Original sections 84-710 and 84-711, Reissue Revised Statutes of Nebraska, are repealed.