

LEGISLATIVE BILL 8

Approved by the Governor February 3, 2003

Introduced by Executive Board: Engel, 17, Chairperson

AN ACT relating to the Nebraska Commission on Local Government Innovation and Restructuring; to amend sections 77-913 and 81-1113, Revised Statutes Supplement, 2002; to repeal provisions that terminated on July 1, 2000; to harmonize provisions; to repeal the original sections; and to outright repeal sections 13-2301 to 13-2304, 13-2306, and 13-2307, Reissue Revised Statutes of Nebraska, and section 13-2305, Revised Statutes Supplement, 2002.

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

Section 1. Section 77-913, Revised Statutes Supplement, 2002, is amended to read:

77-913. The Insurance Tax Fund is created. The State Treasurer shall receive the funds paid pursuant to Chapter 77, article 9, and except as provided in sections 77-912 and 77-918 shall keep all money received in the Insurance Tax Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Prior to June 1 of each year, the State Treasurer shall disburse or allocate all of the funds in the Insurance Tax Fund on May 1 of each year as follows:

(1) Ten percent of the total ~~less one hundred thousand dollars for fiscal year 1999-00~~ shall be allocated to the counties proportionately in the proportion that the population of each county bears to the entire state, as shown by the last federal decennial census; ~~The one hundred thousand dollars shall be allocated to the Nebraska Local Government Innovation and Restructuring Fund on or before August 1, 1999;~~

(2) Thirty percent of the total shall be allocated to the Municipal Equalization Fund; and

(3) Sixty percent of the total shall be allocated to the State Department of Education for distribution to school districts as equalization aid pursuant to the Tax Equity and Educational Opportunities Support Act as follows: The Commissioner of Education shall (a) include the amount certified by the State Treasurer pursuant to this section with the amount appropriated to the Tax Equity and Educational Opportunities Fund for distribution in the ensuing school fiscal year, (b) include such amounts in the state aid certified to each school district pursuant to section 79-1022, and (c) distribute such funds as equalization aid under the provisions of the act during the ensuing fiscal year.

Sec. 2. Section 81-1113, Revised Statutes Supplement, 2002, is amended to read:

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

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

(2) Shall work with each governmental department and agency in developing performance standards for each program, subprogram, and activity to measure and evaluate present as well as projected levels of expenditures;

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

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

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

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

(b) A requirement that permanent full-time positions which have been vacant for ninety days or more be reviewed and reauthorized prior to being filled. If requested by the budget division, the personnel division of the Department of Administrative Services shall review such vacant position to determine the proper classification for the position;

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

(d) Other relevant criteria as determined by the budget administrator. + and

~~(6) Shall, beginning on July 1, 2000, administer any grant approved by the Nebraska Commission on Local Government Innovation and Restructuring which extends beyond June 30, 2000.~~

Sec. 3. Original sections 77-913 and 81-1113, Revised Statutes Supplement, 2002, are repealed.

Sec. 4. The following sections are outright repealed: Sections 13-2301 to 13-2304, 13-2306, and 13-2307, Reissue Revised Statutes of Nebraska, and section 13-2305, Revised Statutes Supplement, 2002.