

LEGISLATURE OF NEBRASKA
 ONE HUNDRED SECOND LEGISLATURE
 SECOND SESSION
LEGISLATIVE BILL 782

Final Reading

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, 50-1205, 50-1210, 50-1211,
 12 50-1302, 54-642, 54-2428, 58-246, 58-270, 66-4,144,
 13 66-1336, 68-959, 68-1207.01, 68-1518, 69-503, 69-2409,
 14 69-2423, 71-219.03, 71-707, 71-810, 71-816, 71-825,
 15 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,

1 71-51,103, 71-5206.01, 71-5210, 71-5322, 71-6226,
2 71-7611, 71-8313, 71-8613, 71-8804, 72-240.26, 72-813,
3 72-1278, 72-1710, 73-305, 76-1521, 77-385, 77-3,116,
4 77-4110, 77-4933, 77-5204, 77-5210, 77-5214, 77-5412,
5 77-5542, 77-5544, 77-5731, 79-760.03, 79-909, 79-976,
6 79-1905, 81-106, 81-166, 81-187, 81-638, 81-650,
7 81-6,116, 81-829.43, 81-829.47, 81-829.56, 81-830,
8 81-8,226, 81-8,239.05, 81-8,251, 81-8,300, 81-1107.05,
9 81-1108.15, 81-1108.22, 81-1108.31, 81-1108.41, 81-1114,
10 81-1114.01, 81-1114.02, 81-1117, 81-1120.15, 81-1120.16,
11 81-1125.01, 81-1307.01, 81-1360, 81-1376, 81-1504.01,
12 81-15,153, 81-1606, 81-1607, 81-1637, 81-1845,
13 81-2004.04, 81-2022, 81-2023, 81-2213, 81-2233, 81-2408,
14 82-333, 83-4,147, 83-924, 83-963, 84-205, 84-304, 84-322,
15 84-605, 84-702, 84-907.06, 84-1205.05, 84-1219, 84-1315,
16 84-1617, 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, 85-1416, 85-1807,
22 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 and other information submitted to the
8 Legislature, Clerk of the Legislature, Executive Board of
9 the Legislative Council, Legislative Fiscal Analyst,
10 members of the Legislature, and committees of the
11 Legislature be submitted electronically; to provide
12 powers and duties for the Clerk of the Legislature; to
13 eliminate provisions involving obsolete reports, plans,
14 transfers of funds, and a program; to harmonize
15 provisions; to provide operative dates; to repeal the
16 original sections; and to outright repeal sections
17 2-5304, 3-806, 50-422, 71-5213, 81-12,122, and 85-1,130,
18 Reissue Revised Statutes of Nebraska, section 71-465,
19 Revised Statutes Cumulative Supplement, 2010, and section
20 54-1916, Revised Statutes Supplement, 2011.

21 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 ~~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 of the Legislature. The report submitted
4 to the committee shall be submitted electronically. The state
5 investment officer shall sell any such securities upon request from
6 the director so as to provide money for the payment of benefits or
7 annuities.

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

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

1 approve. All administrative expenses shall be paid from the
2 retirement fund.

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

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

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

21 24-1206 (1) The Judicial Resources Commission's
22 determination of whether a judicial vacancy exists or a new
23 judgeship, a reduction in judgeships, a change in number of judicial
24 districts or boundaries, or the reallocation of a judgeship from a
25 district, county, or separate juvenile court in one judicial district

1 to a district, county, or separate juvenile court in another judicial
2 district is appropriate pursuant to section 24-1204 or 24-1205 shall
3 be based upon ~~(1)~~ (a) its analysis of judicial workload statistics
4 compiled pursuant to section 24-1007, ~~(2)~~ (b) whether litigants in
5 the judicial district have adequate access to the courts, ~~(3)~~ (c) the
6 population of the judicial district, ~~(4)~~ (d) other judicial duties
7 and travel time involved within the judicial district, and ~~(5)~~ (e)
8 other factors determined by the Supreme Court to be necessary to
9 assure efficiency and maximum service. The State Court Administrator
10 shall provide adequate administrative support and information as
11 requested by the commission.

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

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

1 25-1809 There is hereby created the Legal Services Fund
2 to be administered by the Director of Administrative Services. All
3 money received by the Attorney General or directed to be deposited in
4 the fund by any state agency, board, commission, or constitutional
5 officer or the Legislature pursuant to section 25-1808 shall be
6 deposited into the fund. At the end of each fiscal year, the director
7 shall transfer from the fund into the budget of the appropriate state
8 agency, board, commission, or constitutional office or the
9 Legislature those fees and expenses that have been awarded by the
10 court. In those instances when the Attorney General has billed a
11 state agency, board, commission, or constitutional officer or the
12 Legislature, the money awarded shall be appropriated to the budget of
13 the Attorney General. The director shall ~~report~~ electronically submit
14 a summary of such transfers to the Legislature at the end of each
15 fiscal year.

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

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

25 Sec. 30. Section 25-3309, Revised Statutes Cumulative

1 Supplement, 2010, is amended to read:

2 25-3309 (1) The Secretary of State shall issue a
3 certificate of registration to a civil litigation funding company who
4 complies with subsection (2) of section 25-3307 or a renewal of
5 registration under subsection (3) of section 25-3307.

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

12 (3) The Secretary of State may suspend, revoke, or refuse
13 to renew a certificate of registration for conduct that would have
14 justified denial of registration under subsection (2) of section
15 25-3307 or for violating section 25-3304.

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

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

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

1 that contains:

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

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

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

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

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

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

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

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

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

1 develop and conduct drug education activities in cooperation with
2 elementary and secondary schools in Nebraska and with County Drug Law
3 Enforcement and Education Fund Boards.

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

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

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

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

14 Sec. 32. Section 29-2252, Revised Statutes Supplement,
15 2011, is amended to read:

16 29-2252 The administrator shall:

17 (1) Supervise and administer the office;

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

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

23 (4) Establish minimum qualifications for employment as a
24 probation officer in this state and establish and maintain such
25 additional qualifications as he or she deems appropriate for

1 appointment to the system. Qualifications for probation officers
2 shall be established in accordance with subsection (4) of section
3 29-2253. An ex-offender released from a penal complex or a county
4 jail may be appointed to a position of deputy probation or parole
5 officer. Such ex-offender shall maintain a record free of arrests,
6 except for minor traffic violations, for one year immediately
7 preceding his or her appointment;

8 (5) Establish and maintain advanced periodic inservice
9 training requirements for the system;

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

12 (7) Organize and conduct training programs for probation
13 officers;

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

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

19 (10) Conduct research for the purpose of evaluating and
20 improving the effectiveness of the system;

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

23 (12) Transmit a report during each even-numbered year to
24 the Supreme Court on the operation of the office for the preceding
25 two calendar years which shall include a historical analysis of

1 probation officer workload, including participation in non-probation-
2 based programs and services. The report shall be transmitted by the
3 Supreme Court to the Governor and the Clerk of the Legislature. The
4 report submitted to the Clerk of the Legislature shall be submitted
5 electronically;

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

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

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

25 (16) Have the authority to enter into interlocal

1 agreements in which probation resources or probation personnel may be
2 utilized in conjunction with or as part of non-probation-based
3 programs and services. Any such interlocal agreement shall comply
4 with section 29-2255;

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

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

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

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

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

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

24 (2) The total number of misdemeanor cases supervised by
25 the office in the previous six months for both regular and intensive

1 supervision probation;

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

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

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

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

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

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

19 The report submitted to the Legislative Fiscal Analyst
20 shall be submitted electronically.

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

23 35-1207 (1) Any rural or suburban fire protection
24 district or mutual finance organization seeking funds pursuant to the
25 Mutual Finance Assistance Act shall submit an application for funding

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

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

1 Administrative Procedure Act.

2 (3) Except as provided in subsection (4) of this section,
3 funds shall be disbursed by the State Treasurer in two payments which
4 are as nearly equal as possible, to be paid on or before November 1
5 and May 1. If the Mutual Finance Assistance Fund is insufficient to
6 make all payments to all applicants in the amounts provided in
7 section 35-1206, the State Treasurer shall prorate payments to
8 approved applicants. Funds remaining in the Mutual Finance Assistance
9 Fund on June 1 shall be transferred to the General Fund before July
10 1.

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

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

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

1 the Nebraska State Funds Investment Act.

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

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

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

24 37-352 (1) No appropriation shall be made from the
25 Nebraska Outdoor Recreation Development Cash Fund until the

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

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

17 Sec. 37. Section 37-919, Revised Statutes Supplement,
18 2011, is amended to read:

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

1 the state, and any other matters the commission deems significant for
2 inclusion in the report.

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

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

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

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

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

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

1 during an out-of-hospital medical emergency;

2 (5) Not less than once each five years, undertake a
3 review and evaluation of the act and its implementation together with
4 a review of the out-of-hospital emergency medical care needs of the
5 citizens of the State of Nebraska and submit electronically a report
6 to the Legislature with any recommendations which it may have; and

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

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

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

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

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

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

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

12 (b) The standards established for each classification of
13 highways;

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

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

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

25 Sec. 41. Section 39-1391, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 39-1391 The Game and Parks Commission shall develop and
3 file with the Governor and the Legislature a one-year plan and a
4 long-range five-year plan of proposed construction and improvements
5 for all exterior access roads and interior service roads as provided
6 in section 39-1390, based on priority of needs and calculated to
7 contribute to the orderly development of an integrated system of
8 roads with the facilities maintained or managed by the Game and Parks
9 Commission. The first such plan shall be filed on or before January
10 1, 1974. The plans shall be reviewed and extended annually, on or
11 before January 1 of each year, so that there shall always be a
12 current one-year and five-year plan on file. The plans submitted to
13 the Legislature shall be submitted electronically. All plans shall
14 specify the criteria employed in setting the priorities and shall
15 also identify any additional recreation road requirements which may
16 exist but are not reflected in the one-year and five-year plans. The
17 commission shall also, at the time it files such plans and extensions
18 thereof, report the construction and improvements certified during
19 each of the two immediately preceding calendar years.

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

22 39-1392 The Department of Roads shall develop and file
23 with the Governor and the Legislature a one-year and a long-range
24 five-year plan of scheduled design, construction, and improvement for
25 all exterior access roads and interior service roads as certified to

1 it by the Game and Parks Commission. The first such plans shall be
2 filed on or before January 1, 1974. The plans shall be reviewed and
3 extended annually, on or before January 1 of each year, so that there
4 shall always be a current one-year and five-year plan on file. The
5 plans submitted to the Legislature shall be submitted electronically.
6 The department shall also, at the time it files such plans and
7 extensions thereof, report the design, construction, and improvement
8 accomplished during each of the two immediately preceding calendar
9 years.

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

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

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

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

1 electronically.

2 Sec. 44. Section 43-405, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 43-405 The administrative duties of the Office of
5 Juvenile Services are to:

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

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

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

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

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

23 (6) Monitor commitments, placements, and evaluations at
24 facilities and programs operated by the office or through contracts
25 with providers and submit electronically an annual report of its

1 findings ~~annually~~ to the Legislature. The report shall include an
2 assessment of the administrative costs of operating the facilities,
3 the cost of programming, and the savings realized through reductions
4 in commitments, placements, and evaluations;

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

8 (8) Coordinate educational, vocational, and social
9 counseling;

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

12 (10) Supervise and coordinate juvenile parole and
13 aftercare services; and

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

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

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

24 (1) The number of program participants;

25 (2) The number of program participants who become

1 employed, whether such employment is full time or part time or
2 subsidized or unsubsidized, and whether the employment was retained
3 for at least thirty days;

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

6 (4) Grant reductions realized; and

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

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

10 43-1905 The department shall:

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

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

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

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

24 43-2404.02 (1) There is created a separate and distinct
25 budgetary program within the commission to be known as the County

1 Juvenile Services Aid Program. Funding acquired from participation in
2 the federal act, state General Funds, and funding acquired from other
3 sources which may be used for purposes consistent with the Juvenile
4 Services Act and the federal act shall be used to aid counties in the
5 establishment and provision of community-based services for accused
6 and adjudicated juvenile offenders and to increase capacity for
7 community-based services to juveniles.

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

18 (3) Funds provided to counties under the County Juvenile
19 Services Aid Program shall be used exclusively to assist counties in
20 implementation and operation of programs or services identified in
21 their comprehensive juvenile services plan, including, but not
22 limited to, programs for assessment and evaluation, prevention of
23 delinquent behavior, diversion, shelter care, intensive juvenile
24 probation services, restitution, family support services, and family
25 group conferencing. In distributing funds provided under the County

1 Juvenile Services Aid Program, counties shall prioritize programs and
2 services that will reduce the juvenile detention population. No funds
3 appropriated or distributed under the County Juvenile Services Aid
4 Program shall be used for construction of secure detention
5 facilities, secure youth treatment facilities, or secure youth
6 confinement facilities. Aid received under this section shall not be
7 used for capital construction or the lease or acquisition of
8 facilities and shall not be used to replace existing funding for
9 programs or services. Any funds not distributed to counties under
10 this subsection shall be retained by the commission to be distributed
11 on a competitive basis under the County Juvenile Services Aid
12 Program.

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

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

25 (6) The commission shall adopt and promulgate rules and

1 regulations to implement this section.

2 Sec. 48. Section 43-2412, Reissue Revised Statutes of
3 Nebraska, is amended to read:

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

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

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

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

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

20 (e) Ensure widespread citizen involvement in all phases
21 of its work; and

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

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

1 (a) Recommend criteria to the Office of Juvenile Services
2 for administrative procedures, including, but not limited to,
3 procedures for intake, detention, petition filing, and probation
4 supervision;

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

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

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

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

18 (f) Provide technical assistance to eligible applicants.

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

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

1 43-3326 The department shall issue electronically a
2 report to the Legislature on or before January 31 of each year which
3 discloses the number of professional, occupational, or recreational
4 licenses which were suspended and the number which were erroneously
5 suspended and restored as a result of the License Suspension Act for
6 the prior year. The Director of Motor Vehicles shall issue
7 electronically a report to the Legislature on or before January 31 of
8 each year which discloses the number of operators' licenses which
9 were suspended and the number which were erroneously suspended and
10 restored as a result of the License Suspension Act for the prior
11 year.

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

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

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

21 (b) Administering two statewide toll-free telephone
22 systems, one for use by employers and one for use by all other
23 customers, to provide responses to inquiries regarding income
24 withholding, the collection and disbursement of support order
25 payments made to the State Disbursement Unit, and other child support

1 enforcement issues, including establishing a call center with
2 sufficient telephone lines, a voice response unit, and adequate
3 personnel available during normal business hours to ensure that
4 responses to inquiries are made by the division's personnel or the
5 division's designee.

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

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

19 (a) The number of transactions processed by the State
20 Disbursement Unit;

21 (b) The dollar amount collected by the State Disbursement
22 Unit;

23 (c) The dollar amount disbursed by the State Disbursement
24 Unit;

25 (d) The percentage of identifiable collections disbursed

1 within two business days;

2 (e) The percentage of identifiable collections that are
3 matched to the correct case;

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

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

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

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

12 (j) The average length of incoming calls from all other
13 customers;

14 (k) The percentage of incoming calls resulting in
15 abandonment by the customer;

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

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

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

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

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

25 43-3402 With respect to the Early Intervention Act, the

1 Quality Child Care Act, and sections 79-1101 to 79-1104, the Early
2 Childhood Interagency Coordinating Council shall serve in an advisory
3 capacity to state agencies responsible for early childhood care and
4 education, including care for school-age children, in order to:

5 (1) Promote the policies set forth in the Early
6 Intervention Act, the Quality Child Care Act, and sections 79-1101 to
7 79-1104;

8 (2) Facilitate collaboration with the federally
9 administered Head Start program;

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

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

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

20 (6) Study and recommend additional resources for early
21 childhood care and education programs; and

22 (7) Report biennially to the Governor and Legislature on
23 the status of early intervention and early childhood care and
24 education in the state. The report submitted to the Legislature shall
25 be submitted electronically. Such report shall include (a) the number

1 of license applications received under section 71-1911, (b) the
2 number of such licenses issued, (c) the number of such license
3 applications denied, (d) the number of complaints investigated
4 regarding such licensees, (e) the number of such licenses revoked,
5 (f) the number and dollar amount of civil penalties levied pursuant
6 to section 71-1920, and (g) information which may assist the
7 Legislature in determining the extent of cooperation provided to the
8 Department of Health and Human Services by other state and local
9 agencies pursuant to section 71-1914.

10 Sec. 52. Section 43-3720, Revised Statutes Supplement,
11 2011, is amended to read:

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

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

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

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

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

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

1 and

2 (6) The total number of children being served by court
3 appointed special advocate volunteers during the previous fiscal
4 year.

5 The report submitted to the Clerk of the Legislature
6 shall be submitted electronically.

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

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

1 to the Clerk of the Legislature. Each member of the Legislature shall
2 receive a copy of such report by making a request for it to the
3 director. The department may transmit the report by electronic format
4 through the gateway or electronic network established under section
5 84-1204 after notification of such type of delivery is given to the
6 recipient. The department shall maintain the report in a form capable
7 of accurate duplication on paper.

8 Sec. 54. Section 44-4225, Revised Statutes Supplement,
9 2011, is amended to read:

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

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

1 money in the fund available for investment shall be invested by the
2 state investment officer pursuant to the Nebraska Capital Expansion
3 Act and the Nebraska State Funds Investment Act.

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

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

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

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

25 44-7507 (1) The director shall monitor competition and

1 the availability of insurance in commercial insurance markets. Such
2 monitoring may include requests for information from insurers
3 regarding the lines, types, and classes of insurance that the insurer
4 is seeking and able to write. When requested by an insurer with its
5 response, the director shall keep such responses confidential except
6 as they may be compiled in summaries.

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

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

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

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

25 (c) Whether long-term and short-term profitability

1 provides evidence of excessive rates;

2 (d) Whether rating systems filed under section 44-7508
3 would frequently require amendment or disapproval if filed under
4 sections 44-7510 and 44-7511;

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

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

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

14 (h) Any other relevant factors.

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

25 (5) If the director finds pursuant to a hearing held in

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

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

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

25 46-1304 The Department of Environmental Quality shall

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

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

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

22 Sec. 58. Section 47-624, Revised Statutes Supplement,
23 2011, is amended to read:

24 47-624 The division shall:

25 (1) Develop standards for eligible community correctional

1 facilities and programs in which offenders can participate, taking
2 into consideration the following factors:

3 (a) Qualifications of staff;

4 (b) Suitability of programs;

5 (c) Offender needs;

6 (d) Probation population;

7 (e) Parole population; and

8 (f) Other applicable criminal justice data;

9 (2) Develop and implement a plan to establish statewide
10 operation and use of a continuum of community correctional facilities
11 and programs;

12 (3) Develop, in consultation with the probation
13 administrator and the Parole Administrator, standards for the use of
14 community correctional facilities and programs by the Nebraska
15 Probation System and the parole system;

16 (4) Collaborate with the Office of Probation
17 Administration, the Office of Parole Administration, and the
18 Department of Correctional Services on the development of additional
19 reporting centers as set forth in section 47-624.01;

20 (5) Analyze and mandate the consistent use of offender
21 risk assessment tools;

22 (6) Educate the courts, the Board of Parole, criminal
23 justice system stakeholders, and the general public about the
24 availability and use of community correctional facilities and
25 programs;

1 (7) Enter into contracts, if necessary, for carrying out
2 the purposes of the Community Corrections Act;

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

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

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

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

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

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

24 (a) A description of community corrections facilities and
25 programs, endorsed by the division, currently serving offenders in

1 Nebraska, which includes the following information:

2 (i) The target population and geographic area served by
3 each facility or program, eligibility requirements, and the total
4 number of offenders utilizing the facility or program over the past
5 year;

6 (ii) Services provided to offenders at the facility or in
7 the program;

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

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

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

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

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

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

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

25 (16) Establish and administer grants, projects, and

1 programs for the operation of the division; and

2 (17) Perform such other duties as may be necessary to
3 carry out the policy of the state established in the act.

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

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

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

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

1 Governor by October 1, 1997. The Business and Labor Committee of the
2 Legislature shall hold a public hearing on the study and shall submit
3 a report to the Legislature by December 1, 1997. The Governor or the
4 Legislature, by resolution, may require a similar study in 1999 and
5 every two years thereafter. Any report submitted to the committee and
6 the Clerk of the Legislature shall be submitted electronically.

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

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

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

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

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

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

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

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

1 administration of such programs shall also be credited to this fund.
2 All money in this fund shall be deposited, administered, and
3 disbursed in the same manner and under the same conditions and
4 requirements as is provided by law for other special funds in the
5 state treasury. Any balances in this fund, except balances of money
6 therein appropriated from the General Fund of this state, shall not
7 lapse at any time but shall be continuously available to the
8 commissioner for expenditure consistent with the Employment Security
9 Law. Any money in the Employment Security Administration 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; and

13 (b) There is hereby created in the state treasury a
14 special fund to be known as the Employment Security Special
15 Contingent Fund. Any money in the Employment Security Special
16 Contingent Fund available for investment shall be invested by the
17 state investment officer pursuant to the Nebraska Capital Expansion
18 Act and the Nebraska State Funds Investment Act. All money collected
19 under section 48-655 as interest on delinquent contributions, less
20 refunds, shall be credited to this fund from the clearing account of
21 the Unemployment Compensation Fund at the end of each calendar
22 quarter. Such money shall not be expended or available for
23 expenditure in any manner which would permit its substitution for or
24 a corresponding reduction in federal funds which would in the absence
25 of such money be available to finance expenditures for the

1 administration of the unemployment insurance law, but nothing in this
2 section shall prevent the money from being used as a revolving fund
3 to cover expenditures necessary and proper under the law for which
4 federal funds have been duly requested but not yet received, subject
5 to the charging of such expenditures against such federal funds when
6 received. The money in this fund may be used by the Commissioner of
7 Labor only as follows:

8 (i) To replace within a reasonable time any money
9 received by this state pursuant to section 302 of the federal Social
10 Security Act, as amended, and required to be paid under section
11 48-622;

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

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

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

21 (2)(a) Money credited to the account of this state in the
22 Unemployment Trust Fund by the United States Secretary of the
23 Treasury pursuant to section 903 of the Social Security Act may not
24 be requisitioned from this state's account or used except for the
25 payment of benefits and for the payment of expenses incurred for the

1 administration of the Employment Security Law and public employment
2 offices. Such money may be requisitioned pursuant to section 48-619
3 for the payment of benefits. Such money may also be requisitioned and
4 used for the payment of expenses incurred for the administration of
5 the Employment Security Law and public employment offices but only
6 pursuant to a specific appropriation by the Legislature and only if
7 the expenses are incurred and the money is requisitioned after the
8 date of enactment of an appropriation law which specifies the
9 purposes for which such money is appropriated and the amounts
10 appropriated therefor. Such appropriation is subject to the following
11 conditions:

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

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

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

1 (c) The appropriation, obligation, and expenditure or
2 other disposition of money appropriated under this subsection shall
3 be accounted for in accordance with standards established by the
4 United States Secretary of Labor.

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

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

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

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

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

19 48-1117 The commission shall have the following powers
20 and duties:

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

23 (2) To hold hearings, subpoena witnesses, compel their
24 attendance, administer oaths, and take the testimony of any person
25 under oath and, in connection therewith, to require the production

1 for examination of any books and papers relevant to any allegation of
2 unlawful employment practice pending before the commission. The
3 commission may make rules as to the issuance of subpoenas, subject to
4 the approval by a constitutional majority of the elected members of
5 the Legislature;

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

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

15 (5) To require that every employer, employment agency,
16 and labor organization subject to the act shall (a) make and keep
17 such records relevant to the determinations of whether unlawful
18 employment practices have been or are being committed, (b) preserve
19 such records for such periods, and (c) make such reports therefrom,
20 as the commission shall prescribe by regulation or order, after
21 public hearing, as reasonable, necessary, or appropriate for the
22 enforcement of the act or the regulations or orders thereunder. The
23 commission shall, by regulation, require each employer, labor
24 organization, and joint labor-management committee subject to the act
25 which controls an apprenticeship or other training program to

1 maintain such records as are reasonably necessary to carry out the
2 purposes of the act, including, but not limited to, a list of
3 applicants who wish to participate in such program, including the
4 chronological order in which such applications were received, and to
5 furnish to the commission, upon request, a detailed description of
6 the manner in which persons are selected to participate in the
7 apprenticeship or other training program. Any employer, employment
8 agency, labor organization, or joint labor-management committee which
9 believes that the application to it of any regulation or order issued
10 under this section would result in undue hardship may either apply to
11 the commission for an exemption from the application of such
12 regulation or order or bring a civil action in the district court for
13 the district where such records are kept. If the commission or the
14 court, as the case may be, finds that the application of the
15 regulation or order to the employer, employment agency, or labor
16 organization in question would impose an undue hardship, the
17 commission or the court, as the case may be, may grant appropriate
18 relief;

19 (6) To report, not less than once every two years, to the
20 Clerk of the Legislature and the Governor, on the hearings it has
21 conducted and the decisions it has rendered, the other work performed
22 by it to carry out the purposes of the act, and to make
23 recommendations for such further legislation concerning abuses and
24 discrimination because of race, color, religion, sex, disability,
25 marital status, or national origin, as may be desirable. 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 subdivision by making
4 a request for it to the chairperson of the commission; and

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

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

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

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

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

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

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

23 and

24 ~~(f) Proper role and function of the commission in the~~
25 ~~hearing process.~~

1 ~~The review and examination of such policies and~~
2 ~~procedures in subdivision (8) of this section shall include~~
3 ~~information from the executive director, commission members,~~
4 ~~investigators, supervisory personnel, clerical staff, and the public.~~

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

7 48-1625 (1) The state board shall submit to the Governor
8 recommendations for changes in the state plan submitted to the
9 Secretary of Labor outlining the five-year strategy for the statewide
10 workforce investment system for the State of Nebraska in accordance
11 with section 112 of the federal Workforce Investment Act of 1998, 29
12 U.S.C. 2822.

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

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

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

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

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

18 (a) The right to organize;

19 (b) The right to a safe workplace;

20 (c) The right to adequate facilities and the opportunity
21 to use them;

22 (d) The right to complete information;

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

24 (f) The right to existing state and federal benefits and
25 rights;

- 1 (g) The right to be free from discrimination;
- 2 (h) The right to continuing training, including training
3 of supervisors;
- 4 (i) The right to compensation for work performed; and
- 5 (j) The right to seek state help.
- 6 (3) The coordinator and his or her designated
7 representatives shall have access to all meatpacking operations in
8 the State of Nebraska at any time meatpacking products are being
9 processed and industry workers are on the job.
- 10 (4) Necessary office space, furniture, equipment, and
11 supplies as well as necessary assistance for the coordinator shall be
12 provided by the commissioner.
- 13 (5) Preference shall be given to applicants for the
14 coordinator position who are fluent in the Spanish language.
- 15 (6) The coordinator shall, on or before December 1 of
16 each year, submit a report to the members of the Legislature and the
17 Governor regarding any recommended actions the coordinator deems
18 necessary or appropriate to provide for the fair treatment of workers
19 in the meatpacking industry. The report submitted to the members of
20 the Legislature shall be submitted electronically.

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

23 48-2307 The department shall issue electronically a
24 report to the Legislature on or before January 31 of each year which
25 discloses the number of employees reported to the department and the

1 number of matches during the preceding calendar year for purposes of
2 the New Hire Reporting Act.

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

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

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

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

1 standing committee at or prior to the convening of the next regular
2 session of the Legislature for whatever action may be appropriate.

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

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

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

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

1 separate statement for each calendar quarter with the Clerk of the
2 Legislature within thirty days after the end of each calendar
3 quarter.

4 (2) Each statement shall show the following:

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

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

25 (c) The total amount expended for gifts, other than

1 admissions to a state-owned facility or a state-sponsored industry or
2 event, as provided in subdivision (3)(a) of this section.

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

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

1 person means the cost of the event divided by the number of persons
2 expected to attend the event.

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

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

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

1 with the quarterly period the principal receives lobbying receipts or
2 makes lobbying expenditures.

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

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

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

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

25 (2) Any lobbyist who fails to file a special report

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

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

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

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

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

1 commission.

2 (2) The report shall be filed electronically with the
3 Clerk of the Legislature within fifteen days after the end of the
4 calendar quarter in which the gift is given. The report shall include
5 the following:

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

8 (b) A description of the gift;

9 (c) The value of the gift; and

10 (d) The name of the recipient of the gift and the
11 following:

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

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

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

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

25 (4) Any person who knowingly and intentionally violates

1 this section shall be guilty of a Class III misdemeanor.

2 Sec. 74. Section 50-114.03, Reissue Revised Statutes of
3 Nebraska, is amended to read:

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

12 (2) A state agency, board, or commission or other public
13 entity which is required to provide a report to the Legislature ~~may~~
14 ~~present~~shall submit the report by ~~electronic format through the~~
15 ~~gateway or electronic network established under section 84-1204 after~~
16 ~~notification of such type of delivery is given to the Clerk of the~~
17 ~~Legislature. Such report shall be listed by the clerk as provided in~~
18 ~~subsection (1) of this section, and a member of the Legislature may~~
19 ~~receive a paper copy of the report upon request to the clerk.~~
20 electronically. The Clerk of the Legislature may establish
21 requirements for the electronic submission, distribution, and format
22 of such reports. The clerk may accept a report in written form only
23 upon a showing of good cause.

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

1 50-405 It shall be the duty of the council (1) to
2 investigate and study the possibilities for consolidation in state
3 government for elimination of all unnecessary activities and of all
4 duplication in office personnel and equipment and of the coordination
5 of departmental activities or of methods of increasing efficiency and
6 effecting economies, (2) to investigate and study the possibilities
7 of reforming the system of local government with a view to
8 simplifying the organization of government, (3) to study the merit
9 system as it relates to state and local government personnel, (4) to
10 cooperate with the administration in devising means of enforcing the
11 law and improving the effectiveness of administrative methods, (5) to
12 study and inquire into the financial administration of the state
13 government and the subdivisions thereof, the problems of taxation,
14 including assessment and collection of taxes, and the distribution of
15 the tax burden, and (6) to study and inquire into future planning of
16 capital construction of the state and its governmental agencies as to
17 location and sites for expansion. Such, ~~such~~ proposed planning ~~to~~
18 shall be submitted electronically to the executive board ~~Executive~~
19 Board of the Legislative Council for review and recommendation to the
20 Legislature and the Appropriations Committee.

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

23 50-413 The ~~council~~ Legislative Council shall keep
24 complete minutes of its meetings and shall ~~make~~ submit electronically
25 periodical reports to all the members thereof. of the Legislature.

1 Sec. 77. Section 50-417, Revised Statutes Supplement,
2 2011, is amended to read:

3 50-417 The Nebraska Retirement Systems Committee shall
4 study any legislative proposal, bill, or amendment, other than an
5 amendment proposed by the Committee on Enrollment and Review,
6 affecting any public retirement system, existing or proposed,
7 established by the State of Nebraska or any political subdivision
8 thereof and report electronically the results of such study to the
9 Legislature, which report shall, when applicable, include an
10 actuarial analysis and cost estimate and the recommendation of the
11 Nebraska Retirement Systems Committee regarding passage of any bill
12 or amendment. To assist the committee in the performance of such
13 duties, the committee may consult with and utilize the services of
14 any officer, department, or agency of the state and may from time to
15 time engage the services of a qualified and experienced actuary. In
16 the absence of any report from such committee, the Legislature shall
17 consider requests from groups seeking to have retirement plans
18 established for them and such other proposed legislation as is
19 pertinent to existing retirement systems.

20 Sec. 78. Section 50-1205, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 50-1205 The committee shall:

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

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

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

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

8 (5) Respond to inquiries regarding performance audits;

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

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

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

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

25 (10) Release the committee report to the public and

1 distribute it electronically to the Legislature with or without
2 benefit of a public hearing;

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

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

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

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

18 (15) Approve or reject, within the budgetary limits of
19 the section, contracts to retain consultants to assist with
20 performance audits requiring specialized knowledge or expertise.
21 Requests for consultant contracts shall be approved by the
22 Legislative Auditor and presented to the Legislative Performance
23 Audit Committee by the Legislative Auditor. A majority vote shall be
24 required to approve consultant contract requests. For purposes of
25 section 50-1213, subsection (11) of section 77-2711, and subsections

1 (10) through (13) of section 77-27,119, any consultant retained to
2 assist with a performance audit or preaudit inquiry shall be
3 considered an employee of the section during the course of the
4 contract; and

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

10 Sec. 79. Section 50-1210, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 50-1210 (1) Upon completion of a performance audit, the
13 section shall prepare a report of its findings and recommendations
14 for action. The Legislative Auditor shall provide the section's
15 report concurrently to the committee, agency director, and
16 Legislative Fiscal Analyst. The report submitted to the committee and
17 the Legislative Fiscal Analyst shall be submitted electronically. The
18 committee may, by majority vote, release the section's report or
19 portions thereof to other individuals, with the stipulation that the
20 released material shall be kept confidential.

21 (2) When the Legislative Auditor provides the report to
22 the Legislative Fiscal Analyst, the Legislative Fiscal Analyst shall
23 issue an opinion to the committee indicating whether the section's
24 recommendations can be implemented by the agency within its current
25 appropriation.

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

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

14 Sec. 80. Section 50-1211, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 50-1211 (1) The committee shall review the section's
17 report, the agency's response, the Legislative Auditor's summary of
18 the agency's response, and the Legislative Fiscal Analyst's opinion
19 prescribed in section 50-1210. The committee may amend and shall
20 adopt or reject each recommendation in the report and indicate
21 whether each recommendation can be implemented by the agency within
22 its current appropriation. The adopted recommendations shall be
23 incorporated into a committee report, which shall be approved by
24 majority vote.

25 (2) The committee report shall include, but not be

1 limited to, the section's report, the agency's written response to
2 the report, the Legislative Auditor's summary of the agency response,
3 the committee's recommendations, and any opinions of the Legislative
4 Fiscal Analyst regarding whether the committee's recommendations can
5 be implemented by the agency within its current appropriation.

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

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

21 (5) Once the committee has approved its report, the
22 committee shall, by majority vote, cause the committee report to be
23 released to all members of the Legislature and to the public. The
24 report submitted to the members of the Legislature shall be submitted
25 electronically. The committee may, by majority vote, release the

1 committee report or portions thereof prior to public release of the
2 report.

3 Sec. 81. Section 50-1302, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 50-1302 (1) Every four years, beginning in 2008, the
6 Government, Military and Veterans Affairs Committee of the
7 Legislature shall prepare and publish a report pertaining to boards,
8 commissions, and similar entities created by law that are made part
9 of or are placed in the executive branch of state government. The
10 committee may also include entities created by executive order or by
11 an agency director. The report shall be submitted electronically to
12 the Legislature on December 1 of such year.

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

15 (a) The name of each board, commission, or similar
16 entity;

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

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

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

22 (e) The qualifications for membership on the board,
23 commission, or entity;

24 (f) The number of times the board, commission, or entity
25 is required to meet during the year and the number of times it

1 actually met;

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

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

6 Sec. 82. Section 54-642, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 54-642 On or before November 1 of each year, the
9 department shall submit electronically a report to the Legislature in
10 sufficient detail to document all costs incurred in the previous
11 fiscal year in carrying out the Commercial Dog and Cat Operator
12 Inspection Act. The report shall identify costs incurred by the
13 department to administer the act and shall detail costs incurred by
14 primary activity. The department shall also provide a breakdown by
15 category of all revenue credited to the Commercial Dog and Cat
16 Operator Inspection Program Cash Fund in the previous fiscal year.
17 The Agriculture Committee and Appropriations Committee of the
18 Legislature shall review the report to ascertain program activity
19 levels and to determine funding requirements of the program.

20 Sec. 83. Section 54-857, Revised Statutes Supplement,
21 2011, is amended to read:

22 54-857 All money received pursuant to the Commercial Feed
23 Act shall be remitted by the director to the State Treasurer for
24 credit to the Commercial Feed Administration Cash Fund which is
25 hereby created. Such fund shall be used by the department to aid in

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

12 Sec. 84. Section 54-2428, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 54-2428 (1) Any person required to obtain a National
15 Pollutant Discharge Elimination System permit for an animal feeding
16 operation or a construction and operating permit for a livestock
17 waste control facility shall file an application with the department
18 accompanied by the appropriate fees in the manner established by the
19 department. The application fee shall be established by the council
20 with a maximum fee of two hundred dollars. For major modifications to
21 an application or a permit, the fee shall equal the amount of the
22 application fee.

23 (2) On or before March 1, 2006, and each year thereafter,
24 each person who has a National Pollutant Discharge Elimination System
25 permit or who has a large concentrated animal feeding operation, as

1 defined in 40 C.F.R. 122 and 123, as such regulations existed on
2 January 1, 2004, and a state operating permit, a construction and
3 operating permit, or a construction approval issued pursuant to the
4 Environmental Protection Act or the Livestock Waste Management Act
5 shall pay a per head annual fee based on the permitted capacity
6 identified in the permit for that facility. The department shall
7 invoice each permittee by February 1, 2006, and February 1 of each
8 year thereafter.

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

21 (4) Beginning in fiscal year 2007-08, the department
22 shall annually review and adjust the fee structure in this section
23 and section 54-2423 to ensure that fees are adequate to meet twenty
24 percent of the program costs from the previous fiscal year. All fees
25 collected under this section and sections 54-2423, 54-2435, and

1 54-2436 shall be remitted to the State Treasurer for credit to the
2 Livestock Waste Management Cash Fund which is created for the
3 purposes described in the Livestock Waste Management Act. Transfers
4 may be made from the fund to the General Fund at the direction of the
5 Legislature. Any money in the Livestock Waste Management Cash Fund
6 available for investment shall be invested by the state investment
7 officer pursuant to the Nebraska Capital Expansion Act and the
8 Nebraska State Funds Investment Act.

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

22 Sec. 85. Section 58-246, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 58-246 The reports required pursuant to section 58-245
25 shall be public information. No such report shall reveal the name of

1 any individual borrower. The authority shall, following the close of
2 each fiscal year, deliver to the Governor and to the Clerk of the
3 Legislature a set of the individual reporting forms from the
4 preceding year together with the report required pursuant to
5 subsection (2) of section 58-245. The reporting forms and the report
6 submitted to the Clerk of the Legislature shall be submitted
7 electronically. Any member of the Legislature shall receive a ~~a~~an
8 electronic copy of such reports by making a request to the
9 chairperson of the authority.

10 Sec. 86. Section 58-270, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 58-270 (1) The authority shall, following the close of
13 each fiscal year, submit a report of its activities for the preceding
14 year to the Governor and the Clerk of the Legislature. The report
15 submitted to the Clerk of the Legislature shall be submitted
16 electronically. ~~of this state.~~ Each member of the Legislature shall
17 receive a ~~a~~an electronic copy of such report by making a request for
18 it to the chairperson of the authority. Each report shall set forth a
19 complete operating and financial statement for the authority during
20 the fiscal year it covers. An independent certified public accountant
21 shall at least once in each year audit the books and accounts of the
22 authority.

23 (2) At least fourteen days prior to taking any final
24 action to authorize the issuance of bonds to provide financing for
25 projects, the beneficiaries or borrowers of which are not

1 specifically identified, the authority shall notify the Governor, the
2 Clerk of the Legislature, and any news media requesting notification
3 of such proposed issuance of bonds. The notification submitted to the
4 Clerk of the Legislature shall be submitted electronically. Such
5 notice shall include:

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

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

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

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

12 (e) The professionals involved in connection with the
13 issuance of the bonds.

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

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

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

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

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

21 (e) The net interest cost to the beneficiaries or
22 borrowers; and

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

24 The notification submitted to the Clerk of the
25 Legislature shall be submitted electronically.

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

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

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

17 Sec. 87. Section 61-218, Revised Statutes Supplement,
18 2011, is amended to read:

19 61-218 (1) The Water Resources Cash Fund is created. The
20 fund shall be administered by the Department of Natural Resources.
21 Any money in the fund available for investment shall be invested by
22 the state investment officer pursuant to the Nebraska Capital
23 Expansion Act and the Nebraska State Funds Investment Act.

24 (2) The State Treasurer shall credit to the fund such
25 money as is (a) transferred to the fund by the Legislature, (b) paid

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

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

24 (4) It is the intent of the Legislature that three
25 million three hundred thousand dollars be transferred each fiscal

1 year from the General Fund to the Water Resources Cash Fund for
2 FY2011-12 through FY2018-19.

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

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

24 (ii) A schedule of implementation of the activity or its
25 components, including the local match as set forth in subdivision (5)

1 (a) of this section.

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

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

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

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

18 (7)(a) Prior to the application deadline for fiscal year
19 2011-12, the Department of Natural Resources shall apply for a grant
20 of nine million nine hundred thousand dollars from the Nebraska
21 Environmental Trust Fund, to be paid out in three annual installments
22 of three million three hundred thousand dollars. The purposes listed
23 in the grant application shall be consistent with the uses of the
24 Water Resources Cash Fund provided in this section and shall be used
25 to aid management actions taken to reduce consumptive uses of water,

1 to enhance streamflows, to recharge ground water, or to support
2 wildlife habitat in any river basin determined to be fully
3 appropriated pursuant to section 46-714 or designated as
4 overappropriated pursuant to section 46-713.

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

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

19 (8) The department shall establish a subaccount within
20 the Water Resources Cash Fund for the accounting of all money
21 received as a grant from the Nebraska Environmental Trust Fund as the
22 result of an application made pursuant to subsection (7) of this
23 section. At the end of each calendar month, the department shall
24 calculate the amount of interest earnings accruing to the subaccount
25 and shall notify the State Treasurer who shall then transfer a like

1 amount from the Water Resources Cash Fund to the Nebraska
2 Environmental Trust Fund.

3 Sec. 88. Section 66-4,144, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 66-4,144 (1) In order to insure that an adequate balance
6 in the Highway Restoration and Improvement Bond Fund is maintained to
7 meet the debt service requirements of bonds to be issued by the
8 commission under subsection (2) of section 39-2223, the Director-
9 State Engineer shall certify to the department the excise tax rate to
10 be imposed by sections 66-4,140 and 66-6,108 for each year during
11 which such bonds are outstanding necessary to provide in each such
12 year money equal in amount to not less than one hundred twenty-five
13 percent of such year's bond principal and interest payment
14 requirements. The department shall adjust the rate as certified by
15 the Director-State Engineer. Such rate shall be in addition to the
16 rate of excise tax set pursuant to subsection (2) of this section.
17 Each such rate shall be effective from July 1 of a stated year
18 through June 30 of the succeeding year or during such other period
19 not longer than one year as the Director-State Engineer certifies to
20 be consistent with the principal and interest requirements of such
21 bonds. Such excise tax rates set pursuant to this subsection may be
22 increased, but such excise tax rates shall not be subject to
23 reduction or elimination unless the Director-State Engineer has
24 received from the State Highway Commission notice of reduced
25 principal and interest requirements for such bonds, in which event

1 the Director-State Engineer shall certify the new rate or rates to
2 the department. The new rate or rates, if any, shall become effective
3 on the first day of the following semiannual period.

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

24 (3) The Department of Roads shall provide to the
25 Legislative Fiscal Analyst ~~a~~an electronic copy of the information

1 that is submitted to the Department of Revenue and used to set or
2 adjust the excise tax rate.

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

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

16 Sec. 89. Section 66-1336, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 66-1336 The board shall retain the services of a full-
19 time administrator to be appointed by the board. The administrator
20 shall hold office at the pleasure of the board. The administrator
21 shall compile a biennial report to be submitted to the board and the
22 Clerk of the Legislature. The report submitted to the Clerk of the
23 Legislature shall be submitted electronically. The report shall set
24 forth the activities, contracts, and projects of the board for the
25 previous biennium and the amount of funds expended. Each member of

1 the Legislature shall receive ~~a~~an electronic copy of such report by
2 making a request for it to the board.

3 Sec. 90. Section 66-1345, Revised Statutes Supplement,
4 2011, is amended to read:

5 66-1345 (1) There is hereby created the Ethanol
6 Production Incentive Cash Fund which shall be used by the board to
7 pay the credits created in section 66-1344 to the extent provided in
8 this section. Any money in the fund available for investment shall be
9 invested by the state investment officer pursuant to the Nebraska
10 Capital Expansion Act and the Nebraska State Funds Investment Act.
11 The State Treasurer shall transfer to the Ethanol Production
12 Incentive Cash Fund such money as shall be (a) appropriated to the
13 Ethanol Production Incentive Cash Fund by the Legislature, (b) given
14 as gifts, bequests, grants, or other contributions to the Ethanol
15 Production Incentive Cash Fund from public or private sources, (c)
16 made available due to failure to fulfill conditional requirements
17 pursuant to investment agreements entered into prior to April 30,
18 1992, (d) received as return on investment of the Ethanol Authority
19 and Development Cash Fund, (e) credited to the Ethanol Production
20 Incentive Cash Fund from the excise taxes imposed by section
21 66-1345.01 through December 31, 2012, (f) credited to the Ethanol
22 Production Incentive Cash Fund pursuant to sections 66-489, 66-726,
23 66-1345.04, and 66-1519, and (g) directed to be transferred pursuant
24 to section 84-612.

25 (2) The Department of Revenue shall, at the end of each

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

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

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

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

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

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

1 the Highway Cash Fund or the Highway Trust Fund.

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

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

18 (4) On December 31, 2012, the State Treasurer shall
19 transfer one-half of the unexpended and unobligated funds, including
20 all subsequent investment interest, from the Ethanol Production
21 Incentive Cash Fund to the Nebraska Corn Development, Utilization,
22 and Marketing Fund and the Grain Sorghum Development, Utilization,
23 and Marketing Fund in the same proportion as funds were collected
24 pursuant to section 66-1345.01 from corn and grain sorghum. The
25 Department of Agriculture shall assist the State Treasurer in

1 determining the amounts to be transferred to the funds. The State
2 Treasurer shall transfer the remaining one-half of the unexpended and
3 unobligated funds to the General Fund.

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

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

25 Sec. 91. Section 68-908, Revised Statutes Cumulative

1 Supplement, 2010, is amended to read:

2 68-908 (1) The department shall administer the medical
3 assistance program.

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

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

24 (4)(a) The department shall prepare an annual summary and
25 analysis of the medical assistance program for legislative and public

1 review, including, but not limited to, a description of eligible
2 recipients, covered services, provider reimbursement, program trends
3 and projections, program budget and expenditures, the status of
4 implementation of the Medicaid Reform Plan, and recommendations for
5 program changes.

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

18 Sec. 92. Section 68-909, Revised Statutes Supplement,
19 2011, is amended to read:

20 68-909 (1) All contracts, agreements, rules, and
21 regulations relating to the medical assistance program as entered
22 into or adopted and promulgated by the department prior to July 1,
23 2006, and all provisions of the medicaid state plan and waivers
24 adopted by the department prior to July 1, 2006, shall remain in
25 effect until revised, amended, repealed, or nullified pursuant to

1 law.

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

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

24 (4) The department shall monitor and shall periodically,
25 as necessary, but no less than biennially, report to the Governor,

1 the Legislature, and the Medicaid Reform Council on the
2 implementation of rules and regulations, medicaid state plan
3 amendments, and waivers adopted under the Medical Assistance Act and
4 the effect of such rules and regulations, amendments, or waivers on
5 eligible recipients of medical assistance and medical assistance
6 expenditures. The report submitted to the Legislature shall be
7 submitted electronically.

8 Sec. 93. Section 68-959, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 68-959 (1) No later than January 1, 2012, the division
11 shall design and implement a medical home pilot program, in
12 consultation with the Medical Home Advisory Council, in one or more
13 geographic regions of the state to provide access to medical homes
14 for patients. The division shall apply for any available federal or
15 other funds for the program. The division shall establish necessary
16 and appropriate reimbursement policies and incentives under such
17 program to accomplish the purposes of the Medical Home Pilot Program
18 Act. The reimbursement policies:

19 (a) Shall require the provision of a medical home for
20 clients;

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

23 (c) May provide an increased reimbursement rate to
24 providers who provide primary health care services to clients outside
25 of regular business hours or on weekends; and

1 (d) May provide a postevaluation incentive payment.

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

11 Sec. 94. Section 68-971, Revised Statutes Supplement,
12 2011, is amended to read:

13 68-971 (1) On or before January 1, 2012, the department
14 shall submit an application to the federal Centers for Medicare and
15 Medicaid Services of the United States Department of Health and Human
16 Services to amend the medicaid state plan or seek a waiver to provide
17 for utilization of the unused administrative cap to allow for
18 payments to the Nebraska Regional Poison Center funded through the
19 University of Nebraska Medical Center Cash Fund to help offset the
20 cost for treatment of children who are eligible for assistance under
21 the medical assistance program and the Children's Health Insurance
22 Program established pursuant to 42 U.S.C. 1397aa et seq., pursuant to
23 the federal Children's Health Insurance Program Reauthorization Act
24 of 2009, Public Law 111-3, as such act existed on January 1, 2010.

25 (2) Upon approval of the amendment to the medicaid state

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

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

21 Sec. 95. Section 68-1017.02, Revised Statutes Supplement,
22 2011, is amended to read:

23 68-1017.02 (1)(a) The Department of Health and Human
24 Services shall apply for and utilize to the maximum extent possible,
25 within limits established by the Legislature, any and all appropriate

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

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

22 (c) The Health and Human Services Committee of the
23 Legislature, after receipt and evaluation of the report required in
24 subdivision (b) of this subsection, shall issue recommendations to
25 the department on any further action necessary by the department to

1 meet the requirements of this section.

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

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

22 (c) The department shall submit the state outreach plan
23 to the Food and Nutrition Service of the United States Department of
24 Agriculture for approval on or before August 1, 2011, and shall
25 request any federal matching funds that may be available upon

1 approval of the state outreach plan. It is the intent of the
2 Legislature that the State of Nebraska and the Department of Health
3 and Human Services use any additional public or private funds to
4 offset costs associated with increased caseload resulting from the
5 implementation of the state outreach plan.

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

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

20 (ii) Such TANF-funded program or policy shall eliminate
21 all asset limits for eligibility for federal food assistance
22 benefits, except that the total of liquid assets which includes cash
23 on hand and funds in personal checking and savings accounts, money
24 market accounts, and share accounts shall not exceed twenty-five
25 thousand dollars pursuant to the Supplemental Nutrition Assistance

1 Program, as allowed under federal law and under 7 C.F.R. 273.2(j)(2).

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

5 (b) For purposes of this subsection:

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

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

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

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

1 Nutrition Assistance Program benefits under this subsection if he or
2 she is participating in or has completed a state-licensed or
3 nationally accredited substance abuse treatment program since the
4 date of conviction. The determination of such participation or
5 completion shall be made by the treatment provider administering the
6 program.

7 Sec. 96. Section 68-1207.01, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 68-1207.01 The Department of Health and Human Services
10 shall annually provide a report to the Legislature and Governor
11 outlining the caseloads of child protective services, the factors
12 considered in their establishment, and the fiscal resources necessary
13 for their maintenance. The report submitted to the Legislature shall
14 be submitted electronically. Such report shall include:

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

19 (2)(a) The number of child welfare services caseworkers
20 and case managers employed by the State of Nebraska and child welfare
21 services workers, providing services directly to children and
22 families, who are under contract with the State of Nebraska or
23 employed by a private entity under contract with the State of
24 Nebraska and (b) statistics on the average length of employment in
25 such positions, statewide and by health and human services area;

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

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

17 Sec. 97. Section 68-1518, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 68-1518 The department shall file an annual report with
20 the Governor and the Clerk of the Legislature on or before January 1
21 of each year beginning January 1, 1983. The report submitted to the
22 Clerk of the Legislature shall be submitted electronically. Such
23 report shall include:

24 (1) The number of families and disabled persons applying
25 for support pursuant to ~~sections 68-1501 to 68-1519~~ the Disabled

1 Persons and Family Support Act and the number of families and
2 disabled persons receiving support pursuant to ~~sections 68-1501 to~~
3 ~~68-1519;~~ the act;

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

7 (3) The effects of the support provided under ~~sections~~
8 ~~68-1501 to 68-1519~~ the act on the disabled and their families; and

9 (4) Any proposals for amendment of ~~sections 68-1501 to~~
10 ~~68-1519.~~ the act.

11 Sec. 98. Section 69-503, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 69-503 (1) Except as provided in subsection (7) of this
14 section, no cigarettes may be sold or offered for sale in this state
15 or offered for sale or sold to persons located in this state unless
16 the cigarettes have been tested in accordance with the following test
17 method and meet the performance standard specified in this section, a
18 written certification has been filed by the manufacturer with the
19 State Fire Marshal in accordance with section 69-504, and the
20 cigarettes have been marked in accordance with section 69-505.
21 Testing shall be as follows:

22 (a) Testing of cigarettes shall be conducted in
23 accordance with the American Society of Testing and Materials
24 Standard E2187-04, Standard Test Method for Measuring the Ignition
25 Strength of Cigarettes;

1 (b) Testing shall be conducted on ten layers of filter
2 paper;

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

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

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

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

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

22 (h) Testing performed or sponsored by the State Fire
23 Marshal to determine a cigarette's compliance with the performance
24 standard required by this section shall be conducted in accordance
25 with this subsection.

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

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

1 comparable to this section, then the State Fire Marshal shall
2 authorize that manufacturer to employ the alternative test method and
3 performance standard to certify that cigarette for sale in this
4 state, unless the State Fire Marshal demonstrates a reasonable basis
5 why the alternative test should not be accepted under the act. All
6 other applicable requirements of this section shall apply to the
7 manufacturer.

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

17 (5) The State Fire Marshal may adopt a subsequent
18 American Society of Testing and Materials Standard Test Method for
19 Measuring the Ignition Strength of Cigarettes upon a finding that
20 such subsequent method does not result in a change in the percentage
21 of full-length burns exhibited by any tested cigarette when compared
22 to the percentage of full-length burns the same cigarette would
23 exhibit when tested in accordance with the American Society of
24 Testing and Materials Standard E2187-04 and the performance standard
25 in subdivision (1)(c) of this section.

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

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

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

19 Sec. 99. Section 69-2409, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 69-2409 (1) It is the intent of the Legislature that the
22 Nebraska State Patrol implement an expedited program of upgrading
23 Nebraska's automated criminal history files to be utilized for, among
24 other law enforcement purposes, an instant criminal history record
25 check on handgun purchasers when buying a handgun from a licensed

1 importer, manufacturer, or dealer so that such instant criminal
2 history record check may be implemented as soon as possible on or
3 after January 1, 1995.

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

19 (3) Upon implementation of the instant criminal history
20 record check system, a person who desires to purchase, lease, rent,
21 or receive transfer of a handgun from a licensed importer,
22 manufacturer, or dealer may elect to obtain such handgun either under
23 sections 69-2401, 69-2403 to 69-2408, and 69-2409.01 or under
24 sections 69-2409.01 and 69-2410 to 69-2423.

25 Sec. 100. Section 69-2423, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 69-2423 The Nebraska State Patrol shall provide
3 electronically an annual report to the Judiciary Committee of the
4 Legislature which includes the number of inquiries made pursuant to
5 sections 69-2410 to 69-2423 for the prior calendar year, the number
6 of such inquiries resulting in a determination that the potential
7 buyer or transferee was prohibited from receipt or possession of a
8 handgun pursuant to state or federal law, the estimated costs of
9 administering such sections, the number of instances in which a
10 person requested amendment of the record pertaining to such person
11 pursuant to section 69-2414, and the number of instances in which a
12 county court issued an order directing the patrol to amend a record.

13 Sec. 101. Section 70-1003, Revised Statutes Cumulative
14 Supplement, 2010, is amended to read:

15 70-1003 (1) There is hereby established an independent
16 board to be known as the Nebraska Power Review Board to consist of
17 five members, one of whom shall be an engineer, one an attorney, one
18 an accountant, and two laypersons. No person who is or who has within
19 four years preceding his or her appointment been either a director,
20 officer, or employee of any electric utility or an elective state
21 officer shall be eligible for membership on the board. Members of the
22 board shall be appointed by the Governor subject to the approval of
23 the Legislature. Upon expiration of the terms of the members first
24 appointed, the successors shall be appointed for terms of four years.
25 No member of the board shall serve more than two consecutive terms.

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

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

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

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

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

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

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

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

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

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

23 (g) A statistical summary of board activities and an
24 expenditure summary;

25 (h) A roster of power suppliers in Nebraska and the

1 assessment each paid; and

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

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

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

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

23 (b) Whether or not a viable wholesale electricity market
24 exists in a region which includes Nebraska;

25 (c) To what extent retail rates have been unbundled in

1 Nebraska;

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

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

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

13 Sec. 102. Section 71-219.03, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 71-219.03 The Board of Barber Examiners shall set the
16 fees at a level sufficient to provide for all actual and necessary
17 expenses and salaries of the board and in such a manner that
18 unnecessary surpluses are avoided. The board shall annually file a
19 report with the Attorney General and the Legislative Fiscal Analyst
20 stating the amount of the fees set by the board. Such report shall be
21 submitted on or before July 1 of each year. The report submitted to
22 the Legislative Fiscal Analyst shall be submitted electronically.

23 Sec. 103. Section 71-529, Revised Statutes Supplement,
24 2011, is amended to read:

25 71-529 The Department of Health and Human Services may

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

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

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

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

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

23 (5) Evaluate the effectiveness of these statewide
24 efforts, conduct ongoing measurement of children's immunization
25 status, identify children at special risk for deficiencies in

1 immunization, and report on the activities of the statewide
2 immunization program annually to the Legislature and the citizens of
3 Nebraska. The report submitted to the Legislature shall be submitted
4 electronically;

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

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

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

20 (a) In order to receive vaccine without cost, health care
21 providers shall not charge for the cost of the vaccine. Health care
22 providers may charge a fee for the administration of the vaccine but
23 may not deny service because of the parent's or guardian's inability
24 to pay such fee. Fees for administration of the vaccine shall be
25 negotiated between the department and the health care provider, shall

1 be uniform among participating providers, and shall be no more than
2 the cost ceiling for the region in which Nebraska is included as set
3 by the Secretary of the United States Department of Health and Human
4 Services for the Vaccines for Children Program authorized by the
5 Omnibus Budget Reconciliation Act of 1993;

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

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

24 Sec. 104. Section 71-707, Reissue Revised Statutes of
25 Nebraska, is amended to read:

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

10 Sec. 105. Section 71-810, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 71-810 (1) The division shall encourage and facilitate
13 the statewide development and provision of an appropriate array of
14 community-based behavioral health services and continuum of care for
15 the purposes of (a) providing greater access to such services and
16 improved outcomes for consumers of such services and (b) reducing the
17 necessity and demand for regional center behavioral health services.

18 (2) The division may reduce or discontinue regional
19 center behavioral health services only if (a) appropriate community-
20 based services or other regional center behavioral health services
21 are available for every person receiving the regional center services
22 that would be reduced or discontinued, (b) such services possess
23 sufficient capacity and capability to effectively replace the service
24 needs which otherwise would have been provided at such regional
25 center, and (c) no further commitments, admissions, or readmissions

1 for such services are required due to the availability of community-
2 based services or other regional center services to replace such
3 services.

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

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

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

25 (6) When the occupancy of the licensed psychiatric

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

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

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

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

14 Sec. 106. Section 71-816, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 71-816 (1) The Legislature finds that the main sources of
17 funding for the Compulsive Gamblers Assistance Fund are the
18 Charitable Gaming Operations Fund as provided in section 9-1,101 and
19 the State Lottery Operation Trust Fund as provided in section 9-812
20 and Article III, section 24, of the Constitution of Nebraska. It is
21 the intent of the Legislature that the Compulsive Gamblers Assistance
22 Fund be used primarily for counseling and treatment services for
23 problem gamblers and their families who are residents of Nebraska.

24 (2) The State Committee on Problem Gambling is created.
25 Members of the committee shall have a demonstrated interest and

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

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

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

25 (5) Based on the recommendations of the committee, the

1 division shall adopt guidelines and standards for the distribution
2 and disbursement of money in the fund and for administration of
3 problem gambling services in Nebraska.

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

9 Sec. 107. Section 71-825, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 71-825 The department shall provide an annual report, no
12 later than December 1, to the Governor and the Legislature on the
13 operation of the Children and Family Support Hotline established
14 under section 71-822, the Family Navigator Program established under
15 section 71-823, and the provision of voluntary post-adoption and
16 post-guardianship case management services under section 71-824. The
17 report submitted to the Legislature shall be submitted
18 electronically.

19 Sec. 108. Section 71-827, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 71-827 (1) The Children's Behavioral Health Oversight
22 Committee of the Legislature is created as a special legislative
23 committee. The committee shall consist of nine members of the
24 Legislature appointed by the Executive Board of the Legislative
25 Council as follows: (a) Two members of the Appropriations Committee

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

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

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

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

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

7 Sec. 109. Section 71-830, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 71-830 (1) The Behavioral Health Education Center is
10 created beginning July 1, 2009, and shall be administered by the
11 University of Nebraska Medical Center.

12 (2) The center shall:

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

23 (b) Focus on the training of behavioral health
24 professionals in telehealth techniques, including taking advantage of
25 a telehealth network that exists, and other innovative means of care

1 delivery in order to increase access to behavioral health services
2 for all Nebraskans;

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

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

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

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

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

7 Sec. 110. Section 71-1134, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 71-1134 (1) The department in collaboration with the
10 Advisory Committee on Developmental Disabilities established under
11 section 83-1212.01 shall submit quarterly reports to the court, all
12 parties of record, and the guardian of any subject in court-ordered
13 custody.

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

19 Sec. 111. Section 71-1628.05, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 71-1628.05 Each local public health department shall
22 prepare an annual report regarding the core public health functions
23 carried out by the department in the prior fiscal year. The report
24 shall be submitted to the Department of Health and Human Services by
25 October 1. The Department of Health and Human Services shall compile

1 the reports and submit the results electronically to the Health and
2 Human Services Committee of the Legislature by December 1.

3 Sec. 112. Section 71-1628.07, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-1628.07 (1) The Department of Health and Human
6 Services shall establish a satellite office of minority health in
7 each congressional district to coordinate and administer state policy
8 relating to minority health. Each office shall implement a minority
9 health initiative in counties with a minority population of at least
10 five percent of the total population of the county as determined by
11 the most recent federal decennial census which shall target, but not
12 be limited to, infant mortality, cardiovascular disease, obesity,
13 diabetes, and asthma.

14 (2) Each office shall prepare an annual report regarding
15 minority health initiatives implemented in the immediately preceding
16 fiscal year. The report shall be submitted to the department by
17 October 1. The department shall submit such reports electronically to
18 the Health and Human Services Committee of the Legislature by
19 December 1.

20 Sec. 113. Section 71-17,115, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 71-17,115 The department shall annually provide a report
23 to the Governor and the Clerk of the Legislature on the status of the
24 program, the status of the loan recipients, and the impact of the
25 program on the number of nursing faculty in Nebraska. The report

1 submitted to the Clerk of the Legislature shall be submitted
2 electronically. Any report which includes information about loan
3 recipients shall exclude confidential information or any other
4 information which specifically identifies a loan recipient.

5 Sec. 114. Section 71-1904, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 71-1904 (1) The department shall adopt and promulgate
8 rules and regulations pursuant to sections 71-1901 to 71-1906.01 for
9 (a) the proper care and protection of children by licensees under
10 such sections, (b) the issuance, suspension, and revocation of
11 licenses to provide foster care, (c) the issuance, suspension, and
12 revocation of probationary licenses to provide foster care, (d) the
13 issuance, suspension, and revocation of provisional licenses to
14 provide foster care, (e) the provision of training in foster care,
15 which training shall be directly related to the skills necessary to
16 care for children in need of out-of-home care, including, but not
17 limited to, abused, neglected, dependent, and delinquent children,
18 and (f) the proper administration of sections 71-1901 to 71-1906.01.

19 (2) The training required by subdivision (1)(e) of this
20 section may be waived in whole or in part by the department for
21 persons operating foster homes providing care only to relatives of
22 the foster care provider. Such waivers shall be granted on a case-by-
23 case basis upon assessment by the department of the appropriateness
24 of the relative foster care placement. The department shall submit
25 electronically an annual report ~~annually~~ to the Health and Human

1 Services Committee of the Legislature on the number of waivers
2 granted under this subsection and the total number of children placed
3 in relative foster homes.

4 Sec. 115. Section 71-2516, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 71-2516 The Department of Health and Human Services may
7 participate in national efforts and may develop a statewide
8 environmental lead hazard awareness action plan which is
9 comprehensive in scope and reflects contributions from a broad base
10 of providers and consumers. In order to implement the statewide
11 environmental lead hazard awareness action plan, the department may:

12 (1) Actively seek the participation and commitment of the
13 public, health care professionals and facilities, the educational
14 community, and community organizations in a comprehensive program to
15 ensure that the state's children are appropriately protected from
16 environmental lead hazards;

17 (2) Apply for and receive public and private awards to
18 develop and administer a statewide comprehensive environmental lead
19 hazard awareness action plan program;

20 (3) Provide environmental lead hazard information and
21 education to the public, parents, health care providers, and
22 educators to establish and maintain a high level of awareness;

23 (4) Assist parents, health care providers, and
24 communities in developing systems, including demonstration and pilot
25 projects, which emphasize the protection of children from

1 environmental lead poisoning and the use of private practitioners;
2 and

3 (5) Evaluate the effectiveness of these statewide
4 efforts, identify children at special risk for environmental lead
5 hazard exposure, and report electronically on the activities of the
6 statewide program annually to the Legislature and the citizens of
7 Nebraska.

8 Sec. 116. Section 71-3407, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 71-3407 (1) The purposes of the team shall be to (a)
11 develop an understanding of the causes and incidence of child deaths
12 in this state, (b) develop recommendations for changes within
13 relevant agencies and organizations which may serve to prevent child
14 deaths, and (c) advise the Governor, the Legislature, and the public
15 on changes to law, policy, and practice which will prevent child
16 deaths.

17 (2) The team shall:

18 (a) Undertake annual statistical studies of the causes
19 and incidence of child deaths in this state. The studies shall
20 include, but not be limited to, an analysis of the records of
21 community, public, and private agency involvement with the children
22 and their families prior to and subsequent to the deaths;

23 (b) Develop a protocol for retrospective investigation of
24 child deaths by the team;

25 (c) Develop a protocol for collection of data regarding

1 child deaths by the team;

2 (d) Consider training needs, including cross-agency
3 training, and service gaps;

4 (e) Include in its annual report recommended changes to
5 any law, rule, regulation, or policy needed to decrease the incidence
6 of preventable child deaths;

7 (f) Educate the public regarding the incidence and causes
8 of child deaths, the public role in preventing child deaths, and
9 specific steps the public can undertake to prevent child deaths. The
10 team may enlist the support of civic, philanthropic, and public
11 service organizations in the performance of its educational duties;

12 (g) Provide the Governor, the Legislature, and the public
13 with annual ~~written~~ reports which shall include the team's findings
14 and recommendations for each of its duties. The reports submitted to
15 the Legislature shall be submitted electronically; and

16 (h) When appropriate, make referrals to those agencies as
17 required in section 28-711 or as otherwise required by state law.

18 Sec. 117. Section 71-4728, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 71-4728 The commission shall serve as the principal state
21 agency responsible for monitoring public policies and implementing
22 programs which shall improve the quality and coordination of existing
23 services for deaf or hard of hearing persons and promote the
24 development of new services when necessary. To perform this function
25 the commission shall:

1 (1) Inventory services available for meeting the problems
2 of persons with a hearing loss and assist such persons in locating
3 and securing such services;

4 (2) License interpreters under sections 20-150 to 20-159
5 and prepare and maintain a roster of licensed interpreters. The
6 roster shall include the type of employment the interpreter generally
7 engages in, the type of license the interpreter holds, and the
8 expiration date of the license. Each interpreter included on the
9 roster shall provide the commission with his or her social security
10 number which shall be kept confidential by the commission. The roster
11 shall be made available to local, state, and federal agencies and
12 shall be used for referrals to private organizations and individuals
13 seeking interpreters;

14 (3) Promote the training of interpreters for deaf or hard
15 of hearing persons;

16 (4) Provide counseling to deaf or hard of hearing persons
17 or refer such persons to private or governmental agencies which
18 provide counseling services;

19 (5) Conduct a voluntary census of deaf or hard of hearing
20 persons in Nebraska and compile a current registry;

21 (6) Promote expanded adult educational opportunities for
22 deaf or hard of hearing persons;

23 (7) Serve as an agency for the collection of information
24 concerning deaf or hard of hearing persons and for the dispensing of
25 such information to interested persons by collecting studies,

1 compiling bibliographies, gathering information, and conducting
2 research with respect to the education, training, counseling,
3 placement, and social and economic adjustment of deaf or hard of
4 hearing persons and with respect to the causes, diagnosis, treatment,
5 and methods of prevention of impaired hearing;

6 (8) Appoint advisory or special committees when
7 appropriate for indepth investigations and study of particular
8 problems and receive reports of findings and recommendations;

9 (9) Assess and monitor programs for services to deaf or
10 hard of hearing persons and make recommendations to those state
11 agencies providing such services regarding changes necessary to
12 improve the quality and coordination of the services;

13 (10) Make recommendations to the Governor and the
14 Legislature with respect to modification in existing services or
15 establishment of additional services for deaf or hard of hearing
16 persons. The recommendations submitted to the Legislature shall be
17 submitted electronically;

18 (11) Promote awareness and understanding of the rights of
19 deaf or hard of hearing persons;

20 (12) Promote statewide communication services for deaf or
21 hard of hearing persons;

22 (13) Assist deaf or hard of hearing persons in accessing
23 comprehensive mental health, alcoholism, and drug abuse services;

24 (14) Provide licensed interpreters in public and private
25 settings for the benefit of deaf or hard of hearing persons, if

1 private-practice licensed interpreters are not available, and
2 establish and collect reasonable fees for such interpreter services;

3 (15) Make recommendations to the State Department of
4 Education, public school districts, and educational service units
5 regarding policies and procedures for qualified educational
6 interpreter guidelines and a training program as required in
7 subsection (3) of section 20-150, including, but not limited to,
8 testing, training, and grievances; and

9 (16) Approve, conduct, and sponsor continuing education
10 programs and other activities to assess continuing competence of
11 licensees. The commission shall establish and charge reasonable fees
12 for such activities. All fees collected pursuant to this section by
13 the commission shall be remitted to the State Treasurer for credit to
14 the Commission for the Deaf and Hard of Hearing Fund. Such fees shall
15 be disbursed for payment of expenses related to this section.

16 Sec. 118. Section 71-4741, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 71-4741 (1) The Department of Health and Human Services
19 shall determine which birthing facilities are administering hearing
20 screening tests to newborns and infants on a voluntary basis and the
21 number of newborns and infants screened. The department shall
22 ~~annually submit electronically an annual~~ report to the Legislature
23 stating the number of:

24 (a) Birthing facilities administering voluntary hearing
25 screening tests during birth admission;

1 (b) Newborns screened as compared to the total number of
2 newborns born in such facilities;

3 (c) Newborns who passed a hearing screening test during
4 birth admission if administered;

5 (d) Newborns who did not pass a hearing screening test
6 during birth admission if administered; and

7 (e) Newborns recommended for followup care.

8 (2) The Department of Health and Human Services, in
9 consultation with the State Department of Education, birthing
10 facilities, and other providers, shall develop approved screening
11 methods and protocol for statewide hearing screening tests of
12 substantially all newborns and infants.

13 (3) Subject to available appropriations, the Department
14 of Health and Human Services shall make the report described in this
15 section available.

16 Sec. 119. Section 71-51,103, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 71-51,103 There is hereby created the Nebraska Emergency
19 Medical System Operations Fund. The fund may receive gifts, bequests,
20 grants, fees, or other contributions or donations from public or
21 private entities. The fund shall be used to carry out the purposes of
22 the Statewide Trauma System Act and the Emergency Medical Services
23 Practice Act, including activities related to the design,
24 maintenance, or enhancement of the statewide trauma system, support
25 of emergency medical services programs, and support for the emergency

1 medical services programs for children. The Department of Health and
2 Human Services shall annually, on or before January 1, submit
3 electronically a report to the Legislature which includes a general
4 accounting of the income and expenditures of the fund. Any money in
5 the fund available for investment shall be invested by the state
6 investment officer pursuant to the Nebraska Capital Expansion Act and
7 the Nebraska State Funds Investment Act.

8 Sec. 120. Section 71-5206.01, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 71-5206.01 (1) The Legislature may provide funding to the
11 Office of Rural Health for the purpose of funding the cost of
12 resident stipends and benefits, which funding may include health
13 insurance, professional liability insurance, disability insurance,
14 medical education expenses, continuing competency expenses, pension
15 benefits, moving expenses, and meal expenses in family practice
16 residency programs based in Nebraska but which are not under a
17 contract pursuant to section 71-5206. The resident stipends and
18 benefits funded in this section shall apply only to residents who
19 begin family practice residency training at a qualifying institution
20 in years beginning on or after January 1, 1993. The total funding
21 provided in the form of stipend and benefit support per resident to a
22 family practice residency program under this section shall not exceed
23 the total funding provided in the form of stipend and benefit support
24 per resident to a family practice residency program under section
25 71-5203.

1 (2) Upon receiving an itemized statement of the cost of
2 stipends and benefits of a family practice residency program from a
3 sponsoring institution and upon determining that the sponsoring
4 institution is not receiving funds under a contract pursuant to
5 section 71-5206, the office may reimburse such institution fifty
6 percent of such cost for each family practice resident in the
7 program. The office may reimburse such institution twenty-five
8 percent of the remaining cost per family practice resident for each
9 year that one of the program's graduates practices family medicine in
10 Nebraska, up to a maximum of three years for each graduate, and an
11 additional twenty-five percent of the remaining cost per resident for
12 each of the program's graduates who practices family medicine in an
13 area of Nebraska classified as of January 1, 1991, by the United
14 States Secretary of Health and Human Services as Medicare Locale 16.
15 The total number of residents receiving annual financial payments
16 made under this section shall not exceed nine students during any
17 school year.

18 (3) At the end of the third year of the funding under
19 this section, the sponsoring institutions and the office shall report
20 electronically to the Legislature regarding the performance of the
21 residency programs and the placement of residents and physicians for
22 training and practice.

23 Sec. 121. Section 71-5210, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 71-5210 Sections 71-5210 to ~~71-5213~~71-5212 shall be

1 known and may be cited as the Primary Care Provider Act.

2 Sec. 122. Section 71-5322, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 71-5322 The department shall have the following powers
5 and duties:

6 (1) The power to establish a program to make loans to
7 owners of public water systems, individually or jointly, for
8 construction or modification of safe drinking water projects in
9 accordance with the Drinking Water State Revolving Fund Act and the
10 rules and regulations of the council adopted and promulgated pursuant
11 to such act;

12 (2) The power, if so authorized by the council pursuant
13 to section 71-5321, to execute and deliver documents obligating the
14 Drinking Water Facilities Loan Fund or the Land Acquisition and
15 Source Water Loan Fund and the assets thereof to the extent permitted
16 by section 71-5318 to repay, with interest, loans to or credits into
17 such funds and to execute and deliver documents pledging to the
18 extent permitted by section 71-5318 all or part of such funds and
19 assets to secure, directly or indirectly, the loans or credits;

20 (3) The duty to prepare an annual report for the Governor
21 and the Legislature. The report submitted to the Legislature shall be
22 submitted electronically;

23 (4) The duty to establish fiscal controls and accounting
24 procedures sufficient to assure proper accounting during appropriate
25 accounting periods, including the following:

1 (a) Accounting from the Nebraska Investment Finance
2 Authority for the costs associated with the issuance of bonds
3 pursuant to the act;

4 (b) Accounting for payments or deposits received by the
5 funds;

6 (c) Accounting for disbursements made by the funds; and

7 (d) Balancing the funds at the beginning and end of the
8 accounting period;

9 (5) The duty to establish financial capability
10 requirements that assure sufficient revenue to operate and maintain a
11 facility for its useful life and to repay the loan for such facility;

12 (6) The power to determine the rate of interest to be
13 charged on a loan in accordance with the rules and regulations
14 adopted and promulgated by the council;

15 (7) The power to develop an intended use plan, in
16 consultation with the Director of Public Health of the Division of
17 Public Health, for adoption by the council;

18 (8) The power to enter into required agreements with the
19 United States Environmental Protection Agency pursuant to the Safe
20 Drinking Water Act;

21 (9) The power to enter into agreements for the purpose of
22 providing loan forgiveness concurrent with loans to public water
23 systems operated by political subdivisions with populations of ten
24 thousand inhabitants or less which demonstrate serious financial
25 hardships. The department may enter into agreements for up to one-

1 half of the eligible project cost. Such agreements shall contain a
2 provision that payment of the amount allocated is conditional upon
3 the availability of appropriated funds;

4 (10) The power to provide emergency funding to public
5 water systems operated by political subdivisions with drinking water
6 facilities which have been damaged or destroyed by natural disaster
7 or other unanticipated actions or circumstances. Such funding shall
8 not be used for routine repair or maintenance of facilities;

9 (11) The power to provide financial assistance consistent
10 with the intended use plan, described in subdivision (7) of this
11 section, for completion of engineering studies, research projects to
12 investigate low-cost options for achieving compliance with safe
13 drinking water standards, preliminary engineering reports, regional
14 water system planning, source water protection, and other studies for
15 the purpose of enhancing the ability of communities to meet the
16 requirements of the Safe Drinking Water Act, to public water systems
17 operated by political subdivisions with populations of ten thousand
18 inhabitants or less which demonstrate serious financial hardships.
19 The department may enter into agreements for up to ninety percent of
20 the eligible project cost. Such agreements shall contain a provision
21 that payment of the amount obligated is conditional upon the
22 availability of appropriated funds; and

23 (12) Such other powers as may be necessary and
24 appropriate for the exercise of the duties created under the Drinking
25 Water State Revolving Fund Act.

1 Sec. 123. Section 71-6226, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-6226 (1) After receiving and considering reports from
4 the committee or the board, the director shall prepare a final report
5 for the Legislature. The final report shall include copies of the
6 committee report and the board report, if any, but the director shall
7 not be bound by the findings and recommendations of such reports. The
8 director in compiling his or her report shall apply the criteria
9 established in sections 71-6221 to 71-6223 and may consult with the
10 board or the committee. The recommendation of the director shall be
11 developed in a manner consistent with subsection (3) of section
12 71-6224. The final report shall be submitted electronically to the
13 Speaker of the Legislature, the Chairperson of the Executive Board of
14 the Legislature, and the Chairperson of the Health and Human Services
15 Committee of the Legislature no later than nine months after the
16 application is submitted to the director and shall be made available
17 electronically to all other members of the Legislature upon request.

18 (2) The director may recommend that no legislative action
19 be taken on an application. If the director recommends that an
20 application of an applicant group be approved, the director shall
21 recommend an agency to be responsible for the regulation and the
22 level of regulation to be assigned to such applicant group.

23 (3) An application which is resubmitted shall be
24 considered the same as a new application.

25 Sec. 124. Section 71-7606, Revised Statutes Supplement,

1 2011, is amended to read:

2 71-7606 (1) The purpose of the Nebraska Health Care
3 Funding Act is to provide for the use of dedicated revenue for
4 health-care-related expenditures and administration and enforcement
5 of the Master Settlement Agreement as defined in section 69-2702.

6 (2) Any funds appropriated or distributed under the act
7 shall not be considered ongoing entitlements or obligations on the
8 part of the State of Nebraska and shall not be used to replace
9 existing funding for existing programs.

10 (3) No funds appropriated or distributed under the act
11 shall be used for abortion, abortion counseling, referral for
12 abortion, or research or activity of any kind involving the use of
13 human fetal tissue obtained in connection with the performance of an
14 induced abortion or involving the use of human embryonic stem cells
15 or for the purpose of obtaining other funding for such use.

16 (4) The Department of Health and Human Services shall
17 report annually to the Legislature and the Governor regarding the use
18 of funds appropriated under the act and the outcomes achieved from
19 such use. The report submitted to the Legislature shall be submitted
20 electronically.

21 Sec. 125. Section 71-7611, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 71-7611 (1) The Nebraska Health Care Cash Fund is
24 created. The State Treasurer shall transfer (a) fifty-six million one
25 hundred thousand dollars no later than July 15, 2009, and (b) fifty-

1 nine million one hundred thousand dollars beginning July 15, 2010,
2 and annually thereafter no later than July 15 from the Nebraska
3 Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco
4 Settlement Trust Fund to the Nebraska Health Care Cash Fund, except
5 that such amount shall be reduced by the amount of the unobligated
6 balance in the Nebraska Health Care Cash Fund at the time the
7 transfer is made. The state investment officer upon consultation with
8 the Nebraska Investment Council shall advise the State Treasurer on
9 the amounts to be transferred from the Nebraska Medicaid
10 Intergovernmental Trust Fund and from the Nebraska Tobacco Settlement
11 Trust Fund under this section in order to sustain such transfers in
12 perpetuity. The state investment officer shall report electronically
13 to the Legislature on or before October 1 of every even-numbered year
14 on the sustainability of such transfers. Except as otherwise provided
15 by law, no more than the amount specified in this subsection may be
16 appropriated or transferred from the Nebraska Health Care Cash Fund
17 in any fiscal year.

18 (2) Any money in the Nebraska Health Care Cash Fund
19 available for investment shall be invested by the state investment
20 officer pursuant to the Nebraska Capital Expansion Act and the
21 Nebraska State Funds Investment Act.

22 (3) One million dollars in the Nebraska Health Care Cash
23 Fund shall be transferred each year to the Autism Treatment Program
24 Cash Fund for five fiscal years beginning on a date determined by the
25 Department of Health and Human Services but no later than ninety days

1 after a waiver under section 68-966 has been approved and shall be
2 distributed with matching private funds from the Autism Treatment
3 Program Cash Fund and matching funds from Title XIX of the federal
4 Social Security Act in each fiscal year as follows: (a) First, to the
5 Department of Health and Human Services for costs related to
6 application, implementation, and administration of a waiver pursuant
7 to section 68-966; (b) second, to the department for other medical
8 costs for children who would not otherwise qualify for medicaid
9 except for the waiver; and (c) third, the balance to fund services
10 pursuant to the waiver.

11 (4) The University of Nebraska and postsecondary
12 educational institutions having colleges of medicine in Nebraska and
13 their affiliated research hospitals in Nebraska, as a condition of
14 receiving any funds appropriated or transferred from the Nebraska
15 Health Care Cash Fund, shall not discriminate against any person on
16 the basis of sexual orientation.

17 (5) The State Treasurer shall transfer two hundred
18 thousand dollars from the Nebraska Health Care Cash Fund to the
19 University of Nebraska Medical Center Cash Fund for the Nebraska
20 Regional Poison Center within fifteen days after each July 1.

21 (6) Beginning on July 1, 2010, the State Treasurer shall
22 transfer three million dollars annually no later than July 15 of each
23 year from the Nebraska Health Care Cash Fund to the Tobacco
24 Prevention and Control Cash Fund.

25 (7) The State Treasurer shall transfer five hundred

1 thousand dollars annually no later than July 15 of each year from the
2 Nebraska Health Care Cash Fund to the Stem Cell Research Cash Fund.

3 Sec. 126. Section 71-8313, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-8313 The Department of Health and Human Services shall
6 review the regulation or proposed regulation of categories of
7 facilities based on the criteria in sections 71-8301 to 71-8314. On
8 or before November 1 of each year, the department shall provide the
9 Legislature electronically with recommendations for credentialing of
10 categories of facilities not previously regulated and changes in the
11 statutes governing the credentialing of categories of facilities.

12 Sec. 127. Section 71-8613, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 71-8613 The commission shall file an annual report with
15 the Governor and the Clerk of the Legislature, prior to each regular
16 session of the Legislature, which details the activities and
17 expenditures of the commission and shall include separately
18 information related to the activities and expenditures of the vending
19 facility program as well as estimates of anticipated expenditures and
20 anticipated revenue available to the vending facility program from
21 all sources. The report submitted to the Clerk of the Legislature
22 shall be submitted electronically.

23 Sec. 128. Section 71-8804, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 71-8804 (1) The committee shall establish a grant process

1 to award grants to Nebraska institutions or researchers for the
2 purpose of conducting nonembryonic stem cell research. The grant
3 process shall include, but not be limited to, an application
4 identifying the institution or researcher applying for the grant, the
5 amount of funds to be received by the applicant from sources other
6 than state funds, the sources of such funds, and a description of the
7 goal of the research for which the funds will be used and research
8 methods to be used by the applicant.

9 (2) The committee shall ~~annually submit electronically an~~
10 annual report to the Legislature stating the number of grants
11 awarded, the amount of the grants, and the researchers or
12 institutions to which the grants were awarded. ~~No more than three~~
13 ~~years after March 26, 2008, the committee shall report to the~~
14 ~~Legislature on the progress of any projects that have been awarded~~
15 ~~grants under the Stem Cell Research Act.~~

16 Sec. 129. Section 72-240.26, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 72-240.26 The Board of Educational Lands and Funds and
19 the Nebraska Investment Council shall jointly report annually to the
20 Clerk of the Legislature, and such report shall contain anticipated
21 future actions by the board as well as actions already taken. The
22 report submitted to the Clerk of the Legislature shall be submitted
23 electronically. The board's portion of the report shall include (1)
24 with reference to each tract of land sold pursuant to section
25 72-201.01: (a) The legal description; (b) the unique characteristics

1 of the land being sold; (c) the appraised value; (d) the sale price;
2 (e) the amount of funds received in the calendar year covered by the
3 report from the sale; (f) the disposition of the funds; (g) the total
4 number of acres of any unsold educational lands remaining under the
5 general management and control of the board by county; (h) the total
6 appraised value of unsold land; and (i) the percentage of the
7 investment portfolio remaining in real estate, including all
8 nonagricultural real estate and (2) the corresponding information for
9 any land that has been acquired or traded. The council's portion of
10 the report shall include a cost-benefit analysis which considers the
11 land being sold versus the anticipated investment potential of
12 proceeds resulting from the sale. The cost-benefit analysis model
13 used shall be consistent with the standards of the investment
14 industry at the time of the proposed sale. Each member of the
15 Legislature shall receive ~~a~~an electronic copy of such report by
16 making a request for it to the chairperson of the board.

17 Sec. 130. Section 72-813, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 72-813 (1) Each state agency shall by September 15 of
20 each year submit to the State Building Administrator a list of all
21 state-owned buildings and land for which it is responsible and shall
22 note the current and planned uses of each building and parcel of
23 land. The State Building Administrator shall compile the information
24 on state-owned buildings and land and provide it, along with any
25 other information or recommendations he or she may consider relevant

1 to the purposes of sections 72-811 to 72-818, to the ~~committee~~ Vacant
2 Building and Excess Land Committee and to the Legislative Fiscal
3 Analyst. The information provided to the Legislative Fiscal Analyst
4 shall be submitted electronically.

5 (2) The committee shall meet to review the information
6 and consider further action or possible amendments to orders made
7 pursuant to this section. If the committee determines that there is
8 reason to believe that any particular state-owned building or piece
9 of land is vacant or excess, the committee shall review the status of
10 the building or land and by majority vote determine whether it should
11 be declared vacant or excess.

12 (3) If the committee declares a building or land to be
13 vacant or excess, it shall order either maintenance of the building
14 or land by the state building division of the Department of
15 Administrative Services or the disposal of the building or land
16 through sale, lease, demolition, or otherwise. Any order for disposal
17 of a building may include related lands. In determining the
18 appropriate action to be taken in regard to a building or land, the
19 committee shall consider the benefits to the state of the alternative
20 possible actions, including cost-effectiveness, other possible future
21 uses of the building or land for state purposes, and the necessity or
22 utility of the building or land for the furtherance of existing or
23 planned state programs.

24 Sec. 131. Section 72-1278, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 72-1278 The Nebraska Investment Council shall enter into
2 a contract with a qualified independent organization familiar with
3 similar state investment offices to complete a comprehensive review
4 of the current statutory, regulatory, and organizational situation of
5 the council, review best practices of similar state investment
6 offices, and make recommendations to the council, the Governor, and
7 the Legislature for changes needed to ensure that the council has
8 adequate authority to independently execute its fiduciary
9 responsibilities to the members and beneficiaries of the retirement
10 systems and the Nebraska educational savings plan trust and the
11 residents of Nebraska with regards to other state funds. The
12 recommendations submitted to the Legislature shall be submitted
13 electronically.

14 Sec. 132. Section 72-1710, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 72-1710 A community board shall report ~~in writing~~
17 electronically at least annually to the Legislature on the activities
18 of the community board and the center. The report shall include, at
19 minimum, the name of each applicant whose application the community
20 board rejects, together with the reasons for the rejection, and the
21 name of each applicant whose application the community board
22 favorably evaluates.

23 Sec. 133. Section 73-305, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 73-305 The Director of Administrative Services shall,

1 within forty-five days after receipt of the information described in
2 sections 73-302 and 73-303 from the state agency, prepare a report
3 detailing why the proposed contract was approved or disapproved. The
4 report shall be delivered electronically to the chairperson of the
5 Appropriations Committee of the Legislature and the Legislative
6 Fiscal Analyst.

7 Sec. 134. Section 76-1521, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 76-1521 (1) The report required by section 76-1520 shall
10 be on a form provided by the Secretary of State. The Secretary of
11 State may incorporate the form with other forms required to be filed
12 by entities identified in subsection (1) of section 76-1520. If there
13 has been no change in the information contained in the previous
14 report filed by the reporting entity, the reporting entity may so
15 indicate in a space provided on the reporting form for that purpose.

16 (2) The Secretary of State shall include a list of
17 exemptions to the prohibitions contained in Article XII, section 8,
18 of the Constitution of Nebraska and a means by which persons filing
19 the form may indicate, if applicable, which exemptions apply to the
20 reporting entity. The reporting entity may include or attach a
21 statement indicating the basis upon which the reporting entity claims
22 exemption from the prohibitions contained in Article XII, section 8,
23 of the Constitution of Nebraska.

24 (3) The Secretary of State shall annually prepare a
25 report indicating the total number of entities reporting under

1 sections 76-1520 to 76-1524, the number of entities reporting as a
2 corporation, as a limited partnership, as a limited liability
3 partnership, as a limited liability company, and as a trust and the
4 basis upon which the reporting entities claim exemption from the
5 prohibitions contained in Article XII, section 8, of the Constitution
6 of Nebraska. The Secretary of State shall deliver the report
7 electronically to the Clerk of the Legislature on or before January 1
8 each year.

9 Sec. 135. Section 77-367, Revised Statutes Supplement,
10 2011, is amended to read:

11 77-367 (1) The Department of Revenue may contract to
12 procure products and services to develop, deploy, or administer
13 systems or programs which identify nonfilers of returns,
14 underreporters, or nonpayers of taxes administered by the department
15 or improper or fraudulent payments made through programs administered
16 by the department. Fees for services, reimbursements, costs incurred
17 by the department, or other remuneration may be funded from the
18 amount of tax, penalty, interest, or other recovery actually
19 collected and shall be paid only after the amount is collected. The
20 Legislature intends to appropriate an amount from the tax, penalty,
21 interest, and other recovery actually collected, not to exceed the
22 amount collected, which is sufficient to pay for services,
23 reimbursements, costs incurred by the department, or other
24 remuneration pursuant to this section. Vendors entering into a
25 contract with the department pursuant to this section are subject to

1 the requirements and penalties of the confidentiality laws of this
2 state regarding tax information.

3 (2) Ten percent of all proceeds received during each
4 calendar year due to the contracts entered into pursuant to this
5 section shall be deposited in the Department of Revenue Enforcement
6 Fund for purposes of identifying nonfilers, underreporters,
7 nonpayers, and improper or fraudulent payments.

8 (3) The Tax Commissioner shall submit electronically an
9 annual report annually to the Revenue Committee of the Legislature
10 and Appropriations Committee of the Legislature on the amount of
11 dollars generated during the previous fiscal year pursuant to this
12 section.

13 Sec. 136. Section 77-385, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 77-385 The report required under section 77-382 and a
16 summary of the report shall be submitted to the Governor, the
17 Executive Board of the Legislative Council, and the chairpersons of
18 the Legislature's Revenue and Appropriations Committees on or before
19 October 15, 1991, and October 15 of every even-numbered year
20 thereafter. The report submitted to the executive board and the
21 committees shall be submitted electronically. The summary shall be
22 included with or appended to the Governor's budget presented to the
23 Legislature in odd-numbered years.

24 Sec. 137. Section 77-3,116, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 77-3,116 (1) The Department of Revenue and the Department
2 of Labor shall cooperate and participate in the collection of data
3 for the study described in section 77-3,115. Other state agencies,
4 including the University of Nebraska, shall assist in the study or
5 the update as requested by the Department of Revenue and as any
6 necessary funds are available. Any agency may contract with the
7 Department of Revenue to provide such assistance. The Department of
8 Revenue may also contract with an independent entity for the entity
9 to conduct or assist in conducting such study or update. The
10 department, other state agency, or independent entity preparing the
11 material or study shall utilize and consider, along with other
12 information, the results of any available study relating to the items
13 listed in section 77-3,115 and conducted or contracted for by the
14 Legislature in the year prior to April 16, 1992.

15 (2) A preliminary report of the initial study's models
16 and initial findings shall be reported by the Department of Revenue
17 to the chairpersons of the Appropriations Committee and Revenue
18 Committee of the Legislature, the Clerk of the Legislature, and the
19 Governor by December 1, 1992. The initial study shall be completed
20 and the department shall report its findings to the same entities by
21 December 1, 1993. The study shall be updated and the update shall be
22 reported to the same entities ~~(1)-(a)~~ on December 1, 1994, and every
23 four years thereafter or ~~(2)-(b)~~ more often if determined appropriate
24 by the Tax Commissioner and if the data or economic circumstances
25 reported in the previous report have changed to such a degree as to

1 vary the conclusions in the previous report or update. The study
2 submitted to the Appropriations Committee and Revenue Committee of
3 the Legislature and the Clerk of the Legislature pursuant to this
4 subsection shall be submitted electronically.

5 (3) Any models developed for the initial study or update
6 shall be electronically shared with the Legislative Fiscal Analyst.
7 The Department of Revenue shall include in its budget request for
8 every other biennium following the 1991-93 biennium sufficient
9 appropriation authority to conduct or contract for the required
10 update.

11 Sec. 138. Section 77-4110, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 77-4110 (1) The Tax Commissioner shall submit
14 electronically an annual report to the Legislature no later than July
15 15 of each year.

16 (2) The report shall list (a) the agreements which have
17 been signed during the previous calendar year, (b) the agreements
18 which are still in effect, (c) the identity of each taxpayer, and (d)
19 the location of each project.

20 (3) The report shall also state by industry group (a) the
21 specific incentive options applied for under the Employment and
22 Investment Growth Act, (b) the refunds allowed on the investment, (c)
23 the credits earned, (d) the credits used to reduce the corporate
24 income tax and the credits used to reduce the individual income tax,
25 (e) the credits used to obtain sales and use tax refunds, (f) the

1 number of jobs created, (g) the total number of employees employed in
2 the state by the taxpayer on the last day of the calendar quarter
3 prior to the application date and the total number of employees
4 employed in the state by the taxpayer on subsequent reporting dates,
5 (h) the expansion of capital investment, (i) the estimated wage
6 levels of jobs created subsequent to the application date, (j) the
7 total number of qualified applicants, (k) the projected future state
8 revenue gains and losses, (l) the sales tax refunds owed to the
9 applicants, (m) the credits outstanding, and (n) the value of
10 personal property exempted by class in each county.

11 (4) No information shall be provided in the report that
12 is protected by state or federal confidentiality laws.

13 Sec. 139. Section 77-4933, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 77-4933 (1) The Department of Revenue shall submit
16 electronically an annual report to the Legislature no later than July
17 15 each year. 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 company, and (d)
20 the location of each project.

21 (2) The report shall also state by industry group (a) the
22 amount of wage benefit credits allowed under the Quality Jobs Act,
23 (b) the number of direct jobs created at the project, (c) the amount
24 of direct capital investment under the act, (d) the estimated wage
25 levels of jobs created by the companies at the projects, (e) the

1 estimated indirect jobs and investment created on account of the
2 projects, and (f) the projected future state and local revenue gains
3 and losses from all revenue sources on account of the direct and
4 indirect jobs and investment created on account of the project.

5 (3) No information shall be provided in the report that
6 is protected by state or federal confidentiality laws.

7 Sec. 140. Section 77-5204, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 77-5204 For the purpose of developing and directing
10 programs to provide increased and enhanced opportunities for
11 beginning farmers and livestock producers, the Beginning Farmer Board
12 is created. For administrative and budgetary purposes only, the board
13 shall be housed within the Department of Agriculture. The board shall
14 be vested with the following duties and responsibilities:

15 (1) To approve and certify beginning farmers and
16 livestock producers as eligible for the programs provided by the
17 board, for eligibility to claim tax credits authorized by section
18 77-5209.01, and for eligibility to claim an exemption of taxable
19 tangible personal property tax as provided by section 77-5209.02;

20 (2) To approve and certify owners of agricultural assets
21 as eligible for the tax credits authorized by sections 77-5211 to
22 77-5213;

23 (3) To advocate joint ventures between beginning farmers
24 or livestock producers and existing private and public credit and
25 banking licensed institutions, as well as to advocate joint ventures

1 with owners of agricultural assets desiring to assist beginning
2 farmers and livestock producers seeking entry into farming or
3 livestock production;

4 (4) To provide necessary and reasonable assistance and
5 support to beginning farmers and livestock producers for
6 qualification and participation in financial management programs
7 approved by the board;

8 (5) To advocate appropriate changes in policies and
9 programs of other public and private institutions or agencies which
10 will directly benefit beginning farmers and livestock producers and
11 may include changes regarding financing, taxation, and any other
12 existing policies which prohibit or impede individuals from entering
13 into farming or livestock production;

14 (6) To provide adequate explanations of facts and aspects
15 of available programs offered or recommended by the board intended
16 for beginning farmers and livestock producers;

17 (7) To assist and educate beginning farmers and livestock
18 producers by acting as a liaison between beginning farmers or
19 livestock producers and the Nebraska Investment Finance Authority;

20 (8) To encourage licensed financial institutions and
21 individuals to use alternative amortization schedules for loans and
22 land contracts granted to beginning farmers and livestock producers;

23 (9) To refer beginning farmers and livestock producers to
24 agencies and organizations which may provide additional pertinent
25 information and assistance;

1 (10) To provide any other assistance and support the
2 board deems necessary and appropriate in order for entry into farming
3 or livestock production;

4 (11) To adopt and promulgate rules and regulations
5 necessary to carry out the purposes of the Beginning Farmer Tax
6 Credit Act, including criteria required for tax credit eligibility
7 and financial management program certification and guidelines which
8 constitute a viably sized farm that is necessary to adequately
9 support a beginning farmer or livestock producer. Such guidelines
10 shall vary and take into account the region of the state, number of
11 acres, land quality and type, type of operation, type of crops or
12 livestock raised, and other factors of farming or livestock
13 production; and

14 (12) To keep minutes of the board's meetings and other
15 books and records which will adequately reflect actions and decisions
16 of the board and to provide an annual report to the Governor, the
17 Legislative Fiscal Analyst, and the Clerk of the Legislature by
18 December 1. The report submitted to the Legislative Fiscal Analyst
19 and the Clerk of the Legislature shall be submitted electronically.

20 Sec. 141. Section 77-5210, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 77-5210 The board shall submit an annual report of the
23 activities and actions of the board for the preceding fiscal year to
24 the Governor, the Legislative Fiscal Analyst, and the Clerk of the
25 Legislature by December 1. The report submitted to the Legislative

1 Fiscal Analyst and the Clerk of the Legislature shall be submitted
2 electronically. Each member of the Legislature shall receive a an
3 electronic copy of such report by request to the chairperson of the
4 board. Each report shall include the following information:

5 (1) A complete operating and financial statement for the
6 board for the prior fiscal year;

7 (2) The number of qualified beginning farmers and
8 livestock producers receiving assistance from the board;

9 (3) The number of owners of agricultural assets claiming
10 tax credits and the monetary amount of credits granted by the board;
11 and

12 (4) Any other relevant information which the board deems
13 necessary to report.

14 No information furnished to the board shall be disclosed
15 in the report in such a way as to reveal information from a tax
16 return of any person.

17 Sec. 142. Section 77-5214, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 77-5214 ~~The board shall conduct a study in order to~~
20 ~~ascertain the fiscal impact of future tax credits granted by the~~
21 ~~board to owners of agricultural assets. Such study shall attempt to~~
22 ~~reasonably estimate the number of qualified beginning farmers or~~
23 ~~livestock producers that would be eligible to enter into a board~~
24 ~~approved and certified three year share rental agreement with an~~
25 ~~owner of agricultural assets and other such relevant facts and~~

1 ~~information for review by the board. The findings of such study by~~
2 ~~the board shall be submitted to the Governor, the Clerk of the~~
3 ~~Legislature, and the Legislative Fiscal Analyst by January 3, 2000.~~

4 In order to carry out the ~~study and the~~ provisions of the Beginning
5 Farmer Tax Credit Act, the Department of Agriculture shall provide
6 any and all of the necessary support and assistance to the board.

7 Sec. 143. Section 77-5412, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 77-5412 (1) The Tax Commissioner shall submit
10 electronically an annual report to the Legislature no later than June
11 30 of each year.

12 (2) The report shall state by industry group (a) the
13 credits earned, (b) the credits used to reduce the corporate income
14 tax and the credits used to reduce the individual income tax, (c) the
15 number of jobs created, (d) the total number of employees employed by
16 taxpayers at qualifying projects on the last day of the calendar
17 quarter prior to the application date and the total number of
18 employees employed by the taxpayers for the projects on subsequent
19 reporting dates, (e) the expansion of capital investment, (f) the
20 estimated wage levels of jobs created subsequent to the application
21 date, (g) the total number of qualified applicants, (h) the projected
22 future state revenue gains and losses, and (i) the credits
23 outstanding.

24 (3) No information shall be provided in the report that
25 is protected by state or federal confidentiality laws.

1 Sec. 144. Section 77-5542, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 77-5542 (1) The Department of Revenue shall submit
4 electronically an annual report to the Legislature no later than July
5 15 each year. The report shall list (a) the agreements which have
6 been signed during the previous calendar year, (b) the agreements
7 which are still in effect, (c) the identity of each company, and (d)
8 the location of each project.

9 (2) The report shall also state by industry group (a) the
10 amount of wage benefit credits and investment tax credits allowed
11 under the Invest Nebraska Act, (b) the number of direct jobs created
12 at the projects, (c) the amount of direct capital investment under
13 the act, (d) the estimated wage levels of jobs created by the
14 companies at the projects, (e) the estimated indirect jobs and
15 investment created on account of the projects, and (f) the projected
16 future state and local revenue gains and losses from all revenue
17 sources on account of the direct and indirect jobs and investment
18 created on account of the projects.

19 (3) No information shall be provided in the report that
20 is protected by state or federal confidentiality laws.

21 Sec. 145. Section 77-5544, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 77-5544 (1) By January 1, 2005, and each January 1 every
24 five years thereafter for so long as there are companies that have
25 qualified for benefits and remain within the entitlement period and

1 there are sufficient companies qualified for benefits so as not to
2 reveal confidential information that allows identification of any
3 company, there shall be an audit to determine compliance with the
4 Invest Nebraska Act. The Tax Commissioner shall contract with a
5 qualified independent accounting firm to conduct the audit. The cost
6 of the audit shall be paid from funds appropriated to the Department
7 of Revenue by the Legislature. Such cost shall include, in addition
8 to the fees and costs of such independent firm, the incremental costs
9 to the department to comply with this section, as determined by the
10 department. If a qualified independent accounting firm cannot be
11 located or engaged to conduct such audit, then such audit shall
12 instead be performed by the department. A qualified independent firm
13 shall be a firm that meets all of the following requirements: (a) The
14 firm must be an accounting firm employing or comprised of at least
15 ten certified public accountants who are licensed under the Public
16 Accountancy Act to practice accounting and auditing in Nebraska; (b)
17 the firm, at the time of the beginning of such audit, and for the
18 period of at least twenty-four months before such audit commences,
19 has not performed any services for any of the companies that at such
20 time have filed applications under the Invest Nebraska Act, and the
21 firm must agree not to engage in and to withdraw from representing
22 any companies that file applications after such audit commences and
23 before the audit report is issued; (c) the firm must have executed
24 such audit contract as required by the Tax Commissioner; and (d) the
25 firm, and all such accountants and personnel of such firm who will be

1 involved in the audit, must have executed such confidentiality and
2 nondisclosure agreements as required by the Tax Commissioner. In
3 hiring such firm, the Tax Commissioner shall comply with all Nebraska
4 laws pertaining to the selection and hiring of outside private sector
5 services.

6 (2) The purpose of the audit is to examine information
7 collected by the department in order to determine:

8 (a) The extent the data collected from the companies
9 receiving benefits is verified;

10 (b) The extent to which the projects receiving benefits
11 from the act are in compliance with the act initially and throughout
12 the entitlement period;

13 (c) Whether the requirements of the act regarding the
14 investment threshold have been attained and maintained by the
15 companies;

16 (d) Whether and to what extent new employees are added by
17 the companies to their workforce and employed at the project
18 locations;

19 (e) Whether and to what extent the new jobs created meet
20 the minimum compensation requirements of the act;

21 (f) The industry or industries in which the new jobs are
22 created, by North American Industry Classification System Code;

23 (g) The extent to which the minimum new job threshold of
24 the act has been attained and maintained by the companies;

25 (h) By category of spending, what is purchased by the

1 companies that is claimed as qualified investments; and

2 (i) Gross sales from output of the project if reasonably
3 determinable.

4 (3) After the audit is conducted, and on or before
5 January 1, 2005, and each January 1 every five years thereafter, the
6 auditor shall issue a report to the Legislature and Governor
7 detailing the results of the audit. The report submitted to the
8 Legislature shall be submitted electronically. The report shall be
9 presented using aggregated information and other techniques so as not
10 to reveal confidential information that allows identification of the
11 company. The report shall not be issued until the Tax Commissioner
12 has confirmed in writing that the report does not reveal any
13 confidential information that allows identification of the company.
14 For purposes of this section, confidential information includes all
15 information that is (a) referred to as confidential in section
16 77-5534, (b) restricted from disclosure or treated as confidential
17 under any federal or state law, or (c) provided by the company to the
18 department in connection with the company's project under the act.
19 The report shall detail all assumptions, methods, or models that were
20 used in performing the analysis and shall report information by
21 industry group or expenditure category so that further analysis can
22 be performed. The firm shall have access to all records of the
23 department with regard to the credits granted under the act and the
24 companies receiving such credits. Such records shall remain
25 confidential in the hands of the firm conducting the audit and shall

1 not be revealed to any person that is not employed by the department
2 or the firm conducting the audit. No officer or employee of the firm
3 conducting the audit shall disclose any information to any other
4 person if such information is protected by federal or state
5 confidentiality laws. Notwithstanding any other provision of this
6 section to the contrary, neither the independent accounting firm nor
7 any of its personnel shall be provided by the department with any
8 confidential information except to the extent and under conditions
9 when the department is permitted without penalty to do so under
10 applicable federal or state laws.

11 (4) All information provided by the department to the
12 independent accounting firm shall be examined only on the premises of
13 the department and shall be stored in a secure place. The firm shall
14 make no copies of such information. Any qualified independent
15 accounting firm, or any personnel of the firm, which violates this
16 section shall be guilty of a Class IV felony and, in the discretion
17 of the court, may be assessed the costs of prosecution.

18 (5) Nothing in this section shall be construed to require
19 the company to provide, or require the department to obtain from the
20 company, any information beyond that required as part of the
21 application or beyond that required by the department to confirm the
22 company is entitled to the benefits of the act or to obtain the
23 information required in subsection (2) of this section. The
24 independent accounting firm shall not request any information from
25 the company or its personnel. The independent accounting firm shall

1 be permitted and expected to obtain additional outside public
2 information available from sources outside of the company and the
3 department in order to comply with the requirements for the report if
4 copies of all such data, information, and sources are made available
5 to the public or included with the report.

6 (6) Information obtained in connection with the audit
7 from either the department or the company is confidential and is not
8 discoverable or admissible in evidence in any civil action, and no
9 department or company personnel shall be compelled to testify in
10 regard thereto. Such information may be discovered and be admissible,
11 and testimony compelled in regard thereto, by the department or by
12 the company in an action relating to the determination of whether the
13 company is entitled to the benefits of the act.

14 Sec. 146. Section 77-5731, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 77-5731 (1) The Tax Commissioner shall submit
17 electronically an annual report to the Legislature no later than July
18 15 of each year.

19 (2) The report shall list (a) the agreements which have
20 been signed during the previous calendar year, (b) the agreements
21 which are still in effect, (c) the identity of each taxpayer who is
22 party to an agreement, and (d) the location of each project.

23 (3) The report shall also state, for taxpayers who are
24 parties to agreements, by industry group (a) the specific incentive
25 options applied for under the Nebraska Advantage Act, (b) the refunds

1 allowed on the investment, (c) the credits earned, (d) the credits
2 used to reduce the corporate income tax and the credits used to
3 reduce the individual income tax, (e) the credits used to obtain
4 sales and use tax refunds, (f) the credits used against withholding
5 liability, (g) the number of jobs created under the act, (h) the
6 total number of employees employed in the state on the last day of
7 the calendar quarter prior to the application date and the total
8 number of employees employed in the state on subsequent reporting
9 dates, (i) the expansion of capital investment, (j) the estimated
10 wage levels of jobs created under the act subsequent to the
11 application date, (k) the total number of qualified applicants, (l)
12 the projected future state revenue gains and losses, (m) the sales
13 tax refunds owed, (n) the credits outstanding under the act, (o) the
14 value of personal property exempted by class in each county under the
15 act, (p) the value of property for which payments equal to property
16 taxes paid were allowed in each county, and (q) the total amount of
17 the payments.

18 (4) In estimating the projected future state revenue
19 gains and losses, the report shall detail the methodology utilized,
20 state the economic multipliers and industry multipliers used to
21 determine the amount of economic growth and positive tax revenue,
22 describe the analysis used to determine the percentage of new jobs
23 attributable to the Nebraska Advantage Act assumption, and identify
24 limitations that are inherent in the analysis method.

25 (5) The report shall provide an explanation of the audit

1 and review processes of the Department of Revenue in approving and
2 rejecting applications or the grant of incentives and in enforcing
3 incentive recapture. The report shall also specify the median period
4 of time between the date of application and the date the agreement is
5 executed for all agreements executed by December 31 of the prior
6 year.

7 (6) The report shall provide information on project-
8 specific total incentives used every two years for each approved
9 project. The report shall disclose (a) the identity of the taxpayer,
10 (b) the location of the project, and (c) the total credits used and
11 refunds approved during the immediately preceding two years expressed
12 as a single, aggregated total. The incentive information required to
13 be reported under this subsection shall not be reported for the first
14 year the taxpayer attains the required employment and investment
15 thresholds. The information on first-year incentives used shall be
16 combined with and reported as part of the second year. Thereafter,
17 the information on incentives used for succeeding years shall be
18 reported for each project every two years containing information on
19 two years of credits used and refunds approved. The incentives used
20 shall include incentives which have been approved by the department,
21 but not necessarily received, during the previous two calendar years.

22 (7) The report shall include an executive summary which
23 shows aggregate information for all projects for which the
24 information on incentives used in subsection (6) of this section is
25 reported as follows: (a) The total incentives used by all taxpayers

1 for projects detailed in subsection (6) of this section during the
2 previous two years; (b) the number of projects; (c) the total number
3 of employees of these taxpayers employed in the state on the last day
4 of the calendar quarter prior to the application date, the new jobs
5 at the project for which credits have been granted, and the total
6 number of employees employed in the state by these taxpayers on
7 subsequent reporting dates; (d) the average compensation paid
8 employees in the state in the year of application and for the new
9 jobs at the project; and (e) the total investment for which
10 incentives were granted. The executive summary shall summarize the
11 number of states which grant investment tax credits, job tax credits,
12 sales and use tax refunds for qualified investment, and personal
13 property tax exemptions and the investment and employment
14 requirements under which they may be granted.

15 (8) No information shall be provided in the report that
16 is protected by state or federal confidentiality laws.

17 Sec. 147. Section 77-6309, Revised Statutes Supplement,
18 2011, is amended to read:

19 77-6309 By November 15 of each odd-numbered year, the
20 Department of Economic Development shall submit a report to the
21 Legislature and the Governor that includes:

22 (1) The number and geographic location of qualified
23 investors;

24 (2) The number, geographic location, and amount of
25 qualified investment made into each qualified small business;

1 (3) A breakdown of the industry sectors in which
2 qualified small businesses are involved;

3 (4) The number of actual tax credits issued by project
4 under the Angel Investment Tax Credit Act on an annual basis; and

5 (5) The number of jobs created at each qualified small
6 business.

7 The report submitted to the Legislature shall be
8 submitted electronically.

9 Sec. 148. Section 79-318, Revised Statutes Supplement,
10 2011, is amended to read:

11 79-318 The State Board of Education shall:

12 (1) Appoint and fix the compensation of the Commissioner
13 of Education;

14 (2) Remove the commissioner from office at any time for
15 conviction of any crime involving moral turpitude or felonious act,
16 for inefficiency, or for willful and continuous disregard of his or
17 her duties as commissioner or of the directives of the board;

18 (3) Upon recommendation of the commissioner, appoint and
19 fix the compensation of a deputy commissioner and all professional
20 employees of the board;

21 (4) Organize the State Department of Education into such
22 divisions, branches, or sections as may be necessary or desirable to
23 perform all its proper functions and to render maximum service to the
24 board and to the state school system;

25 (5) Provide, through the commissioner and his or her

1 professional staff, enlightened professional leadership, guidance,
2 and supervision of the state school system, including educational
3 service units. In order that the commissioner and his or her staff
4 may carry out their duties, the board shall, through the
5 commissioner: (a) Provide supervisory and consultation services to
6 the schools of the state; (b) issue materials helpful in the
7 development, maintenance, and improvement of educational facilities
8 and programs; (c) establish rules and regulations which govern
9 standards and procedures for the approval and legal operation of all
10 schools in the state and for the accreditation of all schools
11 requesting state accreditation. All public, private, denominational,
12 or parochial schools shall either comply with the accreditation or
13 approval requirements prescribed in this section and section 79-703
14 or, for those schools which elect not to meet accreditation or
15 approval requirements, the requirements prescribed in subsections (2)
16 through (6) of section 79-1601. Standards and procedures for approval
17 and accreditation shall be based upon the program of studies,
18 guidance services, the number and preparation of teachers in relation
19 to the curriculum and enrollment, instructional materials and
20 equipment, science facilities and equipment, library facilities and
21 materials, and health and safety factors in buildings and grounds.
22 Rules and regulations which govern standards and procedures for
23 private, denominational, and parochial schools which elect, pursuant
24 to the procedures prescribed in subsections (2) through (6) of
25 section 79-1601, not to meet state accreditation or approval

1 requirements shall be as described in such section; (d) institute a
2 statewide system of testing to determine the degree of achievement
3 and accomplishment of all the students within the state's school
4 systems if it determines such testing would be advisable; (e)
5 prescribe a uniform system of records and accounting for keeping
6 adequate educational and financial records, for gathering and
7 reporting necessary educational data, and for evaluating educational
8 progress; (f) cause to be published laws, rules, and regulations
9 governing the schools and the school lands and funds with explanatory
10 notes for the guidance of those charged with the administration of
11 the schools of the state; (g) approve teacher education programs
12 conducted in Nebraska postsecondary educational institutions designed
13 for the purpose of certificating teachers and administrators; (h)
14 approve certificated-employee evaluation policies and procedures
15 developed by school districts and educational service units; and (i)
16 approve general plans and adopt educational policies, standards,
17 rules, and regulations for carrying out the board's responsibilities
18 and those assigned to the State Department of Education by the
19 Legislature;

20 (6) Adopt and promulgate rules and regulations for the
21 guidance, supervision, accreditation, and coordination of educational
22 service units. Such rules and regulations for accreditation shall
23 include, but not be limited to, (a) a requirement that programs and
24 services offered to school districts by each educational service unit
25 shall be evaluated on a regular basis, but not less than every seven

1 years, to assure that educational service units remain responsive to
2 school district needs and (b) guidelines for the use and management
3 of funds generated from the property tax levy and from other sources
4 of revenue as may be available to the educational service units, to
5 assure that public funds are used to accomplish the purposes and
6 goals assigned to the educational service units by section 79-1204.
7 The State Board of Education shall establish procedures to encourage
8 the coordination of activities among educational service units and to
9 encourage effective and efficient educational service delivery on a
10 statewide basis;

11 (7) Submit a biennial report to the Governor and the
12 Clerk of the Legislature covering the actions of the board, the
13 operations of the State Department of Education, and the progress and
14 needs of the schools and recommend such legislation as may be
15 necessary to satisfy these needs. The report submitted to the Clerk
16 of the Legislature shall be submitted electronically;

17 (8) Prepare and distribute reports designed to acquaint
18 school district officers, teachers, and patrons of the schools with
19 the conditions and needs of the schools;

20 (9) Provide for consultation with professional educators
21 and lay leaders for the purpose of securing advice deemed necessary
22 in the formulation of policies and in the effectual discharge of its
23 duties;

24 (10) Make studies, investigations, and reports and
25 assemble information as necessary for the formulation of policies,

1 for making plans, for evaluating the state school program, and for
2 making essential and adequate reports;

3 (11) Submit to the Governor and the Legislature a budget
4 necessary to finance the state school program under its jurisdiction,
5 including the internal operation and maintenance of the State
6 Department of Education;

7 (12) Interpret its own policies, standards, rules, and
8 regulations and, upon reasonable request, hear complaints and
9 disputes arising therefrom;

10 (13) With the advice of the Department of Motor Vehicles,
11 adopt and promulgate rules and regulations containing reasonable
12 standards, not inconsistent with existing statutes, governing: (a)
13 The general design, equipment, color, operation, and maintenance of
14 any vehicle with a manufacturer's rated seating capacity of eleven or
15 more passengers used for the transportation of public, private,
16 denominational, or parochial school students; and (b) the equipment,
17 operation, and maintenance of any vehicle with a capacity of ten or
18 less passengers used for the transportation of public, private,
19 denominational, or parochial school students, when such vehicles are
20 owned, operated, or owned and operated by any public, private,
21 denominational, or parochial school or privately owned or operated
22 under contract with any such school in this state, except for
23 vehicles owned by individuals operating a school which elects
24 pursuant to section 79-1601 not to meet accreditation or approval
25 requirements. Similar rules and regulations shall be adopted and

1 promulgated for operators of such vehicles as provided in section
2 79-607;

3 (14) Accept, on behalf of the Nebraska Center for the
4 Education of Children who are Blind or Visually Impaired, devise of
5 real property or donations or bequests of other property, or both, if
6 in its judgment any such devise, donation, or bequest is for the best
7 interest of the center or the students receiving services from the
8 center, or both, and irrigate or otherwise improve any such real
9 estate when in the board's judgment it would be advisable to do so;

10 (15) Accept, in order to administer the Interstate
11 Compact on Educational Opportunity for Military Children, any devise,
12 donation, or bequest received by the State Department of Education
13 pursuant to section 79-2206; and

14 (16) Upon acceptance of any devise, donation, or bequest
15 as provided in this section, administer and carry out such devise,
16 donation, or bequest in accordance with the terms and conditions
17 thereof. If not prohibited by the terms and conditions of any such
18 devise, donation, or bequest, the board may sell, convey, exchange,
19 or lease property so devised, donated, or bequeathed upon such terms
20 and conditions as it deems best and remit all money derived from any
21 such sale or lease to the State Treasurer for credit to the State
22 Department of Education Trust Fund.

23 Each member of the Legislature shall receive a—an
24 electronic copy of the report required by subdivision (7) of this
25 section by making a request for it to the commissioner.

1 None of the duties prescribed in this section shall
2 prevent the board from exercising such other duties as in its
3 judgment may be necessary for the proper and legal exercise of its
4 obligations.

5 Sec. 149. Section 79-527.01, Revised Statutes Cumulative
6 Supplement, 2010, is amended to read:

7 79-527.01 (1) The Truancy Intervention Task Force is
8 created. The task force shall consist of:

9 (a) The probation administrator or his or her designee;
10 (b) The Commissioner of Education or his or her designee;
11 and

12 (c) The chief executive officer of the Department of
13 Health and Human Services or his or her designee.

14 (2) The task force shall study and evaluate the data
15 contained in the reports required by subsection (2) of section 79-527
16 and shall develop recommendations to reduce incidents of excessive
17 absenteeism. The task force may contact a school district or a county
18 attorney for additional information. The task force shall report
19 electronically to the Legislature on or before July 1, 2011, and each
20 July 1 thereafter.

21 Sec. 150. Section 79-722, Revised Statutes Supplement,
22 2011, is amended to read:

23 79-722 In conjunction with the multicultural education
24 program prescribed in section 79-720, the State Department of
25 Education shall design a process for evaluating the implementation

1 and effectiveness of each multicultural education program, including
2 the collection of baseline data. The collection of baseline data for
3 evaluating the implementation and effectiveness of each multicultural
4 education program shall not include the testing, assessment, or
5 evaluation of individual students' attitudes or beliefs. An
6 evaluation of the implementation and effectiveness of each
7 multicultural education program shall be conducted every five school
8 years. On or before November 1, 2013, and on or before November 1
9 every five years thereafter, the department shall report the results
10 of each evaluation to the Clerk of the Legislature, the Education
11 Committee of the Legislature, and the State Board of Education and
12 publish such report on a web site established by the department. The
13 report submitted to the Clerk of the Legislature and the committee
14 shall be submitted electronically.

15 Sec. 151. Section 79-759, Revised Statutes Supplement,
16 2011, is amended to read:

17 79-759 Beginning with the 2011-12 school year, the State
18 Department of Education may implement a three-year pilot project for
19 the districtwide administration of a standard college admission test,
20 selected by the State Board of Education, to students in the eleventh
21 grade attending a public school in a participating school district to
22 determine if such test (1) would improve the college-going rate and
23 career readiness of Nebraska students and (2) could be utilized as
24 the assessment for the one grade in high school as required under
25 section 79-760.03. Participation by school districts in the pilot

1 project shall be voluntary and shall be subject to the approval of
2 the board. On or before September 1, 2012, and on or before September
3 1 each year thereafter through 2014, the department shall report to
4 the Governor, the Clerk of the Legislature, and the chairperson of
5 the Education Committee of the Legislature on the pilot project. The
6 report submitted to the Clerk of the Legislature and the committee
7 shall be submitted electronically. The project shall be paid for with
8 funds from the Education Innovation Fund as provided in section
9 9-812.

10 Sec. 152. Section 79-760.03, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 79-760.03 (1) For school year 2009-10 and each school
13 year thereafter, the State Board of Education shall implement a
14 statewide system for the assessment of student learning and for
15 reporting the performance of school districts and learning
16 communities pursuant to this section. The assessment and reporting
17 system shall measure student knowledge of subject matter materials
18 covered by measurable academic content standards selected by the
19 state board.

20 (2) The state board shall adopt a plan for an assessment
21 and reporting system and implement and maintain the assessment and
22 reporting system according to such plan. The plan shall be submitted
23 annually to the State Department of Education, the Governor, the
24 chairperson of the Education Committee of the Legislature, and the
25 Clerk of the Legislature. The plan submitted to the committee and the

1 Clerk of the Legislature shall be submitted electronically. The state
2 board shall select grade levels for assessment and reporting required
3 pursuant to subsections (4) through (7) of this section. The purposes
4 of the system are to:

5 (a) Determine how well public schools are performing in
6 terms of achievement of public school students related to the state
7 academic content standards;

8 (b) Report the performance of public schools based upon
9 the results of state assessment instruments and national assessment
10 instruments;

11 (c) Provide information for the public and policymakers
12 on the performance of public schools; and

13 (d) Provide for the comparison among Nebraska public
14 schools and the comparison of Nebraska public schools to public
15 schools elsewhere.

16 (3) The Governor shall appoint a technical advisory
17 committee to review the statewide assessment plan and state
18 assessment instruments developed under the Quality Education
19 Accountability Act. The technical advisory committee shall consist of
20 three nationally recognized experts in educational assessment and
21 measurement, one administrator from a school in Nebraska, and one
22 teacher from a school in Nebraska. The members shall serve terms of
23 three years, except that two of the members shall be appointed for
24 initial terms of two years. Any vacancy shall be filled by the
25 Governor for the remainder of the term. One of the members shall be

1 designated as chairperson by the Governor. Members shall be
2 reimbursed for their actual and necessary expenses as provided in
3 sections 81-1174 to 81-1177. The committee shall advise the Governor,
4 the state board, and the State Department of Education on the
5 development of statewide assessment instruments and the statewide
6 assessment plan. The appointments to the committee shall be confirmed
7 by the Legislature.

8 (4) The state board shall prescribe a statewide
9 assessment of writing that relies on writing samples in each of three
10 grades selected by the state board. Each year at least one of the
11 three selected grades shall participate in the statewide writing
12 assessment with each selected grade level participating at least once
13 every three years.

14 (5) For school year 2009-10 and for each school year
15 thereafter, the state board shall prescribe a statewide assessment of
16 reading. The statewide assessment of reading shall include assessment
17 instruments for each of the grade levels three through eight and for
18 one grade in high school and standards adopted by the state board
19 pursuant to section 79-760.01.

20 (6) For no later than school year 2010-11 and for each
21 school year thereafter, the state board shall prescribe a statewide
22 assessment of mathematics. The statewide assessment of mathematics
23 shall include assessment instruments for each of the grade levels
24 three through eight and for one grade in high school and standards
25 adopted by the state board pursuant to section 79-760.01. If no

1 statewide assessment of mathematics is administered in school year
2 2009-10, school districts shall report mathematics assessment results
3 in the same manner as such information was reported in school year
4 2008-09.

5 (7) For no later than school year 2011-12 and each school
6 year thereafter, the state board shall prescribe a statewide
7 assessment of science. The statewide assessment of science shall
8 include assessment instruments for each of the grade levels selected
9 by the state board and standards adopted by the state board pursuant
10 to section 79-760.01. The grade levels shall include at least one
11 grade in elementary school, one grade in middle school or junior high
12 school, and one grade in high school.

13 (8) The department shall conduct studies to verify the
14 technical quality of assessment instruments and demonstrate the
15 comparability of assessment instrument results required by the act.
16 The department shall annually report such findings to the Governor,
17 the Legislature, and the state board. The report submitted to the
18 Legislature shall be submitted electronically.

19 (9) The state board shall recommend national assessment
20 instruments for the purpose of national comparison. Each school
21 district shall report individual student data for scores and sub-
22 scores according to procedures established by the state board and the
23 department pursuant to section 79-760.05.

24 (10) The aggregate results of assessment instruments and
25 national assessment instruments shall be reported by the district on

1 a building basis to the public in that district, to the learning
2 community coordinating council if such district is a member of a
3 learning community, and to the department. Each learning community
4 shall also report the aggregate results of any assessment instruments
5 and national assessment instruments to the public in that learning
6 community and to the department. The department shall report the
7 aggregate results of any assessment instruments and national
8 assessment instruments on a learning community, district, and
9 building basis as part of the statewide assessment and reporting
10 system.

11 (11)(a) The assessment and reporting plan shall:

12 (i) Provide for the confidentiality of the results of
13 individual students; and

14 (ii) Include all public schools and all public school
15 students.

16 (b) The state board shall adopt criteria for the
17 inclusion of students with disabilities, students entering the school
18 for the first time, and students with limited English proficiency.

19 The department may determine appropriate accommodations
20 for the assessment of students with disabilities or any student
21 receiving special education programs and services pursuant to section
22 79-1139. Alternate academic achievement standards in reading,
23 mathematics, and science and alternate assessment instruments aligned
24 with the standards may be among the accommodations for students with
25 severe cognitive disabilities.

1 (12) The state board may select additional grade levels
2 and additional subject areas for statewide assessment instruments to
3 comply with federal requirements.

4 (13) The state board shall not require school districts
5 to administer assessments or assessment instruments other than as
6 prescribed by the act.

7 (14) The state board shall appoint committees of
8 teachers, from each appropriate subject area, and administrators to
9 assist in the development of statewide assessment instruments
10 required by the act.

11 Sec. 153. Section 79-760.05, Revised Statutes Supplement,
12 2011, is amended to read:

13 79-760.05 (1) The State Board of Education shall
14 implement a statewide system for tracking individual student
15 achievement, using the student identifier system of the State
16 Department of Education, that can be aggregated to track student
17 progress by demographic characteristics, including, but not limited
18 to, race, poverty, high mobility, attendance, and limited English
19 proficiency, on available measures of student achievement which
20 include, but need not be limited to, national assessment instruments
21 and state assessment instruments. Such a system shall be designed so
22 as to aggregate student data by available educational input
23 characteristics, which may include class size, teacher education,
24 teacher experience, special education, early childhood programs,
25 federal programs, and other targeted education programs. School

1 districts shall provide the department with individual student
2 achievement data from assessment instruments required pursuant to
3 section 79-760.03 in order to implement the statewide system.

4 (2) The department shall annually analyze and report on
5 student achievement for the state, each school district, and each
6 learning community aggregated by the demographic characteristics
7 described in subsection (1) of this section. The department shall
8 report the findings to the Governor, the Legislature, school
9 districts, educational service units, and each learning community.
10 The report submitted to the Legislature shall be submitted
11 electronically. Such analysis shall include aggregated data that
12 would indicate differences in achievement due to available
13 educational input characteristics described in subsection (1) of this
14 section. Such analysis shall include indicators of progress toward
15 state achievement goals for students in poverty, limited English
16 proficient students, and highly mobile students.

17 Sec. 154. Section 79-8,139, Revised Statutes Supplement,
18 2011, is amended to read:

19 79-8,139 (1) Each eligible institution shall file an
20 annual report with the department for the Attracting Excellence to
21 Teaching Program and the Enhancing Excellence in Teaching Program for
22 any fiscal year in which the eligible institution receives funding to
23 distribute to students pursuant to either or both of such programs
24 containing such information as required by rule and regulation. On or
25 before December 31 of each even-numbered year, the department shall

1 submit a report to the Governor, the Clerk of the Legislature, and
2 the Education Committee of the Legislature on the status of the
3 programs, the status of the borrowers, and the impact of the programs
4 on the number of teachers in shortage areas in Nebraska and on the
5 number of teachers receiving graduate degrees in teaching endorsement
6 areas in Nebraska. The report submitted to the Clerk of the
7 Legislature and the committee shall be submitted electronically. Each
8 report shall include information on an institution-by-institution
9 basis, the status of borrowers, and a financial statement with a
10 description of the activity of the Excellence in Teaching Cash Fund.

11 (2) Any report pursuant to this section which includes
12 information about borrowers shall exclude confidential information or
13 any other information which specifically identifies a borrower.

14 Sec. 155. Section 79-909, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 79-909 The Auditor of Public Accounts shall make an
17 annual audit of the retirement system and submit electronically an
18 annual report to the Clerk of the Legislature of its condition. Each
19 member of the Legislature shall receive ~~a~~an electronic copy of such
20 report by making a request for it to the Auditor of Public Accounts.
21 Expenses of the audit shall be paid from the Expense Fund.

22 Sec. 156. Section 79-976, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 79-976 Any funds of the retirement system available for
25 investment shall be invested by the Nebraska Investment Council

1 pursuant to the Nebraska Capital Expansion Act and the Nebraska State
2 Funds Investment Act. Payment for investment services by the council
3 shall be charged directly against the gross investment returns of the
4 funds. Charges so incurred shall not be a part of the retirement
5 board's annual budget request. The amounts of payment for such
6 services, as of December 31 of each year, shall be reported not later
7 than March 31 of the following year to the council, the retirement
8 board, and the Nebraska Retirement Systems Committee of the
9 Legislature. The report submitted to the committee shall be submitted
10 electronically. All money received by the State Treasurer and the
11 retirement board for the retirement system shall be invested by the
12 state investment officer within thirty-one days after receipt.

13 Sec. 157. Section 79-987, Revised Statutes Supplement,
14 2011, is amended to read:

15 79-987 (1) An annual audit of the affairs of the
16 retirement system shall be conducted. At the option of the board,
17 such audit may be conducted by a certified public accountant or the
18 Auditor of Public Accounts. The costs of such audit shall be paid
19 from funds of the retirement system. A copy of such audit shall be
20 filed with the Auditor of Public Accounts.

21 (2) Beginning March 31, 2012, and each March 31
22 thereafter, if such retirement plan is a defined benefit plan, the
23 trustees of a retirement system established pursuant to section
24 79-979 shall cause to be prepared an annual report and the
25 administrator shall file the same with the Public Employees

1 Retirement Board and submit to the members of the Nebraska Retirement
2 Systems Committee of the Legislature a copy of such report. The
3 report submitted to the committee shall be submitted electronically.
4 The report shall consist of a full actuarial analysis of each such
5 retirement plan established pursuant to section 79-979. The analysis
6 shall be prepared by an independent private organization or public
7 entity employing actuaries who are members in good standing of the
8 American Academy of Actuaries, and which organization or entity has
9 demonstrated expertise to perform this type of analysis and is
10 unrelated to any organization offering investment advice or which
11 provides investment management services to the retirement plan.

12 Sec. 158. Section 79-1007.07, Revised Statutes
13 Supplement, 2011, is amended to read:

14 79-1007.07 (1)(a) The annual financial report required
15 pursuant to section 79-528 shall include:

16 (i) The amount of the poverty allowance used in the
17 certification of state aid pursuant to section 79-1022 for such
18 school fiscal year;

19 (ii) The amount of federal funds received based on
20 poverty as defined by the federal program providing the funds;

21 (iii) The expenditures and sources of funding for each
22 program related to poverty with a narrative description of the
23 program, the method used to allocate money to the program and within
24 the program, and the program's relationship to the poverty plan
25 submitted pursuant to section 79-1013 for such school fiscal year;

1 (iv) The expenditures and sources of funding for support
2 costs directly attributable to implementing the district's poverty
3 plan; and

4 (v) An explanation of how any required elements of the
5 poverty plan for such school fiscal year were met.

6 (b) The department shall set up accounting codes for the
7 receipts and expenditures required to be reported on the annual
8 financial report pursuant to this subsection.

9 (2) The department shall determine the poverty allowance
10 expenditures using the reported expenditures on the annual financial
11 report for the most recently available complete data year that would
12 include in the poverty allowance expenditures only those expenditures
13 that were used to specifically address issues related to the
14 education of students living in poverty or to the implementation of
15 the poverty plan, that do not replace expenditures that would have
16 occurred if the students involved in the program did not live in
17 poverty, that are not included in other allowances, and that are paid
18 for with noncategorical funds generated by state or local taxes or
19 funds distributed through the Tax Equity and Educational
20 Opportunities Support Act pursuant to the federal American Recovery
21 and Reinvestment Act of 2009 or the federal Education Jobs Fund
22 created pursuant to Public Law 111-226. The department shall
23 establish a procedure to allow school districts to receive
24 preapproval for categories of expenditures that could be included in
25 poverty allowance expenditures.

1 (3) If the poverty allowance expenditures do not equal
2 117.65 percent or more of the poverty allowance for the most recently
3 available complete data year, the department shall calculate a
4 poverty allowance correction. The poverty allowance correction shall
5 equal the poverty allowance minus eighty-five percent of the poverty
6 allowance expenditures. If the poverty allowance expenditures do not
7 equal fifty percent or more of the allowance for such school fiscal
8 year, the school district shall also be disqualified from receiving a
9 poverty allowance for the school fiscal year for which aid is being
10 calculated.

11 (4) If the department determines that the school district
12 did not meet the required elements of the poverty plan for the most
13 recently available complete data year, the department shall calculate
14 a poverty allowance correction equal to fifty percent of the poverty
15 allowance for such school fiscal year and the school district shall
16 also be disqualified from receiving a poverty allowance for the
17 school fiscal year for which aid is being calculated. Any poverty
18 allowance correction calculated pursuant to this subsection shall be
19 added to any poverty allowance correction calculated pursuant to
20 subsection (3) of this section to arrive at the total poverty
21 allowance correction.

22 (5) The department may request additional information
23 from any school district to assist with calculations and
24 determinations pursuant to this section. If the school district does
25 not provide information upon the request of the department pursuant

1 to this section, the school district shall be disqualified from
2 receiving a poverty allowance for the school fiscal year for which
3 aid is being calculated.

4 (6) The department shall ~~annually provide~~ electronically
5 an annual report to the Legislature ~~with a report~~ containing a
6 general description of the expenditures and funding sources for
7 programs related to poverty statewide and specific descriptions of
8 the expenditures and funding sources for programs related to poverty
9 for each school district.

10 (7) The state board shall establish a procedure for
11 appeal of decisions of the department to the state board for a final
12 determination.

13 Sec. 159. Section 79-1022, Revised Statutes Supplement,
14 2011, is amended to read:

15 79-1022 (1) On or before March 10, 2010, and March 1,
16 2011, for school fiscal year 2010-11, on or before July 1, 2011, for
17 school fiscal year 2011-12, and on or before March 1 of each year
18 thereafter for each ensuing fiscal year, the department shall
19 determine the amounts to be distributed to each local system and each
20 district pursuant to the Tax Equity and Educational Opportunities
21 Support Act and shall certify the amounts to the Director of
22 Administrative Services, the Auditor of Public Accounts, each
23 learning community, and each district. The amount to be distributed
24 to each district that is not a member of a learning community from
25 the amount certified for a local system shall be proportional based

1 on the formula students attributed to each district in the local
2 system. The amount to be distributed to each district that is a
3 member of a learning community from the amount certified for the
4 local system shall be proportional based on the formula needs
5 calculated for each district in the local system. On or before March
6 1, 2011, for school fiscal year 2010-11, on or before July 1, 2011,
7 for school fiscal year 2011-12, and on or before March 1 of each year
8 thereafter for each ensuing fiscal year, the department shall report
9 the necessary funding level to the Governor, the Appropriations
10 Committee of the Legislature, and the Education Committee of the
11 Legislature. The report submitted to the committees of the
12 Legislature shall be submitted electronically. Except as otherwise
13 provided in this subsection, certified state aid amounts, including
14 adjustments pursuant to section 79-1065.02, shall be shown as
15 budgeted non-property-tax receipts and deducted prior to calculating
16 the property tax request in the district's general fund budget
17 statement as provided to the Auditor of Public Accounts pursuant to
18 section 79-1024. Increases in state aid for school fiscal year
19 2010-11 from the first certification in 2010 to the second
20 certification on or before March 1, 2011, shall not require a school
21 district to revise its previously adopted budget statement pursuant
22 to section 13-511 for school fiscal year 2010-11 unless expenditures
23 are increased in such school fiscal year as a result of such
24 increases in state aid. The amount of such increased state aid that
25 has not been included in an amended budget for school fiscal year

1 2010-11 shall be included in the unencumbered cash balance pursuant
2 to section 13-504 for the school fiscal year 2011-12 budget for each
3 school district.

4 (2) Except as provided in this subsection, subsection (8)
5 of section 79-1016, and sections 79-1033 and 79-1065.02, the amounts
6 certified pursuant to subsection (1) of this section shall be
7 distributed in ten as nearly as possible equal payments on the last
8 business day of each month beginning in September of each ensuing
9 school fiscal year and ending in June of the following year, except
10 that when a school district is to receive a monthly payment of less
11 than one thousand dollars, such payment shall be one lump-sum payment
12 on the last business day of December during the ensuing school fiscal
13 year. For school fiscal year 2010-11, payments shall be based on the
14 amounts certified pursuant to subsection (1) of this section on March
15 10, 2010, except that on the last business day of April, the
16 department shall make federal Education Jobs Fund allocations
17 available pursuant to section 79-1028.04 equal to any increases in
18 state aid for school fiscal year 2010-11 from the first certification
19 in 2010 to the second certification on or before March 1, 2011,
20 rounded to the nearest whole dollar.

21 Sec. 160. Section 79-1103, Revised Statutes Supplement,
22 2011, is amended to read:

23 79-1103 (1)(a) The State Department of Education shall
24 establish and administer the Early Childhood Education Grant Program.
25 Upon the effective date of an endowment agreement, administration of

1 the Early Childhood Education Grant Program with respect to programs
2 for children from birth to age three shall transfer to the board of
3 trustees. If there is no endowment agreement in effect, the
4 department shall request proposals in accordance with this section
5 for all early childhood education programs from school districts,
6 individually or in cooperation with other school districts or
7 educational service units, working in cooperation with existing
8 nonpublic programs which meet the requirements of subsection (2) of
9 section 79-1104. If there is an endowment agreement in effect, the
10 board of trustees shall administer the Early Childhood Education
11 Grant Program with respect to programs for children from birth to age
12 three pursuant to section 79-1104.02 and the department shall
13 continue to administer the Early Childhood Education Grant Program
14 with respect to other prekindergarten programs pursuant to sections
15 79-1101 to 79-1104.05. All administrative procedures of the board of
16 trustees, including, but not limited to, rules, grant applications,
17 and funding mechanisms, shall harmonize with those established by the
18 department for other prekindergarten programs.

19 (b) The first priority shall be for (i) continuation
20 grants for programs that received grants in the prior school fiscal
21 year and for which the state aid calculation pursuant to the Tax
22 Equity and Educational Opportunities Support Act does not include
23 early childhood education students, in an amount equal to the amount
24 of such grant, except that if the grant was a first-year grant the
25 amount shall be reduced by thirty-three percent, (ii) continuation

1 grants for programs for which the state aid calculation pursuant to
2 the act includes early childhood education students, in an amount
3 equal to the amount of the grant for the school fiscal year prior to
4 the first school fiscal year for which early childhood education
5 students were included in the state aid calculation for the school
6 district's local system minus the calculated state aid amount, and
7 (iii) for school fiscal year 2007-08, continuation grants for
8 programs for which the state aid calculation pursuant to the act
9 includes early childhood education students, but such state aid
10 calculation does not result in the school district receiving any
11 equalization aid, in an amount equal to the amount of the grant
12 received in school fiscal year 2006-07. The calculated state aid
13 amount shall be calculated by multiplying the basic funding per
14 formula student for the school district by the formula students
15 attributed to the early childhood education programs pursuant to the
16 Tax Equity and Educational Opportunities Support Act.

17 (c) The second priority shall be for new grants and
18 expansion grants for programs that will serve at-risk children who
19 will be eligible to attend kindergarten the following school year.
20 New grants may be given for up to three years in an amount up to one-
21 half of the total budget of the program per year. Expansion grants
22 may be given for one year in an amount up to one-half of the budget
23 for expanding the capacity of the program to serve additional
24 children.

25 (d) The third priority shall be for new grants, expansion

1 grants, and continuation grants for programs serving children younger
2 than those who will be eligible to attend kindergarten the following
3 school year. New grants may be given for up to three years in an
4 amount up to one-half the total budget of the program per year.
5 Expansion grants may be given for one year in an amount up to one-
6 half the budget for expanding the capacity of the program to serve
7 additional children. Continuation grants under this priority may be
8 given annually in an amount up to one-half the total budget of the
9 program per year minus any continuation grants received under the
10 first priority.

11 (e) Programs serving children who will be eligible to
12 attend kindergarten the following school year shall be accounted for
13 separately for grant purposes from programs serving younger children,
14 but the two types of programs may be combined within the same
15 classroom to serve multi-age children. Programs that receive grants
16 for school fiscal years prior to school fiscal year 2005-06 to serve
17 both children who will be eligible to attend kindergarten the
18 following school year and younger children shall account for the two
19 types of programs separately for grant purposes beginning with school
20 year 2005-06 and shall be deemed to have received grants prior to
21 school fiscal year 2005-06 for each year that grants were received
22 for the types of programs representing the age groups of the children
23 served.

24 (2) Each program proposal which is approved by the
25 department shall include (a) a planning period, (b) an agreement to

1 participate in periodic evaluations of the program to be specified by
2 the department, (c) evidence that the program will be coordinated or
3 contracted with existing programs, including those listed in
4 subdivision (d) of this subsection and nonpublic programs which meet
5 the requirements of subsection (2) of section 79-1104, (d) a plan to
6 coordinate and use a combination of local, state, and federal funding
7 sources, including, but not limited to, programs for children with
8 disabilities below five years of age funded through the Special
9 Education Act, the Early Intervention Act, funds available through
10 the flexible funding provisions under the Special Education Act, the
11 federal Head Start program, 42 U.S.C. 9831 et seq., the federal Even
12 Start Family Literacy Program, 20 U.S.C. 6361 et seq., Title I of the
13 federal Improving America's Schools Act of 1994, 20 U.S.C. 6301 et
14 seq., and child care assistance through the Department of Health and
15 Human Services, (e) a plan to use sliding fee scales and the funding
16 sources included in subdivision (d) of this subsection to maximize
17 the participation of economically and categorically diverse groups
18 and to ensure that participating children and families have access to
19 comprehensive services, (f) the establishment of an advisory body
20 which includes families and community members, (g) the utilization of
21 appropriately qualified staff, (h) an appropriate child-to-staff
22 ratio, (i) appropriate group size, (j) compliance with minimum health
23 and safety standards, (k) appropriate facility size and equipment,
24 (l) a strong family development and support component recognizing the
25 central role of parents in their children's development, (m)

1 developmentally and culturally appropriate curriculum, practices, and
2 assessment, (n) sensitivity to the economic and logistical needs and
3 circumstances of families in the provision of services, (o)
4 integration of children of diverse social and economic
5 characteristics, (p) a sound evaluation component, including at least
6 one objective measure of child performance and progress, (q)
7 continuity with programs in kindergarten and elementary grades, (r)
8 instructional hours that are similar to or less than the
9 instructional hours for kindergarten except that a summer session may
10 be offered, (s) well-defined language development and early literacy
11 emphasis, including the involvement of parents in family literacy
12 activities, (t) a plan for ongoing professional development of staff,
13 and (u) inclusion of children with disabilities as defined in the
14 Special Education Act, all as specified by rules and regulations of
15 the department in accordance with sound early childhood educational
16 practice.

17 (3) The department shall make an effort to fund programs
18 widely distributed across the state in both rural and urban areas.

19 (4) A report evaluating the programs shall be made to the
20 State Board of Education and the Legislature by January 1 of each
21 odd-numbered year. The report submitted to the Legislature shall be
22 submitted electronically. Up to five percent of the total
23 appropriation for the Early Childhood Education Grant Program may be
24 reserved by the department for evaluation and technical assistance
25 for the programs.

1 (5) Early childhood education programs, whether
2 established pursuant to this section or section 79-1104, may be
3 approved for purposes of the Tax Equity and Educational Opportunities
4 Support Act, expansion grants, and continuation grants on the
5 submission of a continuation plan demonstrating that the program will
6 meet the requirements of subsection (2) of this section and a
7 proposed operating budget demonstrating that the program will receive
8 resources from other sources equal to or greater than the sum of any
9 grant received pursuant to this section for the prior school year
10 plus any calculated state aid as calculated pursuant to subsection
11 (1) of this section for the prior school year.

12 (6) The State Board of Education may adopt and promulgate
13 rules and regulations to implement the Early Childhood Education
14 Grant Program, except that if there is an endowment agreement in
15 effect, the board of trustees shall recommend any rules and
16 regulations relating specifically to the Early Childhood Education
17 Grant Program with respect to programs for children from birth to age
18 three. It is the intent of the Legislature that the rules and
19 regulations for programs for children from birth to age three be
20 consistent to the greatest extent possible with those established for
21 other prekindergarten programs.

22 Sec. 161. Section 79-1905, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 79-1905 The State Department of Education and the
25 Department of Health and Human Services shall annually report to the

1 Legislature and the Governor regarding the actions, activities,
2 accomplishments, and shortcomings in carrying out the Nebraska Read,
3 Educate, and Develop Youth Act. The report submitted to the
4 Legislature shall be submitted electronically.

5 Sec. 162. Section 79-2104.02, Revised Statutes
6 Supplement, 2011, is amended to read:

7 79-2104.02 Each learning community coordinating council
8 shall use any funds received after January 15, 2011, pursuant to
9 section 79-1241.03 for evaluation and research pursuant to plans
10 developed by the learning community coordinating council with
11 assistance from the ~~educational service unit coordinating council~~
12 Educational Service Unit Coordinating Council and adjusted on an
13 ongoing basis. The evaluation shall be conducted by one or more other
14 entities or individuals who are not employees of the learning
15 community and shall measure progress toward the goals and objectives
16 of the learning community, which goals and objectives shall include
17 reduction of excessive absenteeism of students in the member school
18 districts of the learning community and closing academic achievement
19 gaps based on socioeconomic status, and the effectiveness of the
20 approaches used by the learning community or pilot project to reach
21 such goals and objectives. Any research conducted pursuant to this
22 section shall also be related to such goals and objectives. After the
23 first full year of operation, each learning community shall report
24 evaluation and research results electronically to the Education
25 Committee of the Legislature on or before December 1 of each year.

1 Sec. 163. Section 79-2118, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 79-2118 (1) Each learning community, together with its
4 member school districts, shall develop a diversity plan to provide
5 educational opportunities pursuant to sections 79-769 and 79-2110 in
6 each subcouncil district designed to attract students from diverse
7 backgrounds, which plan may be revised from time to time. The initial
8 diversity plan shall be completed by December 31 of the year the
9 initial learning community coordinating council for the learning
10 community takes office. The goal of the diversity plan shall be to
11 annually increase the socioeconomic diversity of enrollment at each
12 grade level in each school building within the learning community
13 until such enrollment reflects the average socioeconomic diversity of
14 the entire enrollment of the learning community.

15 (2) Each diversity plan for a learning community shall
16 include specific provisions relating to each subcouncil district
17 within such learning community. The specific provisions relating to
18 each subcouncil district shall be approved by both the achievement
19 subcouncil for such district and by the learning community
20 coordinating council.

21 (3) The learning community coordinating council shall
22 report electronically to the Education Committee of the Legislature
23 on or before December 1 of each even-numbered year on the diversity
24 and changes in diversity at each grade level in each school building
25 within the learning community and on the academic achievement for

1 different demographic groups in each school building within the
2 learning community.

3 Sec. 164. Section 81-106, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 81-106 The Tax Commissioner shall annually examine and
6 audit or supervise and direct the examination and audit of the books,
7 accounts, vouchers, records, and expenditures of the office of
8 Auditor of Public Accounts and report promptly to the Governor and
9 the Clerk of the Legislature the result of such examination and
10 audit. The report submitted to the Clerk of the Legislature shall be
11 submitted electronically. Each member of the Legislature shall
12 receive ~~a~~an electronic copy of such report by making a request for
13 it to the Tax Commissioner.

14 Sec. 165. Section 81-166, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 81-166 The materiel division shall keep an accurate
17 record of the postage used by each state officer, department,
18 commission, board, bureau, court, or other agency and charge such
19 state officer, department, commission, board, bureau, court, or other
20 agency with the exact amount of postage so used plus administrative
21 and operational costs. Administrative and operational costs shall be
22 charged as a percentage of the amount charged for postage. Such
23 charge shall, as nearly as may be practical, reflect the actual
24 administrative and operational costs of the central mailing room and
25 its related activities. ~~The percentage charge shall be reported~~

1 ~~annually to the Legislature's Committee on Appropriations. The~~
2 division shall submit electronically an annual report to the
3 Appropriations Committee of the Legislature of the percentage charge.
4 Rates planned for the coming fiscal year shall be included in the
5 instructions for completion of budget request forms as annually
6 prepared by the Department of Administrative Services' budget
7 division. If rate revisions are required during the fiscal year to
8 reflect changes in the administrative and operational costs, these
9 revisions shall be announced to each state officer, department,
10 commission, board, bureau, court, or other agency at least thirty
11 days prior to their use.

12 Sec. 166. Section 81-187, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 81-187 A copy of all estimates, reports, and allocation
15 requests required by the Deferred Building Renewal Act shall be
16 submitted electronically to the Legislative Fiscal Analyst upon his
17 or her request.

18 Sec. 167. Section 81-638, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 81-638 (1) The Legislature shall appropriate for each
21 year from the Health and Human Services Cash Fund to the department
22 an amount derived from one cent of the cigarette tax imposed by
23 section 77-2602, less any amount appropriated from the fund
24 specifically to the University of Nebraska Eppley Institute for
25 Research in Cancer and Allied Diseases. The department shall, after

1 deducting expenses incurred in the administration of such funds,
2 distribute such funds exclusively for grants and contracts for
3 research of cancer and smoking diseases, for funding the cancer
4 registry prescribed in sections 81-642 to 81-650, and for associated
5 expenses due to the establishment and maintenance of such cancer
6 registry. Not more than two hundred thousand dollars shall be
7 appropriated for funding the cancer registry and associated expenses.
8 The University of Nebraska may receive such grants and contracts, and
9 other postsecondary institutions having colleges of medicine located
10 in the State of Nebraska may receive such contracts.

11 (2) The Legislature shall appropriate for each year from
12 the Health and Human Services Cash Fund to the department for cancer
13 research an amount derived from two cents of the cigarette tax
14 imposed by section 77-2602 to be used exclusively for grants and
15 contracts for research on cancer and smoking diseases. No amount
16 shall be appropriated or used pursuant to this subsection for the
17 operation and associated expenses of the cancer registry. Not more
18 than one-half of the funds appropriated pursuant to this subsection
19 shall be distributed to the University of Nebraska Medical Center for
20 research in cancer and allied diseases and the University of Nebraska
21 Eppley Institute for Research in Cancer and Allied Diseases. The
22 remaining funds available pursuant to this subsection shall be
23 distributed for contracts with other postsecondary educational
24 institutions having colleges of medicine located in Nebraska which
25 have cancer research programs for the purpose of conducting research

1 in cancer and allied diseases.

2 (3) Any contract between the department and another
3 postsecondary educational institution for cancer research under
4 subsection (2) of this section shall provide that:

5 (a) Any money appropriated for such contract shall only
6 be used for cancer research and shall not be used to support any
7 other program in the institution;

8 (b) Full and detailed reporting of the expenditure of all
9 funds under the contract is required. The report shall include, but
10 not be limited to, separate accounting for personal services,
11 equipment purchases or leases, and supplies. Such reports shall be
12 made available electronically to the Legislature; and

13 (c) No money appropriated for such contract shall be
14 spent for travel, building construction, or any other purpose not
15 directly related to the research that is the subject of the contract.

16 Sec. 168. Section 81-650, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 81-650 The department shall ~~annually~~ submit
19 electronically an annual report to the Legislature's Health and Human
20 Services Committee with the documentation on the operation and
21 performance of the cancer registry program established pursuant to
22 sections 81-642 to 81-650.

23 Sec. 169. Section 81-6,116, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 81-6,116 (1) Information reported under section 81-6,114

1 may be used by the department for statistical and public health
2 planning purposes and for other public health purposes as identified
3 by the department in rule and regulation.

4 (2) The department shall periodically review information
5 collected under section 81-6,114 for the purpose of identifying
6 potential policies or practices of any reporting facility which may
7 be detrimental to the public health, including, but not limited to,
8 policies and practices which may have the effect of limiting access
9 to needed health care services for Nebraska residents. The department
10 shall provide electronically recommendations to the Health and Human
11 Services Committee of the Legislature relating to appropriate
12 administrative and legislative responses to such policies and
13 practices and shall provide electronically an annual report to the
14 chairperson of such committee of its findings and its current or
15 planned activities under this section, if any.

16 Sec. 170. Section 81-829.43, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 81-829.43 (1) In addition to prevention measures included
19 in the state, city, village, county, and interjurisdictional
20 emergency operations plans, the Governor shall consider on a
21 continuing basis steps that could be taken to prevent or reduce the
22 harmful consequences of disasters, emergencies, and civil defense
23 emergencies. At his or her direction and pursuant to any other
24 authority and competence they have, state agencies, including, but
25 not limited to, those charged with responsibilities in connection

1 with flood plain management, stream encroachment and flow regulation,
2 fire prevention and control, air quality, public works, land use and
3 land-use planning, and construction standards, shall make studies of
4 prevention-related matters. The Governor, from time to time, shall
5 make such recommendations to the Legislature, local governments, and
6 other appropriate public and private entities as may facilitate
7 measures for prevention or mitigation of the harmful consequences of
8 disasters, emergencies, and civil defense emergencies. The
9 recommendations submitted to the Legislature shall be submitted
10 electronically.

11 (2) The appropriate state agencies, in conjunction with
12 the Nebraska Emergency Management Agency, shall keep land uses and
13 construction of structures and other facilities under continuing
14 study and identify areas which are particularly susceptible to severe
15 land shifting, subsidence, flood, or other catastrophic occurrence.
16 The studies under this subsection shall concentrate on means of
17 mitigating or avoiding the dangers caused by any such occurrence or
18 the consequences thereof.

19 (3) If the agency believes on the basis of the studies or
20 other competent evidence that an area is susceptible to a disaster,
21 emergency, or civil defense emergency of catastrophic proportions
22 without adequate warning, that existing building standards and land-
23 use controls in that area are inadequate and could add substantially
24 to the magnitude thereof, and that changes in zoning regulations,
25 other land-use regulations, or building requirements are essential in

1 order to further the purposes of this section, it shall specify the
2 essential changes to the Governor. If the Governor upon review of the
3 recommendation finds after public hearing that the changes are
4 essential, he or she shall so recommend to the agencies or local
5 governments with jurisdiction over the area and subject matter. If no
6 action or insufficient action pursuant to his or her recommendations
7 is taken within the time specified by the Governor, he or she shall
8 so inform the Legislature electronically and request appropriate
9 legislative action to mitigate the impact of a disaster, emergency,
10 or civil defense emergency.

11 (4) The Governor, at the same time that he or she makes
12 recommendations pursuant to subsection (3) of this section, may
13 suspend the standard or control which he or she finds to be
14 inadequate to protect the public safety and by regulation place a new
15 standard or control in effect. The new standard or control shall
16 remain in effect until rejected by resolution of the Legislature or
17 amended by the Governor. During the time it is in effect, the
18 standard or control contained in the Governor's regulation shall be
19 administered and given full effect by all relevant regulatory
20 agencies of the state and local governments to which it applies. The
21 Governor's action shall be subject to judicial review but shall not
22 be subject to temporary stay pending litigation.

23 Sec. 171. Section 81-829.47, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 81-829.47 (1) If the Governor finds that two or more

1 adjoining counties would be better served by an interjurisdictional
2 emergency management arrangement than by maintaining separate
3 emergency management organizations and services, he or she may
4 delineate by order or regulation an interjurisdictional area adequate
5 to plan for, prevent, or respond to a disaster, emergency, or civil
6 defense emergency in that area and direct such steps to be taken as
7 are necessary, including the creation of an interjurisdictional
8 emergency management relationship, a joint emergency operations plan,
9 mutual aid, or an interjurisdictional emergency management
10 organization. A finding of the Governor pursuant to this subsection
11 shall be based on one or more factors related to the difficulty of
12 maintaining an efficient and effective disaster prevention,
13 mitigation, preparedness, response, and recovery and emergency
14 management system without such interjurisdictional arrangement, such
15 as:

16 (a) Small or sparse population;

17 (b) Limitations on public financial resources severe
18 enough to make maintenance of separate emergency management
19 organizations and services unreasonably burdensome;

20 (c) Unusual vulnerability to disaster, emergency, or
21 civil defense emergency as evidenced by past history, topographical
22 features, drainage characteristics, potential for disaster,
23 emergency, or civil defense emergency, and presence of facilities or
24 operations prone to disaster, emergency, or civil defense emergency;

25 (d) The interrelated character of the counties in a

1 multicounty area; or

2 (e) Other relevant conditions or circumstances.

3 (2) If the Governor finds that a vulnerable area lies
4 only partly within this state and includes territory in another state
5 or states and that it would be desirable to establish an interstate
6 relationship, mutual aid, or an interstate emergency management
7 organization, he or she shall take steps to that end as desirable. If
8 this action is taken with jurisdictions that have enacted the
9 Interstate Civil Defense and Disaster Compact, any resulting
10 agreements may be considered supplemental agreements pursuant to
11 Article 6 of that compact.

12 (3) If the other jurisdictions with which the Governor
13 proposes to cooperate pursuant to subsection (2) of this section have
14 not enacted the compact, he or she may negotiate special agreements
15 with the jurisdictions. Any agreement, if sufficient authority for
16 the making thereof does not otherwise exist, shall become effective
17 only after its text has been communicated electronically to the
18 Legislature and if the Legislature has not disapproved it prior to
19 adjournment of the next session competent to consider it or within
20 thirty days of its submission, whichever is later.

21 Sec. 172. Section 81-829.56, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 81-829.56 (1) This state hereby enacts into law and
24 enters into the Interstate Civil Defense and Disaster Compact with
25 all states bordering this state which have enacted or shall hereafter

1 enact the compact in the form substantially as adopted in this state.

2 (2) The Governor may enter into the compact with any
3 state which does not border this state if he or she finds that joint
4 action with the state is desirable in meeting common
5 intergovernmental problems of emergency disaster planning,
6 prevention, response, and recovery.

7 (3) Nothing in subsections (1) and (2) of this section
8 shall be construed to limit previous or future entry into the
9 Interstate Civil Defense and Disaster Compact of this state with
10 other states.

11 (4) If any person holds a license, certificate, or other
12 permit issued by any state or political subdivision thereof
13 evidencing the meeting of qualifications for professional,
14 mechanical, or other skills, the person may render aid involving that
15 skill in this state to meet an emergency or disaster and this state
16 shall give due recognition to the license, certificate, or other
17 permit.

18 (5) In addition to the Interstate Civil Defense and
19 Disaster Compact, the Governor may enter into and execute on behalf
20 of the State of Nebraska mutual aid agreements or emergency
21 preparedness compacts with other states. Any such agreement or
22 compact shall provide for reimbursement of all costs incurred by the
23 State of Nebraska for actions taken in another state, for
24 indemnification of the State of Nebraska and its employees against
25 all claims, costs, or fees arising from actions taken in another

1 state, and for termination of the agreement or assistance as
2 necessary to meet disasters, emergencies, or other needs of the State
3 of Nebraska. Any mutual aid agreement or emergency preparedness
4 compact other than the Interstate Civil Defense and Disaster Compact
5 which does not meet the requirements specified in this subsection
6 shall be submitted electronically to the Legislature for approval by
7 the Legislature before it can become effective.

8 Sec. 173. Section 81-830, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 81-830 (1) The Office of Homeland Security is created.
11 The Governor shall appoint the Director of State Homeland Security
12 who shall serve at the pleasure of the Governor.

13 (2) The purpose of the office is to ensure preparedness
14 by the State of Nebraska in response to terrorist acts. The office
15 shall coordinate efforts regarding domestic security issues with the
16 United States Department of Homeland Security. The Director of State
17 Homeland Security shall serve as the contact between the state and
18 the United States Department of Homeland Security.

19 (3)(a) The Homeland Security Policy Group is created. The
20 Director of State Homeland Security shall serve as chairperson of the
21 policy group. The policy group is charged with assessing strategic
22 alternatives and recommending broad courses of action for the
23 development of comprehensive strategies. The Governor shall appoint
24 other members of the policy group who shall serve at the will of the
25 Governor. The Executive Board of the Legislative Council shall select

1 one member of the Government, Military and Veterans Affairs Committee
2 and one member of the Appropriations Committee of the Legislature to
3 serve as ex officio nonvoting members of the policy group.

4 (b) The policy group shall report electronically by March
5 1 of each year to the executive board identifying federal funds sent
6 to the state in support of its preparedness activities and indicating
7 the use of federal funds received by the state for homeland security,
8 including specific amounts allocated to any unit of state or local
9 government and the use to which the unit shall apply the funds.

10 (c) The policy group shall not be subject to the Open
11 Meetings Act or to sections 84-712 to 84-712.09.

12 Sec. 174. Section 81-8,226, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 81-8,226 The Risk Manager shall report electronically to
15 the Clerk of the Legislature all claims and judgments paid under the
16 State Tort Claims Act. Such report shall include the name of each
17 claimant, a statement of the amount claimed and the amount awarded,
18 and a brief description of the claim including the agency and program
19 or activity under which the claim arose. Each member of the
20 Legislature shall receive ~~a~~an electronic copy of such report by
21 making a request for it to the Risk Manager.

22 Sec. 175. Section 81-8,239.02, Revised Statutes
23 Supplement, 2011, is amended to read:

24 81-8,239.02 The following separate permanent revolving
25 funds are established in the state treasury for use under the Risk

1 Management Program according to the purposes for which each fund is
2 established:

3 (1) The State Insurance Fund is hereby created for the
4 purpose of purchasing insurance to cover property, fidelity, and
5 liability risks of the state and workers' compensation claims against
6 the state and other risks to which the state or its agencies,
7 officials, or employees are exposed and for paying related expenses,
8 including the costs of administering the Risk Management Program. The
9 fund may receive deposits from assessments against state agencies to
10 provide insurance coverage as directed by the Risk Manager. The Risk
11 Manager may retain in the fund sufficient money to pay for any
12 deductibles, self-insured retentions, or copayments as may be
13 required by such insurance policies and Risk Management Program
14 expenses;

15 (2) The State Self-Insured Property Fund is hereby
16 created for the purpose of replacing, repairing, or rebuilding state
17 property which has incurred damage or is suffering other loss not
18 fully covered by insurance and for paying related expenses. The fund
19 may receive deposits from assessments against state agencies to
20 provide property coverage as directed by the Risk Manager. The Risk
21 Manager may assess state agencies to provide self-insured property
22 coverage;

23 (3) The State Self-Insured Indemnification Fund is hereby
24 created for the purpose of paying indemnification claims under
25 section 81-8,239.05. Indemnification claims shall include payments

1 for awards, settlements, and associated costs, including appeal bonds
2 and reasonable costs associated with a required appearance before any
3 tribunal. The fund may receive deposits from assessments against
4 state agencies to pay for the costs associated with providing and
5 supporting indemnification claims. The creation of this fund shall
6 not be interpreted as expanding the liability exposure of the state
7 or its agencies, officials, or employees; and

8 (4) The State Self-Insured Liability Fund is hereby
9 created for the purpose of paying compensable liability and fidelity
10 claims against the state or its agencies, officials, or employees
11 which are not fully covered by insurance and for which there is
12 insufficient agency funding and for which a legislative appropriation
13 is made under the provisions of section 81-8,239.11. The creation of
14 this fund shall not be interpreted as expanding the liability
15 exposure of the state or its agencies, officials, or employees. The
16 Risk Manager shall report electronically all claims and judgments
17 paid from the State Self-Insured Liability Fund to the Clerk of the
18 Legislature annually. The report shall include the name of the
19 claimant, the amount claimed and paid, and a brief description of the
20 claim, including any agency, program, and activity under which the
21 claim arose. Any member of the Legislature may receive ~~a~~an
22 electronic copy of the report by making a request to the Risk
23 Manager.

24 Sec. 176. Section 81-8,239.05, Reissue Revised Statutes
25 of Nebraska, is amended to read:

1 81-8,239.05 (1) The State of Nebraska shall indemnify its
2 officials and employees and its past officials and employees for
3 money damages and reasonable costs incurred as a result of an act or
4 omission occurring in the course and scope of employment of such
5 official or employee after May 22, 1981. Such official's or
6 employee's right to indemnification shall include the payments of
7 awards, settlements, and associated costs, including appeal bonds and
8 reasonable costs associated with a required appearance before any
9 tribunal.

10 (2) Subsection (1) of this section shall not apply in
11 case of malfeasance in office or willful or wanton neglect of duty.
12 This section shall not be interpreted as an expansion of any state
13 official's or employee's personal liability.

14 (3) The Attorney General shall notify the Risk Manager
15 when an official or employee is being represented by the Attorney
16 General or has engaged competent counsel approved by the Attorney
17 General. The reasonable costs of litigation, including appeal bonds,
18 or the reasonable costs of any appearance before any tribunal shall
19 be paid by the Risk Manager from the State Self-Insured
20 Indemnification Fund.

21 (4) The Attorney General shall file copies of all awards
22 and settlements and any final court approval with the Risk Manager
23 and shall request that the Risk Manager make the required payments,
24 if funds are available, from the State Self-Insured Indemnification
25 Fund, except that any portion of an award or settlement which is for

1 punitive damages may only be paid with the approval of the
2 Legislature. The official or employee may file a claim under the
3 State Miscellaneous Claims Act if payment is not made.

4 (5) The Risk Manager shall report electronically all
5 claims and judgments paid from the State Self-Insured Indemnification
6 Fund to the Clerk of the Legislature annually. The report shall
7 include the name of the claimant, the amount claimed and paid, and a
8 brief description of the claim, including any agency, program, and
9 activity under which the claim arose. Any member of the Legislature
10 may receive ~~a~~ an electronic copy of the report by making a request to
11 the Risk Manager.

12 Sec. 177. Section 81-8,251, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 81-8,251 In addition to whatever reports he or she may
15 make from time to time, the Public Counsel shall on or about February
16 15 of each year report to the Clerk of the Legislature and to the
17 Governor concerning the exercise of his or her functions during the
18 preceding calendar year. The report submitted to the Clerk of the
19 Legislature shall be submitted electronically. In discussing matters
20 with which he or she has dealt, the Public Counsel need not identify
21 those immediately concerned if to do so would cause needless
22 hardship. So far as the annual report may criticize named agencies or
23 officials, it must include also their replies to the criticism. Each
24 member of the Legislature shall receive ~~a~~ an electronic copy of such
25 report by making a request for it to the Public Counsel.

1 Sec. 178. Section 81-8,300, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-8,300 (1) After investigation, the Risk Manager or
4 State Claims Board shall either approve, approve with conditions or
5 limitations, or disapprove of each claim or request and append to the
6 claim or request a concise statement of the facts brought out in such
7 investigation upon which its approval or disapproval is based. If any
8 claim is approved in an amount of more than five thousand dollars,
9 the approval of the board is required. Such claim or request,
10 together with the original papers supporting it and the appended
11 statement, shall be filed with the Risk Manager in the manner
12 prescribed by the State Claims Board. The Risk Manager shall promptly
13 notify each claimant of the decision by the Risk Manager or State
14 Claims Board on his or her claim by regular mail. The notification
15 shall include ~~(1)~~ (a) the decision of the Risk Manager or State
16 Claims Board, ~~(2)~~ (b) a statement that a claimant dissatisfied with
17 the decision of the Risk Manager may have his or her claim reviewed
18 by the board or a statement that a claimant dissatisfied with the
19 decision of the board may have his or her claim reviewed by the
20 Legislature upon application, ~~(3)~~ (c) the procedure for making an
21 application for review, and ~~(4)~~ (d) the time limit for making such
22 application.

23 (2) If the claimant is dissatisfied with the decision of
24 the Risk Manager, he or she may file an application for review by the
25 board. If the claimant is dissatisfied with the decision of the

1 board, he or she may file an application for review by the
2 Legislature. The application for review shall be filed with the Risk
3 Manager in the manner prescribed by the board. The application for
4 review shall be filed within sixty days after the date of the
5 decision which is being reviewed.

6 (3) Each claim which has been approved or for which an
7 application for review with the Legislature has been filed and each
8 request referred to in section 81-8,297 shall be delivered
9 electronically by the Risk Manager to the chairperson of the Business
10 and Labor Committee of the Legislature at the next regular session of
11 the Legislature convening after the date of the decision of the
12 board. The Risk Manager may direct the payment by the state agency
13 involved of any claim not in excess of five thousand dollars if such
14 payment is agreed to by the head of the agency involved. The State
15 Claims Board may direct payment by the state agency involved of any
16 claim not in excess of fifty thousand dollars if such payment is
17 agreed to by the head of the agency involved and the agency has
18 sufficient funds to pay the claim. If claims approved by the Risk
19 Manager or State Claims Board arise out of the same facts and
20 circumstances, they shall be aggregated. If the Risk Manager or State
21 Claims Board does not direct the payment of a claim as set forth in
22 this section or the claim exceeds the dollar limitations set forth in
23 this section, the claim shall be reviewed by the Legislature and an
24 appropriation made therefor if appropriate. The Risk Manager shall
25 report electronically all claims and judgments paid under the State

1 Miscellaneous Claims Act to the Clerk of the Legislature and the
2 ~~Chairperson~~chairperson of the Business and Labor Committee of the
3 Legislature. The report shall include the name of the claimant, a
4 statement of the amount claimed and paid, and a brief description of
5 the claim including the agency and program or activity under which
6 the claim arose. Any member of the Legislature may receive aan
7 electronic copy of the report by making a request to the Risk
8 Manager.

9 Sec. 179. 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. 180. 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. 181. 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 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. 182. 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 the~~
21 Legislature which shall render its approval or rejection before any
22 liability whatsoever for the consummation of such plan shall be fixed
23 or made. Neither the Board of Regents of the University of Nebraska
24 nor the administrator shall expend any money, nor shall the
25 provisions of this section be construed to authorize the expenditure

1 of any public funds whatsoever, except for the preliminary survey
2 incident to the formation of such improvement plans, until the same
3 shall have been authorized by a specific appropriation of the
4 Legislature for the purpose based on the tentative plans so
5 formulated and submitted to the Legislature as contemplated in this
6 section.

7 Sec. 183. Section 81-1108.33, Revised Statutes
8 Supplement, 2011, is amended to read:

9 81-1108.33 (1) It is the intent of the Legislature that
10 the state will not assume responsibility for the substandard
11 construction, repair, or maintenance of, or for the excessive
12 maintenance or repair costs for, real property, structures, or
13 improvements which will be made available by gift, bequest, or devise
14 to or acquired with the proceeds of donations, gifts, bequests,
15 devises, or grants from an individual, an organization, a
16 corporation, a foundation, or a similar entity or from a nonfederal
17 governmental agency by any state agency, board, or commission.
18 Therefor, prior to any construction, repair, or maintenance work on
19 such real property, structure, or improvement, the state building
20 division and the Task Force for Building Renewal shall review the
21 plans, specifications, other construction or repair documents, and
22 potential maintenance requirements as a requirement for acceptance or
23 acquisition by the state of such real property, structure, or
24 improvement.

25 (2)(a) Any gift of, bequest of, or devise of real

1 property, a structure, or an improvement proposed to be made
2 available to any state agency, board, or commission and any
3 acquisition of real property, a structure, or an improvement with the
4 proceeds of a donation, gift, bequest, devise, or grant from an
5 individual, an organization, a corporation, a foundation, or a
6 similar entity or from a nonfederal governmental agency shall be
7 reviewed by the state building division and the Task Force for
8 Building Renewal pursuant to sections 81-176, 81-1108.15, and
9 81-1114. Such review shall include any potential matching of state
10 funds, any plans, specifications, and other construction or repair
11 documents reviewed pursuant to subsection (1) of this section, and
12 any potential maintenance requirements as a condition of acceptance
13 or acquisition. Subsequent to such review, the state building
14 division and the task force shall submit a report to the Governor,
15 the Committee on Building Maintenance, and the Legislative Fiscal
16 Analyst including a summary of the review of the plans,
17 specifications, and other construction or repair documents and
18 potential maintenance requirements and outlining the terms and
19 conditions of the proposed gift, bequest, devise, or acquisition
20 along with its recommendation. The report submitted to the committee
21 and the Legislative Fiscal Analyst shall be submitted electronically.

22 (b) Any proposed gift of, bequest of, or devise of real
23 property, a structure, or an improvement in excess of ten thousand
24 dollars shall be approved by the Governor and the Legislature prior
25 to acceptance and any acquisition of real property, a structure, or

1 an improvement with the proceeds of a donation, gift, bequest,
2 devise, or grant from an individual, an organization, a corporation,
3 a foundation, or a similar entity or from a nonfederal governmental
4 agency shall be approved by the Governor and Legislature prior to
5 such acquisition. If the Legislature is not in session, the Executive
6 Board of the Legislative Council, after recommendation by the
7 Committee on Building Maintenance, may approve such gift, bequest,
8 devise, or acquisition along with the Governor.

9 (c) No construction or other work related to the proposed
10 gift, bequest, devise, or acquisition shall be initiated prior to
11 receiving the approval required by this section.

12 (3) For purposes of this section, gift of, bequest of, or
13 devise of (a) real property, (b) a structure, or (c) an improvement
14 shall include, but not be limited to, a donation of, gift of, bequest
15 of, devise of, or grant of (i) real property, (ii) a structure, or
16 (iii) an improvement from an individual, an organization, a
17 corporation, a foundation, or a similar entity or from a nonfederal
18 governmental agency. For purposes of this section, gift, bequest, or
19 devise shall not include a donation, gift, bequest, devise, or grant
20 of tangible or intangible personal property.

21 (4) This section shall not apply to the University of
22 Nebraska or any Nebraska state college, since these agencies are
23 subject to and participate in statewide facilities planning developed
24 by the Coordinating Commission for Postsecondary Education pursuant
25 to the Coordinating Commission for Postsecondary Education Act.

1 Sec. 184. Section 81-1108.41, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-1108.41 (1) The division shall cause a state
4 comprehensive capital facilities plan to be developed. The plan shall
5 project the state's facilities needs for a period of six years and
6 shall be based on programmatic projections and input from each state
7 agency. To aid in the development of the plan, the Governor shall
8 appoint a State Comprehensive Capital Facilities Planning Committee
9 with representatives from various state agencies. The committee shall
10 develop and adopt comprehensive planning guidelines and a process of
11 project prioritization. The state comprehensive capital facilities
12 plan shall be submitted electronically to the Committee on Building
13 Maintenance for review before such plan shall be submitted to the
14 Governor and the Legislative Fiscal Analyst on or before November 15
15 prior to the beginning of each biennium. The plan submitted to the
16 Legislative Fiscal Analyst shall be submitted electronically. The
17 plan shall be based on priorities developed by the State
18 Comprehensive Capital Facilities Planning Committee. The University
19 of Nebraska and any Nebraska state college shall not be required to
20 comply with or be subject to the provisions of this section since
21 these agencies are subject to and participate in statewide facilities
22 planning developed by the Coordinating Commission for Postsecondary
23 Education pursuant to the Coordinating Commission for Postsecondary
24 Education Act.

25 (2) An appropriation for drawings and construction may be

1 made only after submission of an acceptable program statement on or
2 before September 15 of the year previous to the initiation of such
3 appropriation. Such program statement shall include, but not be
4 limited to, (a) an assessment of the compatibility of the project
5 with the state comprehensive capital facilities plan and the agency
6 or departmental comprehensive capital facilities plan, (b) the
7 identification of the impact of the project on the space utilization
8 of other facilities under the control of the agency or department,
9 and (c) the identification of the future impact on the agency or
10 departmental programmatic needs, demand for utilities in excess of
11 current capacity, parking needs, street and road needs, and site
12 acquisition needs. Such program statement shall be submitted to the
13 division and the Legislative Fiscal Analyst. The program statement
14 submitted to the Legislative Fiscal Analyst shall be submitted
15 electronically.

16 (3) No contract for the planning, design, or construction
17 of a new facility or major modification or repair of an existing
18 facility provided for by any state appropriation may be initiated
19 unless an acceptable program statement has been approved by the
20 Governor, the agency or department has submitted to the division a
21 certificate from the Committee on Building Maintenance that there is
22 no state-owned property which is adequate or which through cost-
23 effective renovation, as determined by the division, could be made
24 adequate to meet the agency's or department's needs, and the
25 conditions of the contracts are approved in writing by the division,

1 except that the provisions of this section shall not apply to
2 projects when the total design and construction cost of the project
3 is less than the limit established by the division. Such program
4 statements and contracts shall be reviewed by the division.

5 (4) The division shall file a written report on each
6 program statement and contract reviewed with the Governor and the
7 Legislative Fiscal Analyst. The report submitted to the Legislative
8 Fiscal Analyst shall be submitted electronically. This report shall
9 cover the consistency of the project with the state comprehensive
10 capital facilities plan and the agency or departmental comprehensive
11 capital facilities plan. A subsequent review and report upon
12 completion of the planning or design phase of the project shall
13 indicate the compatibility of the project with the agency or
14 departmental comprehensive capital facilities plan, compare the
15 probable cost of the project with accepted cost standards for similar
16 construction projects, and review the relationship of the project to
17 other state agency or departmental capital facilities in the same
18 complex.

19 Sec. 185. Section 81-1114, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 81-1114 The building division shall have the following
22 powers, duties, and responsibilities:

23 (1) Shall prepare, for submittal to the Governor and to
24 the office of the Legislative Fiscal Analyst, analyses of the cost of
25 every desired land and building acquisition, new building

1 construction, either underway or proposed, major repair or remodeling
2 of new, newly acquired, or existing buildings, and each and every
3 structural improvement to land, utilities, roads, walks, and parking
4 lots, costing four hundred thousand dollars or more, but excluding
5 right-of-way projects of the Department of Roads. The analyses
6 submitted to the Legislative Fiscal Analyst shall be submitted
7 electronically. The Department of Administrative Services shall
8 adjust the dollar amount in this section every four years beginning
9 January 1, 2002, to account for inflationary and market changes. The
10 adjustment shall be based on percentage changes in a construction
11 cost index and any other published index relevant to operations and
12 utilities costs, as selected by the department;

13 (2) Shall record the relationship between the proposed
14 capital facilities and the individual or departmental agencies'
15 operating programs with particular attention to needs of immediate or
16 future operations of the department or agency submitting such plan;

17 (3) Shall make recommendations to the Governor, the
18 committee of the Legislature which shall from time to time have
19 responsibility for preparing recommendations for appropriations, and
20 the individual department or agency concerned, on the probable costs
21 of such acquisition, construction, repair, or remodeling. The
22 recommendations submitted to the committee shall be submitted
23 electronically; and

24 (4) Shall require the submission by each department and
25 agency of the state of copies of all written contracts for

1 acquisition, construction, repair, or remodeling, including federal
2 contracts, before such contracts are executed by the executive
3 officer of the state authorized to execute such contracts, and shall
4 maintain copies of such contracts on file for inspection by the
5 Legislative Fiscal Analyst.

6 Sec. 186. Section 81-1114.01, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 81-1114.01 Each department and agency of the state prior
9 to submitting a capital construction project request in excess of
10 four hundred thousand dollars shall cause to be prepared a
11 comprehensive capital facilities plan. Such plan shall include, but
12 not be limited to, a projection of future programmatic needs,
13 analysis of existing facilities and the utilization of such
14 facilities, and identification of projects to meet those projected
15 programmatic needs, including addition to, or renovation or
16 replacement of, existing space, parking, streets, and utilities. The
17 comprehensive capital facilities plan shall be updated or revised
18 when a major capital construction project requested for funding is
19 not in compliance with such plan or when revisions in projected
20 programmatic needs would significantly affect the comprehensive
21 capital facilities plan. Such plans and any updates or revisions
22 shall be submitted to the state building division and the Legislative
23 Fiscal Analyst. The plans and any updates or revisions submitted to
24 the Legislative Fiscal Analyst shall be submitted electronically.
25 Such plans and revisions or updates shall be prepared in accordance

1 with rules and regulations adopted and promulgated by the state
2 building division. The Department of Administrative Services shall
3 adjust the dollar amount in this section every four years beginning
4 January 1, 2002, to account for inflationary and market changes. The
5 adjustment shall be based on percentage changes in a construction
6 cost index and any other published index relevant to operations and
7 utilities costs, as selected by the department.

8 Sec. 187. Section 81-1114.02, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 81-1114.02 Any state agency, prior to bidding a capital
11 construction project with a total project cost exceeding the limit
12 established by the Department of Administrative Services in
13 accordance with section 81-1114.01, shall submit proposed
14 construction documents to the state building division for review. The
15 state building division shall review the construction documents and
16 submit comments to the budget division, the Legislative Fiscal
17 Analyst, and the affected agencies. The comments submitted to the
18 Legislative Fiscal Analyst shall be submitted electronically.
19 Comments shall include identification of possible cost and design
20 alternatives and a determination whether the construction documents
21 are consistent with approved program statements. The state building
22 division shall, by rules and regulations, establish the elements to
23 be included in the construction documents. Comments and reviews of
24 construction documents shall be completed within thirty days after
25 such documents are submitted to the state building division. No funds

1 shall be expended on actual construction until construction documents
2 have been approved by the state building division. A copy of the
3 approval or disapproval shall be forwarded to the requesting agency,
4 the budget division, and the Legislative Fiscal Analyst. The copy
5 submitted to the Legislative Fiscal Analyst shall be submitted
6 electronically.

7 Sec. 188. Section 81-1117, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 81-1117 (1) As used in this section, unless the context
10 otherwise requires, information management includes, but is not
11 limited to:

12 (a) Mainframe computers, minicomputers, microprocessors,
13 word processors, and desktop computers;

14 (b) Any peripheral device to be used with the equipment
15 listed in subdivision (1)(a) of this section for such purposes as
16 data input and output, data storage, or data communications;

17 (c) Any code or program to control the operation of the
18 equipment or devices listed in subdivision (1)(a) or (1)(b) of this
19 section; and

20 (d) Employment of professional expertise for computer
21 system design, operations, or program development.

22 (2) Subject to review and approval by the Chief
23 Information Officer, the information management services
24 administrator shall have the following powers, duties, and
25 responsibilities:

1 (a) He or she may review the accounting and other records
2 and reporting systems of all divisions within the Department of
3 Administrative Services and within every other department and agency
4 of the state;

5 (b) He or she shall systematically review the potential
6 application of information management to any work performed outside
7 the information management services division or by any department or
8 agency of the state or any subdivision of any department or agency of
9 the state, and if the costs of mechanizing such work will not exceed
10 present costs or if efficiencies may be achieved, he or she may
11 accept responsibility for the performance of such work. He or she may
12 also review computer applications being used to determine if revision
13 or deletion of computer applications would be beneficial. The
14 findings of reviews made pursuant to this subdivision shall be
15 reported to the Governor and the Legislative Fiscal Analyst. The
16 findings submitted to the Legislative Fiscal Analyst shall be
17 submitted electronically;

18 (c) He or she may, with the approval of the Chief
19 Information Officer, make such revisions to internal systems for
20 production of accounting and other reports as may be necessary to
21 permit economical undertaking of work to be performed by the
22 information management services division for any agency or department
23 of the state;

24 (d) He or she shall organize the information management
25 services division to provide system review, system design,

1 feasibility studies, and machine reviews;

2 (e) He or she may review the operations of information
3 management installations as may exist in any department or agency of
4 the state and may cause such operations to be merged with those of
5 the information management services division in the event that a cost
6 analysis shows that economic advantage may be achieved. He or she may
7 permit the establishment of departmental or agency information
8 management operations in any department or agency of the state if his
9 or her analysis of feasibility shows a potential economy or a
10 substantial convenience for the state incident to such separate
11 establishment. No state agency shall hire, purchase, lease, or rent
12 any information management item listed in subsection (1) of this
13 section without the written approval of the information management
14 services administrator. All new computer programs developed or
15 acquired for use with information management equipment of any state
16 agency shall be documented according to standards developed or
17 approved by the information management services administrator;

18 (f) He or she shall prepare a budget in sufficient time
19 in advance of the statutory date for submittal of budget requests by
20 departments and agencies of the state as to permit each department
21 and agency for which services are performed, or are to be performed
22 during the request budget period, to be informed of the cost of
23 maintaining the current fiscal year's production work for inclusion
24 within their respective budget requests;

25 (g) He or she shall provide for a system of charges for

1 services rendered by the information management services division to
2 any other department or agency of the state when these charges are
3 allocable to a particular project carried on by such department or
4 division. Such standard rate charges shall, as nearly as may be
5 practical, reflect the actual costs incurred in the performance of
6 services for such department or agency. Such system of charges shall
7 be annually reviewed by the Legislature's Committee on
8 Appropriations. Rates planned for the coming fiscal year shall be
9 included in the instructions for completion of budget request forms
10 as annually prepared by the Department of Administrative Services
11 budget division. If rate revisions are required during the fiscal
12 year to reflect changes in the information management services
13 division's operating costs, these revisions shall be announced to
14 state agencies at least thirty days prior to their use in billing
15 these agencies for service. Miscellaneous supplies shall be billed to
16 using agencies at actual cost. Equipment used primarily by one agency
17 for special applications shall be billed to that agency at actual
18 cost. In the event of saturation of the information management
19 services division with the resulting need for contractual support to
20 be furnished by another information management installation, agencies
21 shall be billed at actual cost. The charges received by the
22 department for information management services shall be credited to a
23 fund hereby created which shall be known as the Information
24 Management Revolving Fund. Expenditures shall be made from such fund
25 to finance the operations of the information management services

1 division in accordance with appropriations made by the Legislature.
2 Any money in the Information Management Revolving Fund available for
3 investment shall be invested by the state investment officer pursuant
4 to the Nebraska Capital Expansion Act and the Nebraska State Funds
5 Investment Act;

6 (h) He or she may provide information management services
7 and technical assistance to any subdivision of government as provided
8 for under the Interlocal Cooperation Act or the Joint Public Agency
9 Act;

10 (i) He or she shall provide for the centralization of all
11 administrative work, including that of educational institutions, into
12 the information management services division;

13 (j) He or she shall provide definitions of standards and
14 common data elements, coordinate the collection of data, consolidate
15 data files or data banks, and review and approve or disapprove the
16 establishment of separate data banks; and

17 (k) He or she shall provide assistance as requested by
18 the Nebraska Information Technology Commission to support the
19 technical panel created in section 86-521.

20 Each member of the Legislature shall receive a ~~an~~
21 electronic copy of the report required by subdivision (2)(b) of this
22 section by making a request for it to the administrator.

23 Sec. 189. Section 81-1120.15, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 81-1120.15 The Director of Communications shall have the

1 following powers, duties, and responsibilities:

2 (1) To provide the Legislature and the Governor technical
3 assistance, advice, and information concerning the financial and
4 administrative operations of the communications systems of all
5 agencies of the state;

6 (2) To provide the Legislature and the Governor
7 recommendations for dealing with financial, management, and
8 organizational problems affecting the communications systems and
9 services of the state, its departments and agencies. The
10 recommendations submitted to the Legislature shall be submitted
11 electronically;

12 (3) To make inquiries of the agencies as to their
13 communications charges and prepare cost comparisons to insure that
14 uniformity, efficiency, and equality be achieved within the
15 communications system;

16 (4) To make recommendations to the agencies pertaining to
17 revisions to internal systems as may be necessary to promote
18 frugality and economy in the communications system; and

19 (5) To provide services such as system review, system
20 design, feasibility studies, equipment reviews, and for long-range
21 planning and management service within the division of
22 communications.

23 Sec. 190. Section 81-1120.16, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 81-1120.16 It shall be the duty of the director to

1 consult each department, office, board, bureau, commission, or
2 institution in the state for which money is to be appropriated and
3 expended for communications services, equipment, or facilities,
4 including the executive and judicial departments, state colleges,
5 university, and state institutions. The director shall make or cause
6 to be made under his or her supervision an investigation to determine
7 whether the appropriations are being judiciously and economically
8 expended for the purposes for which they were made and shall transmit
9 to the Governor, the Legislative Fiscal Analyst, and the expending
10 agency a complete report of each such investigation. The report
11 submitted to the Legislative Fiscal Analyst shall be submitted
12 electronically. In making such investigations he or she shall, at all
13 reasonable times, have access to the offices of all state
14 departments, boards, bureaus, commissions, and institutions and may,
15 for the purpose of obtaining information as to the operation and
16 communications needs thereof, examine the books, papers, and public
17 records therein, and the agencies shall, through their proper
18 officers, furnish such data, information, or statements as may be
19 requested of them.

20 Sec. 191. Section 81-1125.01, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 81-1125.01 It shall be the duty of the Director of
23 Administrative Services to digest, prepare, and report to the
24 Governor, the ~~of the state,~~ Tax Commissioner, and the Clerk of the
25 Legislature, at least twenty days before the commencement of each

1 regular session of the Legislature:

2 (1) A full and detailed statement of the condition of the
3 treasury, and the amount of the expenditures for the last fiscal
4 year;

5 (2) A full and detailed statement of the public debt,
6 showing fully all liabilities and resources of the state; and

7 (3) Such plans as he or she may deem expedient for (a)
8 the support of public credit, (b) lessening the public expenses, (c)
9 using the public money to the best advantage, (d) promoting frugality
10 and economy in public offices, and generally for the better
11 management and more perfect understanding of the fiscal affairs of
12 the state, and (e) securing uniformity and efficiency in the levying
13 and collecting of taxes, systematizing the work to be done by
14 officers having duties to perform under the revenue law.

15 The report submitted to the Clerk of the Legislature
16 shall be submitted electronically. Each member of the Legislature
17 shall receive a an electronic copy of the report required by this
18 section by making a request for it to the director.

19 Sec. 192. Section 81-1201.11, Revised Statutes
20 Supplement, 2011, is amended to read:

21 81-1201.11 The department shall:

22 (1) Serve as the lead state agency in the area of
23 economic development. The department shall develop a program to
24 promote coordination and cooperation within state government and with
25 institutions of higher education, local governments, other political

1 subdivisions of the state, and the private sector;

2 (2) Serve as a clearinghouse for information, data, and
3 other materials which may be helpful or necessary to the full
4 development of the state's economy, which may be relevant with regard
5 to the possibilities of future development in Nebraska, and which
6 will be of use to local governments, the Governor, other state
7 agencies, and the Legislature in discharging their responsibilities.
8 The department shall develop a program to ensure cooperation between
9 state agencies, the University of Nebraska, and other entities with
10 related economic information;

11 (3) Provide staff services when, in the opinion of the
12 director, such services are necessary and appropriate in the areas of
13 economic development to cities of the first class, cities of the
14 second class, and villages on a contractual basis when the terms of
15 such contracts can be mutually accepted;

16 (4) Assist the Governor in coordinating the efforts of
17 local governments to develop mutual and cooperative solutions to
18 their common problems; and

19 (5) Prepare annually a status report on the activities
20 and impacts of the department and its programs. The status report
21 shall include information detailing the status of all programs
22 administered by the department for which the Legislature requires
23 reporting. The status report shall be submitted to the Governor and
24 the Legislature on the first working day of July of each year. The
25 report submitted to the Legislature shall be submitted

1 electronically.

2 Sec. 193. Section 81-1201.13, Revised Statutes
3 Supplement, 2011, is amended to read:

4 81-1201.13 (1) The Travel and Tourism Division shall
5 develop a program to provide promotional services and technical
6 assistance to local governments and industry members and to ensure
7 the protection and development of Nebraska's attraction resources.

8 (2)(a) The department shall have an advisory committee to
9 provide regular consultation to the Travel and Tourism Division,
10 which committee shall be named the Travel and Tourism Division
11 Advisory Committee. Such advisory committee shall include, at a
12 minimum, one representative from the Game and Parks Commission, one
13 representative from the Nebraska Travel Association, one
14 representative from the Nebraska Hotel and Motel Association, one
15 representative from a tourism attraction that records at least two
16 thousand out-of-state visitors per year, and one representative from
17 the Nebraska Association of Convention and Visitors Bureaus.

18 (b) The Travel and Tourism Division Advisory Committee
19 shall develop a statewide strategic plan to cultivate and promote
20 tourism in Nebraska. The advisory committee shall adopt policy
21 criteria to be used in the development of the plan. The plan shall
22 include:

23 (i) A review of the existing and potential sources of
24 funding for tourism at the state and local levels;

25 (ii) A comprehensive inventory of local tourism boards,

1 the structure of such boards, and their funding;

2 (iii) Criteria for local tourism boards in terms of
3 appointments to such boards and for awarding grants by such boards at
4 the local level to ensure local resources are used to achieve the
5 greatest return;

6 (iv) An examination of other states' funding models for
7 tourism;

8 (v) Marketing strategies for promoting tourism;

9 (vi) A proposal for creating new or expanding existing
10 tourism capacity, which may include encouraging regional cooperation,
11 collaboration, or privatization; and

12 (vii) Recommended legislation or funding requirements.

13 (c) The department may hire a consultant to assist the
14 Travel and Tourism Division Advisory Committee in developing the
15 statewide strategic plan. The department may accept, in trust, any
16 gifts, devises, and bequests to be held and administered by the
17 department for the purposes of hiring a consultant. The advisory
18 committee shall prepare and present electronically the statewide
19 strategic plan to the Legislature by September 1, 2012.

20 (3) All advertising contracts awarded by the department
21 concerning travel and tourism shall be based on competitive bids.
22 Contracts shall be awarded to the lowest responsible bidder, taking
23 into consideration the best interests of the state, the quality of
24 performance of the services rendered, the conformity with
25 specifications, the purposes for which required, and the time of

1 completion, and with the consultation of the Travel and Tourism
2 Division Advisory Committee. In determining the lowest responsible
3 bidder, in addition to price, the following elements shall be given
4 consideration: (a) The ability, capacity, creativity, and skill of
5 the bidder to perform the contract required; (b) the character,
6 integrity, reputation, judgment, experience, and efficiency of the
7 bidder; (c) whether the bidder can perform the contract within the
8 time specified; (d) the quality of performance of previous contracts;
9 (e) the previous and existing compliance by the bidder with laws
10 relating to the contract; and (f) such other information as may be
11 secured having a bearing on the decision to award the contract. The
12 department shall advertise for bids for the awarding of contracts
13 concerning travel and tourism pursuant to sections 73-101 to 73-105.
14 At least thirty working days shall elapse between the time formal
15 bids are advertised for and the time of their opening. Contracts
16 shall be awarded within sixty working days after the bidding has been
17 closed. Each person submitting a bid shall, by certified mail, be
18 notified as to whom the contract was awarded.

19 Sec. 194. Section 81-12,142, Revised Statutes Supplement,
20 2011, is amended to read:

21 81-12,142 The department shall prepare and present
22 electronically a report to the Legislature by December 1, 2013, on
23 the Small Business Innovation Act that includes, but is not limited
24 to, businesses assisted, aggregate change in sales revenue, number of
25 jobs created, and range of newly created jobs that includes an

1 average wage.

2 Sec. 195. Section 81-12,151, Revised Statutes Supplement,
3 2011, is amended to read:

4 81-12,151 The Department of Economic Development shall
5 submit electronically an annual report regarding the Site and
6 Building Development Act to the Legislature no later than July 1 of
7 each year beginning July 1, 2012. The report shall contain no
8 information that is protected by state or federal confidentiality
9 laws.

10 Sec. 196. Section 81-12,166, Revised Statutes Supplement,
11 2011, is amended to read:

12 81-12,166 The department shall submit an annual report to
13 the Governor and the Legislature on or before July 1 of each year
14 which includes, but is not limited to, a description of the demand
15 for financial assistance and programs under the Business Innovation
16 Act from all geographic regions in Nebraska, a listing of the
17 recipients and amounts of financial assistance awarded pursuant to
18 the act in the previous fiscal year, the impact of the financial
19 assistance, and an evaluation of the act's performance based on the
20 documented goals of the recipients. The report submitted to the
21 Legislature shall be submitted electronically. The department may
22 require recipients to provide periodic performance reports to enable
23 the department to fulfill the requirements of this section. The
24 report shall contain no information that is protected by state or
25 federal confidentiality laws.

1 Sec. 197. Section 81-1307.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-1307.01 The Director of Personnel shall measure,
4 through the use of salary surveys, the competitive standing of state
5 salaries with salary levels of the labor market. The State Personnel
6 Board shall review the methodology and results of the survey. A
7 report of the survey findings, including the board's review, shall be
8 provided to the Legislature and the Governor along with the
9 recommendations regarding wages, hours, and terms and conditions of
10 employment for unorganized employees by the Chief Negotiator pursuant
11 to section 81-1376. The report submitted to the Legislature shall be
12 submitted electronically.

13 Sec. 198. Section 81-1360, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 81-1360 The administrator shall be the head of the
16 office. The administrator shall be given all necessary top management
17 support to insure that there is compliance with Nebraska's program
18 and shall be provided with sufficient staff and budget support to
19 carry out the duties of the office. The administrator shall:

20 (1) Have the authority and responsibility for
21 coordinating, directing, and implementing the program;

22 (2) Adopt and promulgate rules and regulations for the
23 implementation of the agencies' plans;

24 (3) Provide counseling and technical assistance to the
25 agencies in the development of their plans;

1 (4) Review agency plans and direct modification to insure
2 the effectiveness of the plans and their compliance with the program;

3 (5) Monitor the progress of agency plans by establishing
4 reporting forms as required by the program;

5 (6) Review the quarterly reports of the agencies;

6 (7) Monitor the progress of the program and report
7 quarterly to the Governor;

8 (8) Make formal recommendations for legislation, when
9 necessary, in order to make changes in the program;

10 (9) Serve as liaison between the state and federal
11 compliance agencies;

12 (10) Plan, coordinate, and conduct training in equal
13 employment opportunity, racial awareness, and concerns of women, the
14 disabled, and aging for all segments of the state government work
15 force;

16 (11) Coordinate the activities of the agency affirmative
17 action individual in each agency;

18 (12) Investigate any complaints involving unfair
19 treatment, terms and conditions of employment, or perceived acts or
20 policies involving discrimination;

21 (13) Conduct contract compliance reviews on all vendors,
22 grantees, and contractors who have programs or projects which are
23 funded in whole or in part by state funds;

24 (14) Coordinate the Disadvantage Business Enterprise and
25 Women Business Enterprise programs which are funded in whole or in

1 part by state or federal funds; and

2 (15) Submit an annual report to the Governor and
3 Legislature. The report submitted to the Legislature shall be
4 submitted electronically.

5 Sec. 199. Section 81-1376, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 81-1376 There is hereby created within the Department of
8 Administrative Services the Division of Employee Relations to be
9 headed by the Chief Negotiator who shall be appointed by, serve at
10 the pleasure of, and represent the Governor. The Director of
11 Administrative Services may serve as the Chief Negotiator. The
12 division shall be responsible for negotiating and administering all
13 labor contracts entered into by the State of Nebraska, except that
14 the division shall not be responsible for contracts entered into by
15 constitutional offices, the Board of Trustees of the Nebraska State
16 Colleges, and the Board of Regents of the University of Nebraska.

17 The Chief Negotiator shall for agencies within the
18 jurisdiction of the division:

19 (1) Negotiate or supervise the negotiations of labor
20 contracts on a statewide basis;

21 (2) Be responsible for the administration of all
22 collective-bargaining agreements, except that the Chief Negotiator
23 may delegate such responsibility to designated representatives who
24 may be employees of state agencies when the Chief Negotiator deems it
25 appropriate;

1 (3) Be vested with authority on all mandatory topics of
2 bargaining to negotiate the contracts. Contracts may adjust or change
3 rates of pay and other terms and conditions of employment that are
4 mandatory topics of bargaining pursuant to the Industrial Relations
5 Act and the State Employees Collective Bargaining Act;

6 (4) Make recommendations to the Governor and Legislature
7 regarding wages, hours, and conditions of employment for all
8 unorganized employees. The recommendations submitted to the
9 Legislature shall be submitted electronically;

10 (5) Consult with agency and department heads regarding
11 possible terms of labor contracts and administration of agreements
12 when appropriate; and

13 (6) Manage the day-to-day operations of the division.

14 The division and the Chief Negotiator may represent any
15 of the constitutional offices in labor contract negotiations and
16 administration of contracts if requested to do so by such offices by
17 resolution of the governing officer or body submitted to the Chief
18 Negotiator and affected collective-bargaining agent and filed with
19 the commission.

20 The responsibilities for negotiating contracts with
21 employees of the Nebraska state colleges and the University of
22 Nebraska shall not be exercised by the division and the Chief
23 Negotiator. The Board of Regents and the Board of Trustees of the
24 Nebraska State Colleges shall be responsible for negotiating
25 contracts with exclusive collective-bargaining agents for their

1 employees.

2 Sec. 200. Section 81-1384, Revised Statutes Supplement,
3 2011, is amended to read:

4 81-1384 On March 16, the Chief Negotiator, any appointed
5 negotiator for the Board of Regents, any appointed negotiator for the
6 Board of Trustees of the Nebraska State Colleges, and any appointed
7 negotiator for other constitutional offices shall report to the
8 Legislature and the Governor on the status of negotiations. The
9 report submitted to the Legislature shall be submitted
10 electronically. The Governor may amend his or her budget
11 recommendations accordingly.

12 Sec. 201. Section 81-1504.01, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 81-1504.01 The Department of Environmental Quality shall
15 provide the following information to the Governor and to the Clerk of
16 the Legislature by December 1 of each year:

17 (1) A report by type of service or aid provided by the
18 use and distribution of federal funds received by the department. The
19 report shall also include user fees, permit fees, license fees, and
20 application fees authorized by the federal Environmental Protection
21 Agency as follows:

22 (a) Actual expenditure of each grant or authorized fees
23 for the most recently completed state fiscal year, including state
24 matching funds;

25 (b) Current budget and planned use and distribution of

1 each grant and authorized fees for the current state fiscal year,
2 including state matching funds;

3 (c) A summary of the projected funding level of each
4 grant and authorized fees and the impact of federal mandates and
5 regulations upon the future use of each grant and authorized fees;
6 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 (2) A summary of regulations of the federal Environmental
11 Protection Agency which the department is required to implement and
12 which do not include federal funding assistance and the possible
13 financial impact to the state and political subdivisions;

14 (3) A report by type of service or aid provided by the
15 use and distribution of state general and cash funds, including user
16 fees, permit fees, license fees, and application fees, to carry out
17 activities that are not funded by federal grants as follows:

18 (a) Actual expenditure of state funds, by agency
19 sections, for the most recently completed state fiscal year,
20 including a breakdown of expenditures by personal services,
21 operations, travel, capital outlay, and consulting and contractual
22 services;

23 (b) Current budget and planned use and distribution of
24 state funds, by agency sections, for the current state fiscal year,
25 including a breakdown of expenditures for personal services,

1 operations, travel, capital outlay, and consulting and contractual
2 services;

3 (c) A summary of projected program funding needs based
4 upon the statutory requirements and public demand for services and
5 the department's assessment of anticipated needs statewide; 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 (4) A report regarding staff turnover by job class and
10 the department's assessment of its ability to hire and retain
11 qualified staff considering the state's personnel pay plan;

12 (5) A report listing the method used by each new or
13 existing licensee, permittee, or other person who is required by the
14 department to establish proof of financial responsibility; and

15 (6) A report for the previous state fiscal year relating
16 to the purpose of the Nebraska Litter Reduction and Recycling Act and
17 of funds credited to the Nebraska Litter Reduction and Recycling
18 Fund.

19 The reports and summaries submitted to the Clerk of the
20 Legislature shall be submitted electronically.

21 Sec. 202. Section 81-1505.04, Revised Statutes
22 Supplement, 2011, is amended to read:

23 81-1505.04 (1)(a) The department shall collect an annual
24 emission fee from major sources of air pollution. Each major source
25 shall pay the emission fee for regulated pollutants in the amount of

1 twenty-five dollars per ton per pollutant or as adjusted pursuant to
2 this section. The fee shall be based upon the amount of emissions of
3 each regulated pollutant as reported or estimated by the source in
4 the previous calendar year, but fees shall not be paid on amounts in
5 excess of four thousand tons per year for any regulated pollutant.

6 (b) Beginning with calendar year 2001 emissions, fees
7 shall not be paid for a mid-sized electric generation facility on
8 amounts in excess of four hundred tons per year for any regulated
9 pollutant.

10 (c) A mid-sized electric generation facility owned by a
11 municipality shall continue to be considered a separate mid-sized
12 electric generation facility for purposes of this section even if the
13 facility is subsequently permitted with another general unit larger
14 than one hundred fifteen megawatts under separate ownership. Each
15 facility under separate ownership shall be considered a separate
16 major source for purposes of this section.

17 (d) For purposes of this section, mid-sized electric
18 generation facility means a facility that:

19 (i) Uses coal as the primary source of fuel in the
20 facility's largest generation unit;

21 (ii) Has a name plate generating capacity of between
22 seventy and one hundred fifteen megawatts in the facility's largest
23 generation unit; and

24 (iii) Is not operating in a political subdivision which
25 has been delegated the authority to enforce the air quality permit

1 program within its jurisdiction.

2 (2)(a) The emission fee may be increased or decreased
3 annually by the department by the percentage difference between the
4 Consumer Price Index for the most recent year ending before the
5 beginning of such year and the Consumer Price Index for the year 1989
6 or as required to pay all reasonable direct and indirect costs of
7 developing and administering the air quality permit program. For
8 purposes of this section, Consumer Price Index means the change in
9 the price of goods and services for all urban consumers published by
10 the United States Department of Labor at the close of the twelve-
11 month period ending on August 31 of each year.

12 (b) For purposes of this section, reasonable direct and
13 indirect costs of developing and administering the air quality permit
14 program, as required under the federal Clean Air Act, as the act
15 existed on May 31, 2001, 42 U.S.C. 7661a through f, include:

16 (i) Consideration of any associated overhead charges for
17 personnel, equipment, buildings, and vehicles;

18 (ii) Reviewing and acting on any application for a permit
19 or permit revision;

20 (iii) Implementing and enforcing the terms of any permit,
21 not including any court costs or other costs associated with any
22 formal enforcement action;

23 (iv) Emissions and ambient monitoring, including adequate
24 resources to audit and inspect source-operated monitoring programs;

25 (v) Preparing generally applicable regulations or

1 guidance;

2 (vi) Modeling, analyses, or demonstrations;

3 (vii) Preparing inventories and tracking emissions;

4 (viii) Developing and implementing any emissions trading
5 programs as defined by the department; and

6 (ix) Providing support to sources under the Small
7 Business Compliance Advisory Panel.

8 (c) The council shall establish procedures for the method
9 of calculation and payment of the emission fee in a manner consistent
10 with this section and shall establish the definition of or a table
11 listing the pollutants which are regulated pollutants and a
12 definition of major source. Such definitions or listing shall comply
13 with and not be more stringent than the requirements of the federal
14 Clean Air Act, as the act existed on May 31, 2001, 42 U.S.C. 7401 et
15 seq.

16 (3) On or before January 1 of each year, the department
17 shall submit electronically a report to the Legislature in sufficient
18 detail to document all direct and indirect program costs incurred in
19 the previous fiscal year in carrying out the air quality permit
20 program. The Appropriations Committee of the Legislature shall review
21 such report in its analysis of executive programs in order to verify
22 that revenue generated from emission fees was used solely to offset
23 appropriate and reasonable costs associated with the air quality
24 permit program. The report shall identify costs incurred by the
25 department to administer the permit program for each major source. In

1 addition, the department shall identify costs incurred by primary
2 activity not specific to a major source.

3 (4) The department shall administer a cost tracking
4 system which shall show costs for each major source and costs for
5 each primary activity that is not specific to a major source. The
6 department shall consult with interested parties regarding
7 identification of primary activities to be tracked by the cost
8 tracking system.

9 Sec. 203. Section 81-15,153, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 81-15,153 The department shall have the following powers
12 and duties:

13 (1) The power to establish a program to make loans to
14 municipalities or to counties, individually or jointly, for
15 construction or modification of publicly owned wastewater treatment
16 works in accordance with the Wastewater Treatment Facilities
17 Construction Assistance Act and the rules and regulations of the
18 council adopted and promulgated pursuant to such act;

19 (2) The power to establish a program to make loans to
20 municipalities or to counties for construction, rehabilitation,
21 operation, or maintenance of nonpoint source control systems in
22 accordance with the Wastewater Treatment Facilities Construction
23 Assistance Act and the rules and regulations of the council adopted
24 and promulgated pursuant to such act;

25 (3) The power, if so authorized by the council pursuant

1 to section 81-15,152, to execute and deliver documents obligating the
2 Wastewater Treatment Facilities Construction Loan Fund and the assets
3 thereof to the extent permitted by section 81-15,151 to repay, with
4 interest, loans to or deposits into the fund and to execute and
5 deliver documents pledging to the extent permitted by section
6 81-15,151 all or part of the fund and its assets to secure, directly
7 or indirectly, the loans or deposits;

8 (4) The duty to prepare an annual report for the Governor
9 and the Legislature containing information which shows the financial
10 status of the program. The report submitted to the Legislature shall
11 be submitted electronically;

12 (5) The duty to establish fiscal controls and accounting
13 procedures sufficient to assure proper accounting during appropriate
14 accounting periods, including the following:

15 (a) Accounting from the Nebraska Investment Finance
16 Authority for the costs associated with the issuance of bonds
17 pursuant to the act;

18 (b) Accounting for payments or deposits received by the
19 fund;

20 (c) Accounting for disbursements made by the fund; and

21 (d) Balancing the fund at the beginning and end of the
22 accounting period;

23 (6) The duty to establish financial capability
24 requirements that assure sufficient revenue to operate and maintain a
25 facility for its useful life and to repay the loan for such facility;

1 (7) The power to determine the rate of interest to be
2 charged on a loan in accordance with the rules and regulations
3 adopted and promulgated by the council;

4 (8) The power to enter into required agreements with the
5 United States Environmental Protection Agency pursuant to the Clean
6 Water Act;

7 (9) The power to enter into agreements to provide grants
8 concurrent with loans to municipalities with populations of ten
9 thousand inhabitants or less which demonstrate serious financial
10 hardships. The department may authorize grants for up to one-half of
11 the eligible project cost. Such grants shall contain a provision that
12 payment of the amount allocated is conditional upon the availability
13 of appropriated funds;

14 (10) The power to authorize emergency grants to
15 municipalities with wastewater treatment facilities which have been
16 damaged or destroyed by natural disaster or other unanticipated
17 actions or circumstances. Such grants shall not be used for routine
18 repair or maintenance of facilities;

19 (11) The power to provide financial assistance to
20 municipalities with populations of ten thousand inhabitants or less
21 for completion of engineering studies, research projects,
22 investigating low-cost options for achieving compliance with the
23 Clean Water Act, encouraging wastewater reuse, and conducting other
24 studies for the purpose of enhancing the ability of communities to
25 meet the requirements of the Clean Water Act. The department may

1 authorize financial assistance for up to ninety percent of the
2 eligible project cost. Such state allocation shall contain a
3 provision that payment of the amount obligated is conditional upon
4 the availability of appropriated funds; and

5 (12) Such other powers as may be necessary and
6 appropriate for the exercise of the duties created under the
7 Wastewater Treatment Facilities Construction Assistance Act.

8 Sec. 204. Section 81-15,175, Revised Statutes Supplement,
9 2011, is amended to read:

10 81-15,175 (1) The board may make an annual allocation
11 each fiscal year from the Nebraska Environmental Trust Fund to the
12 Nebraska Environmental Endowment Fund as provided in section
13 81-15,174.01. The board shall make annual allocations from the
14 Nebraska Environmental Trust Fund and may make annual allocations
15 each fiscal year from the Nebraska Environmental Endowment Fund for
16 projects which conform to the environmental categories of the board
17 established pursuant to section 81-15,176 and to the extent the board
18 determines those projects to have merit. The board shall establish a
19 calendar annually for receiving and evaluating proposals and awarding
20 grants. To evaluate the economic, financial, and technical
21 feasibility of proposals, the board may establish subcommittees,
22 request or contract for assistance, or establish advisory groups.
23 Private citizens serving on advisory groups shall be reimbursed for
24 their actual and necessary expenses pursuant to sections 81-1174 to
25 81-1177.

1 (2) The board shall establish rating systems for ranking
2 proposals which meet the board's environmental categories and other
3 criteria. The rating systems shall include, but not be limited to,
4 the following considerations:

5 (a) Conformance with categories established pursuant to
6 section 81-15,176;

7 (b) Amount of funds committed from other funding sources;

8 (c) Encouragement of public-private partnerships;

9 (d) Geographic mix of projects over time;

10 (e) Cost-effectiveness and economic impact;

11 (f) Direct environmental impact;

12 (g) Environmental benefit to the general public and the
13 long-term nature of such public benefit; and

14 (h) Applications recommended by the Director of Natural
15 Resources and submitted by the Department of Natural Resources
16 pursuant to subsection (7) of section 61-218 shall be awarded fifty
17 priority points in the ranking process for the 2011 grant application
18 if the Legislature has authorized annual transfers of three million
19 three hundred thousand dollars to the Water Resources Cash Fund for
20 each of fiscal years 2011-12 and 2012-13 and has stated its intent to
21 transfer three million three hundred thousand dollars to the Water
22 Resources Cash Fund in fiscal year 2013-14. Priority points shall be
23 awarded if the proposed programs set forth in the grant application
24 are consistent with the purposes of reducing consumptive uses of
25 water, enhancing streamflows, recharging ground water, or supporting

1 wildlife habitat in any river basin determined to be fully
2 appropriated pursuant to section 46-714 or designated as
3 overappropriated pursuant to section 46-713.

4 (3) A grant awarded under this section pursuant to an
5 application made under subsection (7) of section 61-218 shall be paid
6 out in the following manner:

7 (a) The initial three million three hundred thousand
8 dollar installment shall be remitted to the State Treasurer for
9 credit to the Water Resources Cash Fund no later than fifteen
10 business days after the date that the grant is approved by the board;

11 (b) The second three million three hundred thousand
12 dollar installment shall be remitted to the State Treasurer for
13 credit to the Water Resources Cash Fund no later than May 15, 2013;
14 and

15 (c) The third three million three hundred thousand dollar
16 installment shall be remitted to the State Treasurer for credit to
17 the Water Resources Cash Fund no later than May 15, 2014, if the
18 Legislature has authorized a transfer of three million three hundred
19 thousand dollars from the General Fund to the Water Resources Cash
20 Fund for fiscal year 2013-14.

21 (4) It is the intent of the Legislature that the
22 Department of Natural Resources apply for an additional three-year
23 grant from the Nebraska Environmental Trust Fund that would begin in
24 fiscal year 2014-15 and such application shall be awarded fifty
25 priority points in the ranking process as set forth in subdivision

1 (2)(h) of this section if the following criteria are met:

2 (a) The Natural Resources Committee of the Legislature
3 has examined options for water funding and has submitted a report
4 electronically to the Clerk of the Legislature and the Governor by
5 December 1, 2012, setting forth:

6 (i) An outline and priority listing of water management
7 and funding needs in Nebraska, including instream flows, residential,
8 agricultural, recreational, and municipal needs, interstate
9 obligations, water quality issues, and natural habitats preservation;

10 (ii) An outline of statewide funding options which create
11 a dedicated, sustainable funding source to meet the needs set forth
12 in the report; and

13 (iii) Recommendations for legislation;

14 (b) The projects and activities funded by the department
15 through grants from the Nebraska Environmental Trust Fund under this
16 section have resulted in enhanced stream flows, reduced consumptive
17 uses of water, recharged ground water, supported wildlife habitat, or
18 otherwise contributed towards conserving, enhancing, and restoring
19 Nebraska's ground water and surface water resources. On or before
20 July 1, 2014, the department shall submit electronically a report to
21 the Natural Resources Committee of the Legislature providing
22 demonstrable evidence of the benefits accrued from such projects and
23 activities; and

24 (c) In addition to the grant reporting requirements of
25 the trust, on or before July 1, 2014, the department provides to the

1 board a report which includes documentation that:

2 (i) Expenditures from the Water Resources Cash Fund made
3 to natural resources districts have met the matching fund
4 requirements provided in subdivision (5)(a) of section 61-218;

5 (ii) Ten percent or less of the matching fund
6 requirements has been provided by in-kind contributions for expenses
7 incurred for projects enumerated in the grant application. In-kind
8 contributions shall not include land or land rights; and

9 (iii) All other projects and activities funded by the
10 department through grants from the Nebraska Environmental Trust Fund
11 under this section were matched not less than forty percent of the
12 project or activity cost by other funding sources.

13 (5) The board may establish a subcommittee to rate grant
14 applications. If the board uses a subcommittee, the meetings of such
15 subcommittee shall be subject to the Open Meetings Act. The
16 subcommittee shall (a) use the rating systems established by the
17 board under subsection (2) of this section, (b) assign a numeric
18 value to each rating criterion, combine these values into a total
19 score for each application, and rank the applications by the total
20 scores, (c) recommend an amount of funding for each application,
21 which amount may be more or less than the requested amount, and (d)
22 submit the ranked list and recommended funding to the board for its
23 approval or disapproval.

24 (6) The board may commit funds to multiyear projects,
25 subject to available funds and appropriations. No commitment shall

1 exceed three years without formal action by the board to renew the
2 grant or contract. Multiyear commitments may be exempt from the
3 rating process except for the initial application and requests to
4 renew the commitment.

5 (7) The board shall adopt and promulgate rules and
6 regulations and publish guidelines governing allocations from the
7 fund. The board shall conduct annual reviews of existing projects for
8 compliance with project goals and grant requirements.

9 (8) Every five years the board may evaluate the long-term
10 effects of the projects it funds. The evaluation may assess a sample
11 of such projects. The board may hire an independent consultant to
12 conduct the evaluation and may report the evaluation findings to the
13 Legislature and the Governor. The report submitted to the Legislature
14 shall be submitted electronically.

15 Sec. 205. Section 81-1606, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 81-1606 The Director of the State Energy Office shall
18 develop and maintain a program of collection, compilation, and
19 analysis of energy statistics and information. Existing information
20 reporting requests, maintained at the state and federal levels, shall
21 be utilized whenever possible in any data collection required under
22 the provisions of sections 81-1601 to 81-1607. A central state
23 repository of energy data shall be developed and coordinated with
24 other governmental data-collection and record-keeping programs. The
25 director shall, on at least an annual basis, with monthly

1 compilations, submit to the Governor and the Clerk of the Legislature
2 a report identifying state energy consumption by fuel type and by use
3 to the extent that such information is available. The report
4 submitted to the Clerk of the Legislature shall be submitted
5 electronically. Nothing in this section shall be construed as
6 permitting or authorizing the revealing of confidential information.
7 For purposes of this section confidential information shall mean any
8 process, formula, pattern, decision, or compilation of information
9 which is used, directly or indirectly, in the business of the
10 producer, refiner, distributor, transporter, or vendor, and which
11 gives such producer, refiner, distributor, transporter, or vendor an
12 advantage or an opportunity to obtain an advantage over competitors
13 who do not know or use it.

14 Sec. 206. Section 81-1607, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 81-1607 (1) On or before February 15 of each year, the
17 Director of the State Energy Office shall transmit to the Governor
18 and the Clerk of the Legislature a comprehensive report designed to
19 identify emerging trends related to energy supply, demand, and
20 conservation and to specify the level of statewide energy need within
21 the following sectors: Agricultural, commercial, residential,
22 industrial, transportation, utilities, government, and any other
23 sector that the director determines to be useful. The report
24 submitted to the Clerk of the Legislature shall be submitted
25 electronically.

1 (2) The report shall include, but not be limited to:

2 (a) An assessment of the state's energy resources,
3 including examination of the current energy supplies and any feasible
4 alternative sources;

5 (b) The estimated reduction in annual energy consumption
6 resulting from various energy conservation measures;

7 (c) The status of the office's ongoing studies;

8 (d) Recommendations to the Governor and the Legislature
9 for administrative and legislative actions to accomplish the purposes
10 of sections 70-625, 70-704, 81-161, 81-1602, 81-1606, and 81-1607;
11 and

12 (e) The use of funds disbursed during the previous year
13 under sections 81-1635 to 81-1641. The use of such funds shall be
14 reported each year until the funds are completely disbursed and all
15 contractual obligations have expired or otherwise terminated.

16 Sec. 207. Section 81-1637, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 81-1637 (1) The Governor shall submit electronically a
19 predisbursement plan to the Legislature if in session or the
20 Executive Board of the Legislative Council if the Legislature is not
21 in session.

22 (2) The predisbursement plan shall generally outline the
23 uses and beneficiaries of proposed disbursements from the fund, as
24 well as the expected benefits to the state as a whole.

25 (3) The predisbursement plan shall also include a policy

1 statement which shall indicate (a) a perception of the current and
2 anticipated trends regarding energy availability, costs, and needs in
3 the state, (b) assumptions regarding the impacts on energy needs of
4 the state of current and anticipated state and federal policies and
5 market forces affecting energy use, and (c) generally, how the types
6 of projects to be selected will address those trends and assumptions.

7 (4) The Legislature may hold a public hearing within
8 thirty days of receipt of the predisbursement plan to solicit
9 testimony on such plan. The Legislature may, no later than fifteen
10 days following such hearing, make recommendations to the State Energy
11 Office concerning the plan. No disbursement of or obligation to
12 disburse any money in the fund shall be made after July 9, 1988,
13 until forty-five days after the predisbursement plan referring to
14 such disbursement has been submitted to the Legislature or the
15 Executive Board of the Legislative Council, as the case may be.

16 Sec. 208. Section 81-1833, Revised Statutes Cumulative
17 Supplement, 2010, is amended to read:

18 81-1833 (1) The committee shall prepare and submit to the
19 commission a biennial report of its activities under the Nebraska
20 Crime Victim's Reparations Act, including the name of each applicant,
21 a brief description of the facts in each case, and the amount of
22 compensation awarded, except that if the applicant was the victim of
23 a sexual assault the victim's name shall not be included in the
24 report, but shall be available to the Governor or a member of the
25 Legislature upon request to the committee. Such report shall be

1 submitted to the Governor and Clerk of the Legislature as part of the
2 commission's report submitted pursuant to section 81-1423.

3 (2) The committee shall act as the oversight committee
4 for the Community Trust and shall annually report its activities and
5 findings as the oversight committee to the commission, the Governor,
6 and the Clerk of the Legislature. The report submitted to the Clerk
7 of the Legislature shall be submitted electronically. If any
8 questionable or improper actions or inactions on the part of the
9 Community Trust are observed, the committee shall immediately notify
10 the Attorney General who shall investigate the matter.

11 Sec. 209. Section 81-1845, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 81-1845 (1) Any public or private nonprofit agency may
14 apply to the Nebraska Commission on Law Enforcement and Criminal
15 Justice for selection and funding as a victim and witness assistance
16 center pursuant to sections 81-1843 to 81-1851.

17 (2) The commission shall consider the following factors,
18 together with any other factors it deems appropriate, in selecting
19 applicants to receive funds and be designated as a victim and witness
20 assistance center:

21 (a) The number of volunteers that the proposed center
22 will utilize;

23 (b) The stated goals of the applicant;

24 (c) The potential number of people that may be served by
25 the proposed center and the needs of the community for such a center;

1 (d) Evidence of community support for the establishment
2 of the proposed center; and

3 (e) The organizational structure of the agency which will
4 operate the proposed center and provide services to victims and
5 witnesses of crimes.

6 (3) Upon evaluation of all applicants, the Nebraska
7 Commission on Law Enforcement and Criminal Justice shall select a
8 number of public or private nonprofit agencies which the commission
9 deems qualified for designation to receive funding for the
10 establishment and operation of such centers.

11 (4) The commission shall, upon the establishment of such
12 centers, conduct appraisals of their performance to determine which
13 of the centers shall receive continuation grants. The commission
14 shall report its finding to the Governor and the Clerk of the
15 Legislature. The report submitted to the Clerk of the Legislature
16 shall be submitted electronically.

17 Sec. 210. Section 81-2004.04, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 81-2004.04 (1) For the purpose of establishing and
20 maintaining legislative oversight and accountability, the Nebraska
21 State Patrol shall maintain records of all expenditures,
22 disbursements, and transfers of cash from the Nebraska State Patrol
23 Cash Fund and the Investigation Petty Cash Fund.

24 (2) By September 15 of each year, the patrol shall report
25 to the budget division of the Department of Administrative Services

1 and the Legislative Fiscal Analyst the unexpended balance existing on
2 June 30 of the previous fiscal year relating to investigative
3 expenses in ~~(1)-(a)~~ the Nebraska State Patrol Cash Fund, ~~(2)-(b)~~ the
4 Investigation Petty Cash Fund, ~~(3)-(c)~~ any special checking account
5 or accounts used by the patrol in carrying out the duties specified
6 in section 81-2004.02, and ~~(4)-(d)~~ any funds existing on June 30 of
7 the previous fiscal year in the possession of personnel of the patrol
8 involved in investigations. The report submitted to the Legislative
9 Fiscal Analyst shall be submitted electronically.

10 (3) The Legislature may require a separate accounting of
11 the investigation funds according to specific types of
12 investigations.

13 Sec. 211. Section 81-2022, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 81-2022 Any funds of the Nebraska State Patrol Retirement
16 System available for investment shall be invested by the Nebraska
17 Investment Council pursuant to the Nebraska Capital Expansion Act and
18 the Nebraska State Funds Investment Act. Payment for investment
19 services by the council shall be charged directly against the gross
20 investment returns of the funds. Charges so incurred shall not be a
21 part of the board's annual budget request. The amounts of payment for
22 such services, as of December 31 of each year, shall be reported not
23 later than March 31 of the following year to the council, the board,
24 and the Nebraska Retirement Systems Committee of the Legislature. The
25 report submitted to the committee shall be submitted electronically.

1 The state investment officer shall sell any securities
2 upon request from the director so as to provide money for the payment
3 of benefits or annuities.

4 Sec. 212. Section 81-2023, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 81-2023 It shall be the duty of the Auditor of Public
7 Accounts to make an annual audit of the retirement system, and submit
8 electronically an annual report to the Clerk of the Legislature of
9 its condition. Each member of the Legislature shall receive a ~~an~~
10 electronic copy of such report by making a request for it to the
11 Auditor of Public Accounts.

12 Sec. 213. Section 81-2213, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 81-2213 The department shall have the following powers
15 and duties:

16 (1) To develop, approve, and submit to the Governor a
17 two-year, three-year, or four-year state plan on aging, as determined
18 by the department, for purposes of administering grant funds
19 allocated to the state under the federal Older Americans Act, as now
20 or hereafter amended, or administering state funds allocated to the
21 Nebraska Community Aging Services Act;

22 (2) To cooperate with similar departments, commissions,
23 or councils in the federal government and in other states;

24 (3) To adopt and promulgate rules, regulations, and
25 bylaws governing its procedure and activities and as necessary to

1 carry out the policies of the department and the policies prescribed
2 by the Administration on Aging pursuant to the federal Older
3 Americans Act, as now or hereafter amended;

4 (4) To create committees to aid in the discharge of its
5 powers and duties;

6 (5) To cooperate with and assist other state and local
7 governmental agencies and officials on matters relating to services
8 for older individuals;

9 (6) To divide the state into planning-and-service areas
10 as provided in section 71-807 for behavioral health regions, except
11 that Regions 3 and 5 may each be divided into two planning-and-
12 service areas with boundaries as established by the department for
13 planning-and-service areas in existence in those regions on July 1,
14 1982;

15 (7) To establish minimum standards for program operations
16 and to adopt and promulgate rules and regulations for the performance
17 of area agencies on aging and for any services provided by such area
18 agencies on aging which are funded in whole or in part under the
19 Nebraska Community Aging Services Act or the federal Older Americans
20 Act, as now or hereafter amended;

21 (8) To require the submission of a one-year and a five-
22 year area plan and budget by each area agency on aging or agency
23 seeking designation as an area agency on aging. Such plans and
24 budgets shall be submitted sixty days prior to the start of each
25 fiscal year in accordance with the uniform area plan format and other

1 instructions issued by the department;

2 (9) To review and approve a one-year and a five-year area
3 plan and budget for the support of each area agency on aging and the
4 provision of eligible activities and services as defined in section
5 81-2222;

6 (10) To adopt and submit electronically to the
7 Legislature a community aging services budget;

8 (11) To review the performance of each area agency on
9 aging and, based on the department-approved area plan and budget, to
10 determine the continued designation or the withdrawal of the
11 designation of an area agency on aging receiving or requesting
12 resources through the state or under the Nebraska Community Aging
13 Services Act or the federal Older Americans Act, as now or hereafter
14 amended. After consultation with the director of the area agency on
15 aging and the governing unit of the area agency on aging, the
16 department may withdraw a designation when it can be shown that
17 federal or state laws, rules, or regulations have not been complied
18 with, state or federal funds are not being expended for the purposes
19 for which they were intended, or older individuals are not receiving
20 appropriate services within available resources. Withdrawal of a
21 designation may be appealed to the department. Upon withdrawal of a
22 designation, the department may temporarily perform all or part of
23 the functions and responsibilities of the area agency on aging, may
24 designate another agency to perform such functions and
25 responsibilities identified by the department until the designation

1 of a new area agency on aging, and, when deemed necessary, may
2 temporarily deliver services to assure continuity;

3 (12) To conduct continuing studies and analyses of the
4 problems faced by older individuals within the state and develop such
5 recommendations for administrative or legislative action as appear
6 necessary;

7 (13) To develop grants and plans, enter into contracts,
8 accept gifts, grants, and federal funds, and do all things necessary
9 and proper to discharge these powers and duties;

10 (14) To accept and administer any other programs or
11 resources delegated, designated, assigned, or awarded to the
12 department from public or private sources;

13 (15) To report and make recommendations to the Governor
14 and the Legislature on the activities of the department and the
15 committee and improvements or additional resources needed to promote
16 the general welfare of older individuals in Nebraska. The report
17 submitted to the Legislature shall be submitted electronically. Each
18 member of the Legislature shall receive ~~a~~an electronic copy of the
19 report; and

20 (16) Such other powers and duties necessary to
21 effectively implement the Nebraska Community Aging Services Act.

22 Sec. 214. Section 81-2233, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 81-2233 The Department of Health and Human Services shall
25 submit an annual report on care management units to the Governor and

1 the Legislature. The report submitted to the Legislature shall be
2 submitted electronically.

3 Sec. 215. Section 81-2408, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 81-2408 Each agency shall report monthly to the Director
6 of Administrative Services and the Legislative Fiscal Analyst any
7 account that has not been paid within the applicable time period
8 prescribed by section 81-2403. The report submitted to the
9 Legislative Fiscal Analyst shall be submitted electronically. Each
10 agency shall report annually any interest charge on a past-due
11 account, whether paid or unpaid, to the Governor and to the
12 Appropriations Committee of the Legislature. The report submitted to
13 the committee shall be submitted electronically.

14 Sec. 216. Section 82-333, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 82-333 The Nebraska Arts Council shall report to the
17 Clerk of the Legislature and Director of Administrative Services
18 annually regarding disbursements from the Nebraska Arts and
19 Humanities Cash Fund. The report submitted to the Clerk of the
20 Legislature shall be submitted electronically. The report shall
21 include a complete listing of the uses of the fund, the sources of
22 funding used to match state funds, the amount of investment earnings
23 credited to the Nebraska Arts and Humanities Cash Fund, and the
24 balance of the Nebraska Arts and Humanities Cash Fund. The report
25 shall cover the period July 1 through June 30 and shall be submitted

1 no later than November 1 of each year.

2 Sec. 217. Section 83-4,147, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 83-4,147 An annual progress report shall be provided
5 electronically to the Legislature ensuring that all programmatic
6 objectives are being met. The report shall include an evaluation of
7 the impact of the multi-treatment programs, including program costs,
8 educational achievement, inmate disciplinary activity, probation
9 release decisionmaking, and community reintegration on November 1 of
10 the year following implementation.

11 Sec. 218. Section 83-924, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 83-924 Subject to the supervision and approval of the
14 Director of Correctional Services, each assistant director shall have
15 the following duties, powers, and responsibilities:

16 (1) To coordinate and direct all programs and facilities
17 under his or her jurisdiction;

18 (2) To select and manage such staff and supervise the
19 operation of such equipment as he or she may require;

20 (3) To make such revisions to internal systems in each
21 division as may be necessary to promote economy and facilitate
22 maximum utilization of existing correctional services and facilities;

23 (4) To cause any existing program and facilities to be
24 utilized by or merged with those of any other division in order to
25 provide for greater efficiency or achieve any economic advantage;

1 (5) To provide the Legislature and the Governor technical
2 assistance, advice, and information concerning administrative
3 operations within his or her division;

4 (6) To provide the Legislature and the Governor with
5 recommendations for dealing with financial, management, and
6 organization problems affecting his or her division. The
7 recommendations submitted to the Legislature shall be submitted
8 electronically; and

9 (7) To exercise all powers and perform all duties
10 necessary and proper in carrying out his or her responsibilities.

11 Sec. 219. Section 83-963, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 83-963 The department shall prepare an annual report on
14 committed offenders who are paroled or granted controlled release
15 pursuant to the Correctional System Overcrowding Emergency Act. The
16 report shall summarize each such former committed offender's behavior
17 since parole and generally evaluate his or her success or lack of
18 success in becoming a law-abiding member of society. The annual
19 report shall be filed electronically with the Executive Board of the
20 Legislative Council on or before December 31, with the first such
21 report submitted by December 31 of the first year that committed
22 offenders are paroled pursuant to the act. A notice of the filing of
23 the report shall be submitted electronically to each member of the
24 Legislature when the annual report is filed with the Executive Board.

25 Sec. 220. Section 83-1209, Revised Statutes Cumulative

1 Supplement, 2010, is amended to read:

2 83-1209 To carry out the policies and purposes of the
3 Developmental Disabilities Services Act, the director shall:

4 (1) Ensure effective management by (a) determining
5 whether applicants are eligible for specialized services, (b)
6 authorizing service delivery for eligible persons, (c) ensuring that
7 services are available, accessible, and coordinated, (d) ensuring
8 that eligible persons have their needs assessed by a team process,
9 have individual program plans developed by a team process to address
10 assessed needs, which plans incorporate the input of the individual
11 and the family, and have services delivered in accordance with the
12 program plan, (e) having the amount of funding for specialized
13 services determined by an objective assessment process, (f) providing
14 information and referral services to persons with developmental
15 disabilities and their families, (g) promoting the development of
16 pilot projects of high quality, cost-efficient services provided by
17 specialized programs, and (h) administering the Beatrice State
18 Developmental Center;

19 (2) Ensure a coordinated statewide response by (a)
20 developing a comprehensive and integrated statewide plan for
21 specialized services to persons with developmental disabilities in
22 conjunction with state and local officials, designated advocates for
23 such persons, service providers, and the general public, (b)
24 reporting biennially to the Legislature, the Governor, service
25 providers, and the public on persons served and progress made toward

1 meeting requirements of the plan, and (c) creating a statewide
2 registry of persons eligible for specialized services. The report
3 submitted to the Legislature shall be submitted electronically;

4 (3) Ensure specialized services which are efficient and
5 individualized by (a) developing a written policy which ensures the
6 adequate and equitable distribution of fiscal resources based upon a
7 consistent rationale for reimbursement that allows funding to follow
8 service recipients as their service needs change and which also
9 includes a plan for funding shortfalls and (b) administering all
10 state and federal funds as may be allowed by law;

11 (4) Ensure maximum quality of services by (a) developing
12 a due process mechanism for resolution of disputes, (b) coordinating
13 the development of review teams designed to enhance the quality of
14 specialized services, (c) developing certification and accreditation
15 requirements for service providers, (d) providing technical
16 assistance to local service providers, and (e) providing eligible
17 persons, their families, and the designated protection and advocacy
18 system authorized pursuant to the Developmental Disabilities
19 Assistance and Bill of Rights Act of 2000, 42 U.S.C. 15001 et seq.,
20 with copies of all reports resulting from surveys of providers of
21 specialized services conducted as part of the certification and
22 accreditation process; and

23 (5) Establish and staff a developmental disabilities
24 division which shall assist in carrying out the policies and purposes
25 of the Developmental Disabilities Services Act.

1 Sec. 221. Section 84-205, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 84-205 The duties of the Attorney General shall be:

4 (1) To appear and defend actions and claims against the
5 state;

6 (2) To investigate, commence, and prosecute any and all
7 actions resulting from violations of sections 32-1401 to 32-1417;

8 (3) To consult with and advise the county attorneys, when
9 requested by them, in all criminal matters and in matters relating to
10 the public revenue. He or she shall have authority to require aid and
11 assistance of the county attorney in all matters pertaining to the
12 duties of the Attorney General in the county of such county attorney
13 and may, in any case brought to the Court of Appeals or Supreme Court
14 from any county, demand and receive the assistance of the county
15 attorney from whose county such case is brought;

16 (4) To give, when required, without fee, his or her
17 opinion in writing upon all questions of law submitted to him or her
18 by the Governor, head of any executive department, Secretary of
19 State, State Treasurer, Auditor of Public Accounts, Board of
20 Educational Lands and Funds, State Department of Education, Public
21 Service Commission, or Legislature;

22 (5) At the request of the Governor, head of any executive
23 department, Secretary of State, State Treasurer, Auditor of Public
24 Accounts, Board of Educational Lands and Funds, State Department of
25 Education, or Public Service Commission, to prosecute any official

1 bond or any contract in which the state is interested which is
2 deposited with any of them and to prosecute or defend for the state
3 all civil or criminal actions and proceedings relating to any matter
4 connected with any of such officers' departments if, after
5 investigation, he or she is convinced there is sufficient legal merit
6 to justify the proceeding. Such officers shall not pay or contract to
7 pay from the funds of the state any money for special attorneys or
8 counselors-at-law unless the employment of such special counsel is
9 made upon the written authorization of the Governor or the Attorney
10 General;

11 (6) To enforce the proper application of money
12 appropriated by the Legislature to the various funds of the state and
13 prosecute breaches of trust in the administration of such funds;

14 (7) To prepare, when requested by the Governor, Secretary
15 of State, State Treasurer, or Auditor of Public Accounts or any other
16 executive department, proper drafts for contracts, forms, or other
17 writings which may be wanted for the use of the state and report to
18 the Legislature, whenever requested, upon any business pertaining to
19 the duties of his or her office. The report submitted to the
20 Legislature shall be submitted electronically;

21 (8) To pay all money received, belonging to the people of
22 the state, immediately upon receipt thereof, into the state treasury;

23 (9) To keep a record in proper books provided for that
24 purpose at the expense of the state, a register of all actions and
25 demands prosecuted or defended by him or her in behalf of the state

1 and all proceedings had in relation thereto, and deliver the same to
2 his or her successor in office;

3 (10) To appear for the state and prosecute and defend all
4 civil or criminal actions and proceedings in the Court of Appeals or
5 Supreme Court in which the state is interested or a party. When
6 requested by the Governor or the Legislature, the Attorney General
7 shall appear for the state and prosecute or defend any action or
8 conduct any investigation in which the state is interested or a party
9 before any court, officer, board, tribunal, or commission;

10 (11) To prepare and promulgate model rules of procedure
11 appropriate for use by as many agencies as possible. The Attorney
12 General shall add to, amend, or revise the model rules as necessary
13 for the proper guidance of agencies;

14 (12) To include within the budget of the office
15 sufficient funding to assure oversight and representation of the
16 State of Nebraska for district court appeals of administrative
17 license revocation proceedings under section 60-498.04; and

18 (13) To create a Child Protection Division to be staffed
19 by at least three assistant attorneys general who each have five or
20 more years of experience in the prosecution or defense of felonies or
21 misdemeanors, including two years in the prosecution or defense of
22 crimes against children. Upon the written request of a county
23 attorney, the division shall provide consultation and advise and
24 assist in the preparation of the trial of any case involving a crime
25 against a child, including, but not limited to, the following

1 offenses:

- 2 (a) Murder as defined in sections 28-303 and 28-304;
3 (b) Manslaughter as defined in section 28-305;
4 (c) Kidnapping as defined in section 28-313;
5 (d) False imprisonment as defined in sections 28-314 and
6 28-315;
7 (e) Child abuse as defined in section 28-707;
8 (f) Pandering as defined in section 28-802;
9 (g) Debauching a minor as defined in section 28-805; and
10 (h) Offenses listed in sections 28-813, 28-813.01, and
11 28-1463.03.

12 Any offense listed in subdivisions (a) through (h) of
13 this subdivision shall include all inchoate offenses pursuant to the
14 Nebraska Criminal Code and compounding a felony pursuant to section
15 28-301. Such crimes shall not include matters involving dependent and
16 neglected children, infraction violations, custody, parenting time,
17 visitation, or other access matters, or child support. If the county
18 attorney declines in writing to prosecute a case involving a crime
19 against a child because of an ethical consideration, including the
20 presence or appearance of a conflict of interest, or for any other
21 reason, the division shall, upon the receipt of a written request of
22 the county attorney, the Department of Health and Human Services, the
23 minor child, the parents of the minor child, or any other interested
24 party, investigate the matter and either decline to prosecute the
25 matter or initiate the appropriate criminal proceedings in a court of

1 proper jurisdiction.

2 For purposes of this subdivision, child or children shall
3 mean an individual or individuals sixteen years of age or younger.

4 Sec. 222. Section 84-304, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 84-304 It shall be the duty of the Auditor of Public
7 Accounts:

8 (1) To give information ~~in writing~~ electronically to the
9 Legislature, whenever required, upon any subject relating to the
10 fiscal affairs of the state or with regard to any duty of his or her
11 office;

12 (2) To furnish offices for himself or herself and all
13 fuel, lights, books, blanks, forms, paper, and stationery required
14 for the proper discharge of the duties of his or her office;

15 (3) To examine or cause to be examined, at such time as
16 he or she shall determine, books, accounts, vouchers, records, and
17 expenditures of all state officers, state bureaus, state boards,
18 state commissioners, the state library, societies and associations
19 supported by the state, state institutions, state colleges, and the
20 University of Nebraska, except when required to be performed by other
21 officers or persons. Such examinations shall be done in accordance
22 with generally accepted government auditing standards for financial
23 audits and attestation engagements set forth in Government Auditing
24 Standards (2007 Revision), published by the Comptroller General of
25 the United States, Government Accountability Office, and except as

1 provided in subdivision (11) of this section, subdivision (16) of
2 section 50-1205, and section 84-322, shall not include performance
3 audits, whether conducted pursuant to attestation engagements or
4 performance audit standards as set forth in Government Auditing
5 Standards (2007 Revision), published by the Comptroller General of
6 the United States, Government Accountability Office;

7 (4)(a) To examine or cause to be examined, at the expense
8 of the political subdivision, when the Auditor of Public Accounts
9 determines such examination necessary or when requested by the
10 political subdivision, the books, accounts, vouchers, records, and
11 expenditures of any agricultural association formed under Chapter 2,
12 article 20, any county agricultural society, any joint airport
13 authority formed under the Joint Airport Authorities Act, any city or
14 county airport authority, any bridge commission created pursuant to
15 section 39-868, any cemetery district, any development district, any
16 drainage district, any health district, any local public health
17 department as defined in section 71-1626, any historical society, any
18 hospital authority or district, any county hospital, any housing
19 agency as defined in section 71-1575, any irrigation district, any
20 county or municipal library, any community mental health center, any
21 railroad transportation safety district, any rural water district,
22 any township, Wyuka Cemetery, the Educational Service Unit
23 Coordinating Council, any entity created pursuant to the Interlocal
24 Cooperation Act which includes either the participation of the
25 Educational Service Unit Coordinating Council or any educational

1 service unit, any village, any political subdivision with the
2 authority to levy a property tax or a toll, or any entity created
3 pursuant to the Joint Public Agency Act which has separately levied a
4 property tax based on legal authority for a joint public agency to
5 levy such a tax independent of the public agencies forming such joint
6 public agency.

7 (b) The Auditor of Public Accounts may waive the audit
8 requirement of subdivision (4)(a) of this section upon the submission
9 by the political subdivision of a written request in a form
10 prescribed by the auditor. The auditor shall notify the political
11 subdivision in writing of the approval or denial of the request for a
12 waiver;

13 (5) To report promptly to the Governor and the
14 appropriate standing committee of the Legislature the fiscal
15 condition shown by such examinations conducted by the auditor,
16 including any irregularities or misconduct of officers or employees,
17 any misappropriation or misuse of public funds or property, and any
18 improper system or method of bookkeeping or condition of accounts.
19 The report submitted to the committee shall be submitted
20 electronically. In addition, if, in the normal course of conducting
21 an audit in accordance with subdivision (3) of this section, the
22 auditor discovers any potential problems related to the
23 effectiveness, efficiency, or performance of state programs, he or
24 she shall immediately report them ~~in writing~~ electronically to the
25 Legislative Performance Audit Committee which may investigate the

1 issue further, report it electronically to the appropriate standing
2 committee of the Legislature, or both;

3 (6)(a) To examine or cause to be examined the books,
4 accounts, vouchers, records, and expenditures of a fire protection
5 district. The expense of the examination shall be paid by the
6 political subdivision.

7 (b) Whenever the expenditures of a fire protection
8 district are one hundred fifty thousand dollars or less per fiscal
9 year, the fire protection district shall be audited no more than once
10 every five years except as directed by the board of directors of the
11 fire protection district or unless the auditor receives a verifiable
12 report from a third party indicating any irregularities or misconduct
13 of officers or employees of the fire protection district, any
14 misappropriation or misuse of public funds or property, or any
15 improper system or method of bookkeeping or condition of accounts of
16 the fire protection district. In the absence of such a report, the
17 auditor may waive the five-year audit requirement upon the submission
18 of a written request by the fire protection district in a form
19 prescribed by the auditor. The auditor shall notify the fire
20 protection district in writing of the approval or denial of a request
21 for waiver of the five-year audit requirement. Upon approval of the
22 request for waiver of the five-year audit requirement, a new five-
23 year audit period shall begin.

24 (c) Whenever the expenditures of a fire protection
25 district exceed one hundred fifty thousand dollars in a fiscal year,

1 the auditor may waive the audit requirement upon the submission of a
2 written request by the fire protection district in a form prescribed
3 by the auditor. The auditor shall notify the fire protection district
4 in writing of the approval or denial of a request for waiver. Upon
5 approval of the request for waiver, a new five-year audit period
6 shall begin for the fire protection district if its expenditures are
7 one hundred fifty thousand dollars or less per fiscal year in
8 subsequent years;

9 (7) To appoint two assistant deputies (a) whose entire
10 time shall be devoted to the service of the state as directed by the
11 auditor, (b) who shall be certified public accountants with at least
12 five years' experience, (c) who shall be selected without regard to
13 party affiliation or to place of residence at the time of
14 appointment, (d) who shall promptly report in duplicate to the
15 auditor the fiscal condition shown by each examination, including any
16 irregularities or misconduct of officers or employees, any
17 misappropriation or misuse of public funds or property, and any
18 improper system or method of bookkeeping or condition of accounts,
19 and it shall be the duty of the auditor to file promptly with the
20 Governor a duplicate of such report, and (e) who shall qualify by
21 taking an oath which shall be filed in the office of the Secretary of
22 State;

23 (8) To conduct audits and related activities for state
24 agencies, political subdivisions of this state, or grantees of
25 federal funds disbursed by a receiving agency on a contractual or

1 other basis for reimbursement to assure proper accounting by all such
2 agencies, political subdivisions, and grantees for funds appropriated
3 by the Legislature and federal funds disbursed by any receiving
4 agency. The auditor may contract with any political subdivision to
5 perform the audit of such political subdivision required by or
6 provided for in section 23-1608 or 79-1229 or this section and charge
7 the political subdivision for conducting the audit. The fees charged
8 by the auditor for conducting audits on a contractual basis shall be
9 in an amount sufficient to pay the cost of the audit. The fees
10 remitted to the auditor for such audits and services shall be
11 deposited in the Auditor of Public Accounts Cash Fund;

12 (9) To conduct all audits and examinations in a timely
13 manner and in accordance with the standards for audits of
14 governmental organizations, programs, activities, and functions
15 published by the Comptroller General of the United States;

16 (10) To develop and maintain an annual budget and actual
17 financial information reporting system for political subdivisions
18 that is accessible on-line by the public; and

19 (11) When authorized, to conduct joint audits with the
20 Legislative Performance Audit Committee as described in section
21 50-1205.

22 Sec. 223. Section 84-322, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 84-322 The Auditor of Public Accounts, when expressly
25 authorized by a majority vote of the members of the Legislative

1 Performance Audit Committee, may conduct performance audits of state
2 executive branch offices, state agencies, state bureaus, state
3 boards, state commissions, the state library, societies and
4 associations supported by the state, state institutions, state
5 colleges, and the University of Nebraska. The auditor shall issue the
6 performance audit report to the Governor, the appropriate standing
7 committee of the Legislature, and the Legislative Performance Audit
8 Committee. The report submitted to the committees of the Legislature
9 shall be submitted electronically.

10 Sec. 224. Section 84-602, Revised Statutes Cumulative
11 Supplement, 2010, is amended to read:

12 84-602 It shall be the duty of the State Treasurer:

13 (1) To receive and keep all money of the state not
14 expressly required to be received and kept by some other person;

15 (2) To disburse the public money upon warrants drawn upon
16 the state treasury according to law and not otherwise;

17 (3) To keep a just, true, and comprehensive account of
18 all money received and disbursed;

19 (4) To keep a just account with each fund, and each head
20 of appropriation made by law, and the warrants drawn against them;

21 (5) To render a full statement to the Department of
22 Administrative Services of all money received by him or her from
23 whatever source, and if on account of revenue, for what year; of all
24 penalties and interest on delinquent taxes reported or accounted for
25 to him or her, and of all disbursements of public funds; with a list,

1 in numerical order, of all warrants redeemed, the name of the payee,
2 amount, interest, and total amount allowed thereon, and with the
3 amount of the balance of the several funds unexpended; which
4 statement shall be made on the first day of December, March, June,
5 and September, and more often if required;

6 (6) To report electronically to the Legislature as soon
7 as practicable, but within ten days after the commencement of each
8 regular session, a detailed statement of the condition of the
9 treasury and its operations for the preceding fiscal year;

10 (7) To give information ~~in writing~~ electronically to the
11 Legislature, whenever required, upon any subject connected with the
12 treasury or touching any duty of his or her office;

13 (8) To account for, and pay over, all money received by
14 him or her as such treasurer, to his or her successor in office, and
15 deliver all books, vouchers, and effects of office to him or her; and
16 such successor shall receipt therefor. In accounting for and paying
17 over such money the treasurer shall not be held liable on account of
18 any loss occasioned by any investment, when such investment shall
19 have been made pursuant to the direction of the state investment
20 officer; and

21 (9) To develop and maintain a single, searchable web site
22 with information on state tax receipts and expenditures which is
23 accessible by the public at no cost to access as provided in section
24 84-602.02. The web site shall be hosted on a server owned and
25 operated by the State of Nebraska or approved by the Chief

1 Information Officer. The naming convention for the web site shall
2 identify the web site as a state government web site. The web site
3 shall not include the treasurer's name, the treasurer's image, the
4 treasurer's seal, or a welcome message.

5 Sec. 225. Section 84-605, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 84-605 All the books, papers, letters, and transactions
8 pertaining to the office of State Treasurer shall be open to the
9 inspection of a committee of the Legislature to examine and settle
10 all accounts, and to count all money. When ~~and, when~~ the successor
11 of any such treasurer shall be elected and qualified, the Auditor of
12 Public Accounts shall examine and settle all accounts of such
13 treasurer remaining unsettled, and give him or her a certified
14 statement showing the balance of money, securities, and effects for
15 which he or she is accountable, and which have been delivered to his
16 or her successor, and report the ~~same balance electronically~~ to the
17 Legislature.

18 Sec. 226. Section 84-702, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 84-702 ~~The state officers who are required by law to make~~
21 ~~biennial reports to the Clerk of the Legislature shall cause as many~~
22 ~~copies as they may determine proper to be printed and ready for~~
23 ~~distribution on or before the first day of the session of the~~
24 ~~Legislature.~~—Each member of the Legislature shall receive a an
25 electronic copy of such a biennial report required to be submitted by

1 a state officer to the Clerk of the Legislature by making a request
2 for it to the state officer responsible for the report.

3 Sec. 227. Section 84-901.01, Revised Statutes Supplement,
4 2011, is amended to read:

5 84-901.01 ~~On or after May 25, 2011, when~~ (1) When
6 legislation is enacted requiring the adoption and promulgation of
7 rules and regulations by an agency, such agency shall adopt and
8 promulgate such rules and regulations within one year after the
9 public hearing required under subsection (2) of section 84-907. Such
10 time shall not include the time necessary for submission of the rules
11 and regulations to the Attorney General pursuant to section 84-905.01
12 or submission of the rules and regulations to the Governor pursuant
13 to section 84-908. Any agency which does not adopt and promulgate
14 such rules and regulations as required by this section shall submit a
15 ~~written~~ electronically an explanation to the Executive Board of the
16 Legislative Council and the standing committee of the Legislature
17 which has subject matter jurisdiction over the issue involved in the
18 legislation, stating the reasons why it has not adopted such rules
19 and regulations as required by this section, the date by which the
20 agency expects to adopt such rules and regulations, and any suggested
21 statutory changes that may enable the agency to adopt such rules and
22 regulations.

23 (2) The changes made to the Administrative Procedure Act
24 by Laws 2011, LB617, shall not affect the validity or effectiveness
25 of a rule or regulation adopted prior to May 25, 2011.

1 Sec. 228. Section 84-907.06, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 84-907.06 Whenever an agency proposes to adopt, amend, or
4 repeal a rule or regulation, (1) at least thirty days before the
5 public hearing, when notice of a proposed rule or regulation is sent
6 out, or (2) at the same time the agency applies to the Governor for a
7 waiver of the notice of public hearing, the agency shall send
8 electronically to the Executive Board of the Legislative Council (a)
9 a copy of the hearing notice required by section 84-907, (b) if
10 applicable, a draft copy of the rule or regulation, and (c) the
11 information provided to the Governor pursuant to section 84-907.09.

12 Sec. 229. Section 84-910, Revised Statutes Supplement,
13 2011, is amended to read:

14 84-910 On or before July 1 of each year, each agency
15 shall provide electronically to the Legislative Performance Audit
16 Committee a status report on all rules and regulations pending before
17 the agency which have not been adopted and promulgated. If an
18 additional appropriation was made with respect to legislation enacted
19 to provide funding for or additional staff to implement a program for
20 which rules and regulations are required to be adopted, the status
21 report shall include what the funding has been used for and what
22 functions the staff have been performing while such rules and
23 regulations are pending. The format of the report shall be
24 established by the committee no later than June 1, 2011, and shall be
25 updated thereafter.

1 Sec. 230. Section 84-1205.05, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 84-1205.05 The board shall provide quarterly reports to
4 the Executive Board of the Legislative Council and Nebraska
5 Information Technology Commission on its activities pursuant to
6 sections 84-1205 to 84-1205.04. The report submitted to the executive
7 board shall be submitted electronically.

8 Sec. 231. Section 84-1219, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 84-1219 The administrator shall prepare a biennial report
11 on the status of programs established by ~~him~~ the administrator as
12 provided in ~~sections 84-1201 to 84-1226,~~ the Records Management Act
13 and on the progress made during the preceding biennium in
14 implementing and effectuating such programs. Copies of this report
15 shall be furnished the Governor, the Speaker of the Legislature, and
16 such other officials and agencies as the Governor or the board shall
17 direct. The report submitted to the Speaker of the Legislature shall
18 be submitted electronically.

19 Sec. 232. Section 84-1315, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 84-1315 It shall be the duty of the Auditor of Public
22 Accounts to make an annual audit of the retirement system and an
23 annual report to the retirement board and to the Clerk of the
24 Legislature of the condition of the retirement system. The report
25 submitted to the Clerk of the Legislature shall be submitted

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

5 Sec. 233. Section 84-1617, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 84-1617 The personnel division of the Department of
8 Administrative Services shall provide electronically an annual report
9 to the Clerk of the Legislature. The report shall include the
10 following information based on the prior fiscal year: (1) The number
11 of temporary employees employed by the state; (2) the number of such
12 temporary employees who were eligible for health insurance coverage
13 pursuant to section 84-1601; (3) the number of such temporary
14 employees who elected coverage; and (4) the average length of health
15 insurance coverage for those temporary employees who elected
16 coverage.

17 Sec. 234. Section 85-1412, Revised Statutes Supplement,
18 2011, is amended to read:

19 85-1412 The commission shall have the following
20 additional powers and duties:

21 (1) Conduct surveys and studies as may be necessary to
22 undertake the coordination function of the commission pursuant to
23 section 85-1403 and request information from governing boards and
24 appropriate administrators of public institutions and other
25 governmental agencies for research projects. All public institutions

1 and governmental agencies receiving state funds shall comply with
2 reasonable requests for information under this subdivision. Public
3 institutions may comply with such requests pursuant to section
4 85-1417;

5 (2) Recommend to the Legislature and the Governor
6 legislation it deems necessary or appropriate to improve
7 postsecondary education in Nebraska and any other legislation it
8 deems appropriate to change the role and mission provisions in
9 sections 85-917 to 85-966.01. The recommendations submitted to the
10 Legislature shall be submitted electronically;

11 (3) Establish any advisory committees as may be necessary
12 to undertake the coordination function of the commission pursuant to
13 section 85-1403 or to solicit input from affected parties such as
14 students, faculty, governing boards, administrators of the public
15 institutions, administrators of the private nonprofit institutions of
16 postsecondary education and proprietary institutions in the state,
17 and community and business leaders regarding the coordination
18 function of the commission;

19 (4) Participate in or designate an employee or employees
20 to participate in any committee which may be created to prepare a
21 coordinated plan for the delivery of educational programs and
22 services in Nebraska through the telecommunications system;

23 (5) Seek a close liaison with the State Board of
24 Education and the State Department of Education in recognition of the
25 need for close coordination of activities between elementary and

1 secondary education and postsecondary education;

2 (6) Administer the Integrated Postsecondary Education
3 Data System or other information system or systems to provide the
4 commission with timely, comprehensive, and meaningful information
5 pertinent to the exercise of its duties. The information system shall
6 be designed to provide comparable data on each public institution.
7 The commission shall also administer the uniform information system
8 prescribed in sections 85-1421 to 85-1427 known as the Nebraska
9 Educational Data System. Public institutions shall supply the
10 appropriate data for the information system or systems required by
11 the commission;

12 (7) Administer the Access College Early Scholarship
13 Program Act, the Nebraska Opportunity Grant Act, and the
14 Postsecondary Institution Act;

15 (8) Accept and administer loans, grants, and programs
16 from the federal or state government and from other sources, public
17 and private, for carrying out any of its functions, including the
18 administration of privately endowed scholarship programs. Such loans
19 and grants shall not be expended for any other purposes than those
20 for which the loans and grants were provided. The commission shall
21 determine eligibility for such loans, grants, and programs, and such
22 loans and grants shall not be expended unless approved by the
23 Governor;

24 (9) On or before December 1 of each even-numbered year,
25 submit to the Legislature and the Governor a report of its objectives

1 and activities and any new private colleges in Nebraska and the
2 implementation of any recommendations of the commission for the
3 preceding two calendar years. The report submitted to the Legislature
4 shall be submitted electronically;

5 (10) Provide staff support for interstate compacts on
6 postsecondary education; and

7 (11) Request inclusion of the commission in any existing
8 grant review process and information system. ; and

9 ~~(12) In collaboration with the State Department of~~
10 ~~Education, public and private postsecondary educational institutions,~~
11 ~~private, denominational, or parochial secondary schools, educational~~
12 ~~service units, and school districts, conduct a study regarding the~~
13 ~~need for uniform policies and practices for dual enrollment courses~~
14 ~~and career academies in Nebraska, including transferability of dual-~~
15 ~~enrollment courses and consistency of administration of career~~
16 ~~academies. The study shall also include a review of any program that~~
17 ~~provides Nebraska high school students with the opportunity to earn~~
18 ~~college credit or advanced placement through participation in courses~~
19 ~~and examinations administered by a not for profit organization and of~~
20 ~~the need for uniform policies and practices related to the acceptance~~
21 ~~and transferability of such courses and the college credit or~~
22 ~~advanced placement earned as a result of a student's performance on~~
23 ~~such examinations. The commission shall report the findings of such~~
24 ~~study and its recommendations, including recommendations for possible~~
25 ~~legislation, to the Legislature on or before December 15, 2011. For~~

1 ~~purposes of this subdivision, dual enrollment course has the same~~
2 ~~definition as provided in section 79-1201.01.~~

3 Sec. 235. Section 85-1413, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 85-1413 (1) Pursuant to the authority granted in Article
6 VII, section 14, of the Constitution of Nebraska and the Coordinating
7 Commission for Postsecondary Education Act, the commission shall
8 establish and revise as needed a comprehensive statewide plan for
9 postsecondary education which shall include (a) definitions of the
10 role and mission of each public postsecondary educational institution
11 within any general assignments of role and mission as prescribed in
12 sections 85-917 to 85-966 and (b) a plan for facilities which utilize
13 tax funds designated by the Legislature.

14 ~~(2) Beginning on September 1, 1999, the commission shall~~
15 ~~work in consultation with the governing boards in revising the~~
16 ~~existing comprehensive statewide plan to reflect the role and mission~~
17 ~~of public postsecondary educational institutions and to articulate~~
18 ~~statewide goals. The process of reviewing and revising the plan shall~~
19 ~~be completed by January 1, 2001, if practicable.~~

20 ~~(3)~~(2) The planning process of the commission (a) shall
21 be policy-based and ongoing in order to achieve, within the
22 coordination function of the commission pursuant to section 85-1403,
23 the best possible use of available state resources for high quality
24 and accessible postsecondary educational services and (b) shall take
25 into consideration (i) the needs of the state as described in

1 subsection ~~(4)~~(3) of this section, (ii) general assignments of role
2 and mission for each public institution in sections 85-917 to 85-966,
3 and (iii) plans for facilities which utilize tax funds designated by
4 the Legislature.

5 ~~(4)~~(3) In establishing the plan, the commission shall
6 assess the postsecondary educational needs of the state in the
7 following areas:

- 8 (a) The basic and continuing needs of various age groups;
9 (b) Business and industrial needs for a skilled work
10 force;
11 (c) Demographic, social, and economic trends;
12 (d) The needs of the ethnic populations;
13 (e) College attendance, retention, and dropout rates;
14 (f) The needs of recent high school graduates and place-
15 bound adults;
16 (g) The needs of residents of all geographic regions; and
17 (h) Any other areas the commission may designate.

18 ~~(5)~~(4) The plan shall provide a structure or process
19 which encourages and facilitates harmonious and cooperative
20 relationships between public and private postsecondary educational
21 institutions and shall recognize the role and relationship of
22 elementary and secondary education and private postsecondary
23 educational institutions in the state to postsecondary education.

24 ~~(6)~~(5) The commission shall incorporate into the plan
25 provisions and policies to guide decisionmaking by the commission

1 pursuant to this section and sections 85-1414 and 85-1415. The
2 provisions and policies shall address issues which include, but are
3 not limited to:

4 (a) The facilitation of statewide transfer-of-credit
5 guidelines to be considered by institutional governing boards. The
6 statewide transfer-of-credit guidelines shall be designed to
7 facilitate the transfer of students among public institutions. The
8 statewide transfer-of-credit guidelines shall not require nor
9 encourage the standardization of course content and shall not
10 prescribe course content or credit value assigned by any public
11 institution to the courses;

12 (b) Recommended guidelines for admissions which recognize
13 selective and differentiated admission standards at public
14 institutions and which are consistent with the role and mission of
15 each public institution. It is the intent of the Legislature that
16 changes in admission standards be implemented in conjunction with the
17 role and mission statements established pursuant to this section and
18 sections 85-917 to 85-966 and the adoption of statewide transfer-of-
19 credit and remedial program policies to assure that access to
20 postsecondary education is not limited;

21 (c) Recommended enrollment guidelines consistent with the
22 role and mission of each public institution and specific
23 recommendations designed to increase diversity through more effective
24 enrollment and retention at public institutions;

25 (d) Recommended guidelines for rational and equitable

1 statewide tuition rates and fees for public institutions. The
2 commission shall identify public policy issues relating to tuition
3 and fees of the public postsecondary educational institutions in the
4 state. The recommended guidelines shall take into account the role
5 and mission of each public institution and the need to maximize
6 access to public postsecondary education regardless of a student's
7 financial circumstance;

8 (e) In conjunction with and consistent with its
9 recommended guidelines on admission standards, recommended guidelines
10 which place the primary emphasis at the community college level for
11 postsecondary education remedial programs and reduce the role of the
12 University of Nebraska in offering remedial programs. The commission
13 shall collaborate with the Commissioner of Education to develop
14 recommendations for secondary schools designed to reduce the need for
15 remedial or developmental programs at the postsecondary level;

16 (f) In consultation with the governing boards or their
17 designated representatives, designation of geographic and
18 programmatic service areas for each public institution consistent
19 with role and mission assignments. Except as permitted by the
20 commission pursuant to section 85-1414, ~~after July 1, 1992,~~ no public
21 institution shall provide programs at any site outside its assigned
22 geographic and programmatic service area unless permitted under rules
23 and regulations adopted and promulgated by the commission;

24 (g) After consultation with the governing boards and
25 experts from outside the State of Nebraska, the establishment of a

1 peer group or groups for each public institution for purposes of
2 budget review. In fulfilling this charge, the commission may accept a
3 peer group determined by a governing board in consultation with out-
4 of-state experts;

5 (h) Effective use of information technologies and
6 telecommunications to aid in the delivery of instruction at the
7 postsecondary level. In cooperation with the Nebraska Educational
8 Telecommunications Commission, other state agencies, and, when
9 appropriate, representatives of elementary and secondary public
10 education, the commission may assist in the development of
11 instructional delivery systems employing information technologies and
12 telecommunications. The commission, with the involvement of
13 faculties, public institutions and private postsecondary educational
14 institutions, and the information technology and telecommunications
15 community, shall establish policies to ensure that the objectives of
16 quality and efficiency are met in the delivery of information
17 technology and telecommunications-aided instruction;

18 (i) Workforce development. The commission shall explore
19 methods to improve the competitive quality of the work force and
20 shall encourage enhanced communications and partnerships between
21 public institutions and business and industry;

22 (j) Public service activities. The public institutions
23 shall develop and provide to the commission a comprehensive inventory
24 of public service programs and activities of public institutions; and

25 (k) Financial aid strategy. The commission shall develop

1 a state strategy for state-supported student financial aid programs
2 with the goal of assuring access to and choice in postsecondary
3 education in Nebraska for Nebraska residents within the limits of
4 available state resources.

5 ~~(7)~~(6) The commission shall develop a unified statewide
6 facilities plan in consultation with the governing boards or their
7 designated representatives and update the plan periodically.

8 ~~(8)~~(7) Prior to March 15 of the year following ~~the year~~
9 ~~of adoption of the revised comprehensive statewide plan for~~
10 ~~postsecondary education required by subsection (2) of this section~~
11 ~~and prior to March 15 of the year following~~ a year in which any
12 revision is made to the comprehensive statewide plan, the Education
13 Committee of the Legislature shall review the comprehensive statewide
14 plan and revisions thereto at a public hearing and report its
15 findings electronically to the Legislature.

16 Sec. 236. Section 85-1414, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 85-1414 (1) Pursuant to the authority granted in Article
19 VII, section 14, of the Constitution of Nebraska and the Coordinating
20 Commission for Postsecondary Education Act, the commission shall
21 establish an ongoing process to review, monitor, and approve or
22 disapprove the new and existing programs of public institutions and
23 proposed capital construction projects which utilize tax funds
24 designated by the Legislature in order to provide compliance and
25 consistency with the comprehensive statewide plan and to prevent

1 unnecessary duplication. When complying with requests for information
2 during the review, monitoring, and approval process, public
3 institutions may comply pursuant to section 85-1417.

4 (2)(a) Governing boards shall submit to the commission
5 all proposals for any new program after the governing board has
6 approved the program and prior to implementation of the program.
7 Except for programs submitted for conditional approval by the
8 commission pursuant to subdivision (b) of this subsection, the
9 commission shall have ninety days from the date the program was
10 submitted to take action to approve or disapprove a program or it
11 shall stand approved. The commission shall establish a waiver process
12 for specific, short-term job training programs and short-term public
13 service programs as defined by the commission. New programs submitted
14 for review may be approved or disapproved in whole or in part and
15 with or without recommended modifications based on criteria
16 established pursuant to subsection (7) of this section.

17 (b) After approval of the program by the governing board,
18 the governing board may submit a proposal for a program which is not
19 authorized by the role and mission provisions of sections 85-917 to
20 85-966 to the commission for conditional approval. Within one hundred
21 twenty days from its receipt of the proposal, the commission shall
22 report electronically to the Legislature its recommendation in
23 support for or opposition to the amendments to the role and mission
24 statutes that would be necessary for the commission to approve the
25 program and for the institution to offer the program. The time period

1 for submission of the report may be extended for up to an additional
2 ninety days by resolution of the commission which shall show good
3 cause why the extent of review required for this particular proposal
4 necessitates an extension of time to complete the review. Such
5 extension shall be filed electronically with the chairperson of the
6 Education Committee of the Legislature prior to the expiration of the
7 initial one hundred twenty days. The report shall contain supporting
8 rationale for the commission's position, such additional comments as
9 the commission deems appropriate and, in the event the commission
10 supports the amendments to the role and mission statutes, the
11 commission's specific recommendation as to the form of such
12 amendments. If the report indicates support for the necessary
13 amendments to the role and mission statutes, the report shall also
14 constitute the commission's conditional approval of the program,
15 unless the report specifically indicates disapproval of the program.
16 If the necessary amendments to the role and mission statutes
17 supported by the commission in its report to the Legislature are
18 subsequently enacted by the Legislature, the program shall stand
19 approved. Nothing in this section for conditional approval shall be
20 construed to affect the commission's future consideration of such
21 proposal or approval or disapproval of any programs affected by the
22 proposal.

23 (3) Following approval of a new program, such program
24 shall be added to the schedule of existing programs to be reviewed by
25 the commission. Following consultation with the governing board, new

1 programs approved by the commission may also be required to meet,
2 within a reasonable time as stipulated by the commission, minimum
3 performance standards established by the commission pursuant to its
4 rules and regulations. If a program fails to meet minimum performance
5 standards, the commission shall review the program and may continue
6 or withdraw its approval for the program.

7 (4) Existing programs shall be reviewed by the commission
8 pursuant to a program review process established by the commission in
9 consultation with the governing boards or their designated
10 representatives which, to the extent possible while still allowing
11 for timely review by the commission, shall coincide with
12 institutional review and accreditation cycles. In reviewing existing
13 programs, the commission may make use of nonconfidential information
14 and conclusions provided by accreditation processes supplied to the
15 commission by the institutions. All programs in existence prior to
16 January 1, 1992, shall be considered approved until the approval is
17 confirmed or withdrawn by the commission pursuant to the program
18 review process conducted by the commission.

19 (5) Existing programs which do not meet criteria
20 established by the commission pursuant to subsection (7) of this
21 section shall be targeted for indepth review by the public
22 institutions and their governing boards. In performing such indepth
23 review, institutions may make use of information and conclusions
24 provided by accreditation and other established and ongoing academic
25 review processes rather than providing for a separate review process.

1 Programs continued by the governing boards shall be further monitored
2 by the governing board which shall report the status and process of
3 the monitoring to the commission. If the commission determines that a
4 program does not merit continuation, it shall hold a public hearing,
5 following thirty days' notice to the public institution, to consider
6 if the program should be continued. Following the hearing, the
7 commission shall take action to approve or disapprove continuance of
8 the program.

9 (6) Existing programs disapproved for continuance by the
10 commission shall be terminated by a public institution when all
11 students in the program on the date of the decision of the commission
12 to disapprove continuance of the program have had a reasonable
13 opportunity, as determined by the governing board of the public
14 institution, to complete the program. Existing public service
15 programs disapproved for continuance by the commission shall be
16 terminated at the end of the fiscal year in which the decision to
17 disapprove is made.

18 (7) The commission shall establish criteria for the
19 review, monitoring, and approval or disapproval of programs. The
20 governing boards of the public institutions shall be responsible for
21 assuring the quality and effectiveness of programs offered by their
22 institutions. The commission's criteria shall be designed to (a) meet
23 educational needs and (b) assure efficiency and avoid unnecessary
24 duplication. Criteria shall include:

25 (i) Centrality to the role and mission of the public

1 institution;

2 (ii) Consistency with the comprehensive statewide plan;

3 (iii) Evidence of need and demand; and

4 (iv) Adequacy of resources to support proposed new
5 programs.

6 The criteria shall not infringe on the prerogative of the
7 governing boards to make decisions on the quality of staff and the
8 design of curriculum.

9 (8) The commission shall develop specific criteria for
10 review, monitoring, and approval or disapproval of participation by
11 any public institution in proposed or existing education centers in
12 addition to the criteria specified in this section. Participation by
13 a public institution in an education center shall also be approved by
14 the governing board of such public institution. The commission shall
15 develop policies and procedures for conducting and approving off-
16 campus programming in an education center.

17 (9) Each public institution shall submit its most recent
18 institutional facilities plan to the commission subject to commission
19 guidelines for the format and content of such plans. The commission
20 shall (a) review each institutional facilities plan to ensure (i)
21 consistency with the comprehensive statewide plan, statewide
22 facilities plan, and institutional role and mission assignments and
23 (ii) identification of unnecessary duplication of facilities and (b)
24 make a written report of its review to the governing board of the
25 public institution within ninety days after receipt of the

1 institutional facilities plan. The commission may, in accordance with
2 the coordination function of the commission pursuant to section
3 85-1403, recommend modifications to the institutional facilities
4 plans and may require submission of periodic updates of the
5 institutional facilities plans.

6 (10) Governing boards shall submit all proposed capital
7 construction projects which utilize tax funds designated by the
8 Legislature to the commission for review and approval or disapproval.
9 The commission shall, in accordance with the coordination function of
10 the commission pursuant to section 85-1403, review, monitor, and
11 approve or disapprove each such capital construction project to
12 provide compliance and consistency with the statewide facilities plan
13 and the comprehensive statewide plan and to prevent unnecessary
14 duplication of capital facilities. The commission may disapprove a
15 project only on the basis of a finding by the commission that the
16 project (a) does not comply or is inconsistent with one or more
17 provisions of the statewide facilities plan or other relevant
18 provisions of the comprehensive statewide plan or (b) will result in
19 unnecessary duplication of capital facilities.

20 (11) In fulfilling its program and project approval
21 activities prescribed in this section, the commission shall, in
22 accordance with the coordination function of the commission pursuant
23 to section 85-1403, recognize educational activities among all
24 segments of postsecondary education and take into account the
25 educational programs, facilities, and other resources of both public

1 and independent and private postsecondary educational institutions.

2 (12) Any program which is authorized by action of the
3 Legislature or a governing board and which is not in existence prior
4 to January 1, 1992, shall not become operative unless and until such
5 program has been approved by the commission pursuant to this section.

6 Sec. 237. Section 85-1415, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 85-1415 (1) Consistent with the authority granted to the
9 Legislature pursuant to Article XIII, section 1, of the Constitution
10 of Nebraska, the commission shall review all capital construction
11 projects proposed by the Board of Regents of the University of
12 Nebraska and the Board of Trustees of the Nebraska State Colleges
13 pursuant to sections 85-404 and 85-408 and by any nonprofit
14 corporation created by the Board of Regents of the University of
15 Nebraska or the Board of Trustees of the Nebraska State Colleges when
16 (a) state general funds, (b) funds received by the University of
17 Nebraska or any state college for the purposes of reimbursing
18 overhead costs and expenses in connection with any federal or other
19 grant or contract, (c) tuition, or (d) the state's operating
20 investment pool investment income constitute all or any part of the
21 funds used for the repayment of all or any part of the bonds of such
22 nonprofit corporation. Such boards shall submit all such projects,
23 including applicable financing plans, to the commission for review.

24 (2) Within sixty days ~~from~~after the date of submission
25 of a proposed project, the commission shall take action by

1 recommending that the Legislature or the Executive Board of the
2 Legislative Council either approve or disapprove the project.
3 Following such action by the commission, each such proposed project
4 together with the commission's recommendation of approval or
5 disapproval shall be submitted electronically by the board concerned
6 to the Legislature or to the Executive Board of the Legislative
7 Council. The Legislature or, if the Legislature is not in session,
8 the Executive Board of the Legislative Council shall thereafter take
9 action to approve or disapprove the proposed project.

10 Sec. 238. Section 85-1416, Revised Statutes Cumulative
11 Supplement, 2010, is amended to read:

12 85-1416 (1) Pursuant to the authority granted in Article
13 VII, section 14, of the Constitution of Nebraska and the Coordinating
14 Commission for Postsecondary Education Act, the commission shall, in
15 accordance with the coordination function of the commission pursuant
16 to section 85-1403, review and modify, if needed to promote
17 compliance and consistency with the comprehensive statewide plan and
18 prevent unnecessary duplication, the budget requests of the governing
19 boards.

20 (2)(a) At least thirty days prior to submitting to the
21 Governor their biennial budget requests pursuant to section 81-1113
22 and any major deficit appropriation requests pursuant to instructions
23 of the Department of Administrative Services, the Board of Regents of
24 the University of Nebraska and the Board of Trustees of the Nebraska
25 State Colleges shall each submit to the commission an outline of its

1 proposed operating budget. The outline of its proposed operating
2 budget or outline of proposed state aid request shall include those
3 information summaries provided to the institution's governing board
4 describing the respective institution's budget for the next fiscal
5 year or biennium. The outline shall contain projections of funds
6 necessary for (i) the retention of current programs and services at
7 current funding levels, (ii) any inflationary costs necessary to
8 maintain current programs and services at the current programmatic or
9 service levels, and (iii) proposed new and expanded programs and
10 services. In addition to the outline, the commission may request an
11 institution to provide to the commission any other supporting
12 information to assist the commission in its budget review process. An
13 institution may comply with such requests pursuant to section
14 85-1417.

15 (b) On September 15 of each biennial budget request year,
16 the boards of governors of the community colleges or their designated
17 representatives shall submit to the commission outlines of their
18 proposed state aid requests.

19 (c) The commission shall analyze institutional budget
20 priorities in light of the comprehensive statewide plan, role and
21 mission assignments, and the goal of prevention of unnecessary
22 duplication. The commission shall submit to the Governor and
23 Legislature by October 15 of each year recommendations for approval
24 or modification of the budget requests together with a rationale for
25 its recommendations. The recommendations submitted to the Legislature

1 shall be submitted electronically. The analysis and recommendations
2 by the commission shall focus on budget requests for new and expanded
3 programs and services and major statewide funding issues or
4 initiatives as identified in the comprehensive statewide plan. If an
5 institution does not comply with the commission's request pursuant to
6 subdivision (a) of this subsection for additional budget information,
7 the commission may so note the refusal and its specific information
8 request in its report of budget recommendations. The commission shall
9 also provide to the Governor and the Appropriations Committee of the
10 Legislature on or before October 1 of each even-numbered year a
11 report identifying public policy issues relating to student tuition
12 and fees, including the appropriate relative differentials of tuition
13 and fee levels between the sectors of public postsecondary education
14 in the state consistent with the comprehensive statewide plan. The
15 report submitted to the committee shall be submitted electronically.

16 (3) At least thirty days prior to submitting to the
17 Governor their biennial budget requests pursuant to section 81-1113
18 and any major deficit appropriation requests pursuant to instructions
19 of the Department of Administrative Services, the Board of Regents of
20 the University of Nebraska and the Board of Trustees of the Nebraska
21 State Colleges shall each submit to the commission information the
22 commission deems necessary regarding each board's capital
23 construction budget requests. The commission shall review the capital
24 construction budget request information and may recommend to the
25 Governor and the Legislature modification, approval, or disapproval

1 of such requests consistent with the statewide facilities plan and
2 any project approval determined pursuant to subsection (10) of
3 section 85-1414 and to section 85-1415. The recommendations submitted
4 to the Legislature shall be submitted electronically. The commission
5 shall develop from a statewide perspective a unified prioritization
6 of individual capital construction budget requests for which it has
7 recommended approval and submit such prioritization to the Governor
8 and the Legislature for their consideration. The prioritization
9 submitted to the Legislature shall be submitted electronically. In
10 establishing its prioritized list, the commission may consider and
11 respond to the priority order established by the Board of Regents or
12 the Board of Trustees in their respective capital construction budget
13 requests.

14 (4) Nothing in this section shall be construed to affect
15 other constitutional, statutory, or administrative requirements for
16 the submission of budget or state aid requests by the governing
17 boards to the Governor and the Legislature.

18 Sec. 239. Section 85-1429, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 85-1429 On or before March 15 of each year, the
21 Coordinating Commission for Postsecondary Education shall provide
22 electronically a report that evaluates progress toward attainment of
23 the priorities listed in subdivision (3) of section 85-1428. The
24 Education Committee of the Legislature shall review the report at a
25 public hearing and report its findings electronically to the

1 Legislature.

2 Sec. 240. Section 85-1807, Revised Statutes Cumulative
3 Supplement, 2010, is amended to read:

4 85-1807 (1) The State Treasurer shall deposit money
5 received by the Nebraska educational savings plan trust into three
6 funds: The College Savings Plan Program Fund, the College Savings
7 Plan Expense Fund, and the College Savings Plan Administrative Fund.
8 The State Treasurer shall deposit money received by the trust into
9 the appropriate fund. The State Treasurer and Accounting
10 Administrator of the Department of Administrative Services shall
11 determine the state fund types necessary to comply with section 529
12 of the Internal Revenue Code and state policy. The money in the funds
13 shall be invested by the state investment officer pursuant to
14 policies established by the Nebraska Investment Council. The program
15 fund, the expense fund, and the administrative fund shall be
16 separately administered. The Nebraska educational savings plan trust
17 shall be operated with no General Fund appropriations.

18 (2) All money paid by participants in connection with
19 participation agreements and all investment income earned on such
20 money shall be deposited as received into separate accounts within
21 the program fund. Contributions to the trust made by participants may
22 only be made in the form of cash. All funds generated in connection
23 with participation agreements shall be deposited into the appropriate
24 accounts within the program fund. A participant or beneficiary shall
25 not provide investment direction regarding program contributions or

1 earnings held by the trust. Money accrued by participants in the
2 program fund may be used for payments to any institution of higher
3 education.

4 (3) The College Savings Plan Administrative Fund is
5 created. Money from the trust transferred from the expense fund to
6 the administrative fund in an amount authorized by an appropriation
7 from the Legislature shall be utilized to pay for the costs of
8 administering, operating, and maintaining the trust, to the extent
9 permitted by section 529 of the Internal Revenue Code. The
10 administrative fund shall not be credited with any money other than
11 money transferred from the expense fund in an amount authorized by an
12 appropriation by the Legislature or any interest income earned on the
13 balances held in the administrative fund. ~~The State Treasurer shall~~
14 ~~transfer any money in the administrative fund on July 1, 2010, to the~~
15 ~~expense fund on July 1, 2010, or as soon as administratively~~
16 ~~possible.~~ Any money in the administrative fund available for
17 investment shall be invested by the state investment officer pursuant
18 to the Nebraska Capital Expansion Act and the Nebraska State Funds
19 Investment Act.

20 (4) The College Savings Plan Expense Fund is created. The
21 expense fund shall be used to pay costs associated with the Nebraska
22 educational savings plan trust and shall be funded with fees assessed
23 to the program fund. The State Treasurer shall transfer from the
24 expense fund to the State Investment Officer's Cash Fund an amount
25 equal to the pro rata share of the budget appropriated to the

1 Nebraska Investment Council as permitted in section 72-1249.02, to
2 cover reasonable expenses incurred for investment management of the
3 Nebraska educational savings plan trust. Annually and prior to such
4 transfer to the State Investment Officer's Cash Fund, the State
5 Treasurer shall report to the budget division of the Department of
6 Administrative Services and to the Legislative Fiscal Analyst the
7 amounts transferred during the previous fiscal year. ~~The State~~
8 ~~Treasurer shall transfer any money in the endowment fund on July 1,~~
9 ~~2010, to the expense fund on such date. The report submitted to the~~
10 Legislative Fiscal Analyst shall be submitted electronically.
11 Transfers may be made from the expense fund to the General Fund at
12 the direction of the Legislature. Any money in the expense fund
13 available for investment shall be invested by the state investment
14 officer pursuant to the Nebraska Capital Expansion Act and the
15 Nebraska State Funds Investment Act.

16 Sec. 241. Section 85-1811, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 85-1811 (1) The State Treasurer shall submit an annual
19 audited financial report, prepared in accordance with generally
20 accepted accounting principles, on the operations of the Nebraska
21 educational savings plan trust by November 1 to the Governor and the
22 Legislature. The report submitted to the Legislature shall be
23 submitted electronically. The State Treasurer shall cause the audit
24 to be made either by the Auditor of Public Accounts or by an
25 independent certified public accountant designated by the State

1 Treasurer, and the audit shall include direct and indirect costs
2 attributable to the use of outside consultants, independent
3 contractors, and any other persons who are not state employees.

4 (2) The annual audit shall be supplemented by all of the
5 following information prepared by the State Treasurer:

6 (a) Any related studies or evaluations prepared in the
7 preceding year;

8 (b) A summary of the benefits provided by the trust,
9 including the number of participants and beneficiaries in the trust;
10 and

11 (c) Any other information which is relevant in order to
12 make a full, fair, and effective disclosure of the operations of the
13 trust, including the investment performance of the funds.

14 Sec. 242. Section 85-2106, Revised Statutes Cumulative
15 Supplement, 2010, is amended to read:

16 85-2106 The commission shall prepare an annual report on
17 scholarships awarded pursuant to the Access College Early Scholarship
18 Program Act and shall submit the report electronically to the Clerk
19 of the Legislature. The report shall include, but not be limited to,
20 the number and amount of scholarships awarded, the postsecondary
21 educational institutions attended by scholarship recipients, and
22 information regarding the success of scholarship recipients in the
23 courses for which the scholarships were awarded.

24 Sec. 243. Section 86-163, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 86-163 The commission shall file with the Clerk of the
2 Legislature an annual report on or before September 30 of each year
3 on the status of the Nebraska telecommunications industry. The report
4 ~~may shall~~ be submitted in electronic format. The report shall:

5 (1) Describe the quality of telecommunications service
6 being provided to the citizens of Nebraska;

7 (2) Describe the availability of diverse and affordable
8 telecommunications service to all of the people of Nebraska;

9 (3) Describe the level of telecommunications service
10 rates;

11 (4) Describe the use and continued need for the Nebraska
12 Telecommunications Universal Service Fund;

13 (5) Describe the availability and location of 911 service
14 and E-911 service as required by section 86-437;

15 (6) Describe the availability and location of wireless
16 911 service or enhanced wireless 911 service as required by section
17 86-460;

18 (7) Address the need for further legislation to achieve
19 the purposes of the Nebraska Telecommunications Regulation Act; and

20 (8) Address the funding level of the Nebraska Competitive
21 Telephone Marketplace Fund and an accounting of commission expenses
22 related to its duties under section 86-127.

23 Sec. 244. Section 86-516, Revised Statutes Cumulative
24 Supplement, 2010, is amended to read:

25 86-516 The commission shall:

1 (1) Annually by July 1, adopt policies and procedures
2 used to develop, review, and annually update a statewide technology
3 plan;

4 (2) Create an information technology clearinghouse to
5 identify and share best practices and new developments, as well as
6 identify existing problems and deficiencies;

7 (3) Review and adopt policies to provide incentives for
8 investments in information technology infrastructure services;

9 (4) Determine a broad strategy and objectives for
10 developing and sustaining information technology development in
11 Nebraska, including long-range funding strategies, research and
12 development investment, support and maintenance requirements, and
13 system usage and assessment guidelines;

14 (5) Adopt guidelines regarding project planning and
15 management and administrative and technical review procedures
16 involving state-owned or state-supported technology and
17 infrastructure. Governmental entities, state agencies, and
18 noneducation political subdivisions shall submit all projects which
19 use any combination of general funds, federal funds, or cash funds
20 for information technology purposes to the process established by
21 sections 86-512 to 86-524. The commission may adopt policies that
22 establish the format and minimum requirements for project
23 submissions. The commission may monitor the progress of any such
24 project and may require progress reports;

25 (6) Adopt minimum technical standards, guidelines, and

1 architectures upon recommendation by the technical panel. Such
2 standards and guidelines shall not unnecessarily restrict the use of
3 new technologies or prevent commercial competition, including
4 competition with Network Nebraska;

5 (7) Establish ad hoc technical advisory groups to study
6 and make recommendations on specific topics, including workgroups to
7 establish, coordinate, and prioritize needs for education, local
8 communities, intergovernmental data communications, and state
9 agencies;

10 (8) By November 15 of each even-numbered year, make
11 recommendations on technology investments to the Governor and the
12 Legislature, including a prioritized list of projects, reviewed by
13 the technical panel pursuant to section 86-521. The recommendations
14 submitted to the Legislature shall be submitted electronically;

15 (9) Approve grants from the Community Technology Fund and
16 Government Technology Collaboration Fund;

17 (10) Adopt schedules and procedures for reporting needs,
18 priorities, and recommended projects;

19 (11) Assist the Chief Information Officer in developing
20 and maintaining Network Nebraska pursuant to section 86-5,100; and

21 (12) Determine the format that state agencies, boards,
22 and commissions shall use to report their information technology
23 plans under section 86-524.01. The commission shall include an
24 analysis of such plans in the statewide technology plan.

25 Sec. 245. Section 86-518, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 86-518 By November 15 of each even-numbered year, the
3 Nebraska Information Technology Commission shall submit a progress
4 report to the Governor and Legislature. The report submitted to the
5 Legislature shall be submitted electronically.

6 Sec. 246. Section 86-530, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 86-530 The Chief Information Officer shall report
9 annually to the Governor and the Appropriations Committee of the
10 Legislature on the status of enterprise projects. The report
11 submitted to the committee shall be submitted electronically.

12 Sec. 247. Section 86-572, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 86-572 The Geographic Information Systems Council shall:

15 (1) Make recommendations to the Legislature and the
16 Nebraska Information Technology Commission for program initiatives
17 and funding. The recommendations submitted to the Legislature shall
18 be submitted electronically;

19 (2) Establish guidelines and policies for statewide
20 Geographic Information Systems operations and management to include:

21 (a) The acquisition, development, maintenance, quality
22 assurance such as standards, access, ownership, cost recovery, and
23 priorities of data bases;

24 (b) The compatibility, acquisition, and communications of
25 hardware and software;

1 (c) The assessment of needs, identification of scope,
2 setting of standards, and determination of an appropriate enforcement
3 mechanism;

4 (d) The fostering of training programs and promoting
5 education and information about Geographic Information Systems; and

6 (e) The promoting of Geographic Information Systems
7 development in the State of Nebraska and providing or coordinating
8 additional support to address Geographic Information Systems issues
9 as such issues arise;

10 (3) Report to, assist, and advise the Chief Information
11 Officer in setting information technology policy; and

12 (4) Provide assistance as requested by the commission and
13 support the technical panel created in section 86-521.

14 Sec. 248. Section 86-5,100, Revised Statutes Cumulative
15 Supplement, 2010, is amended to read:

16 86-5,100 The Chief Information Officer, in partnership
17 with the University of Nebraska, shall develop and maintain a
18 statewide, multipurpose, high capacity, scalable telecommunications
19 network to be called Network Nebraska. The network shall consist of
20 contractual arrangements with providers to meet the demand of state
21 agencies, local governments, and educational entities as defined in
22 section 79-1201.01. Such network shall provide access to a reliable
23 and affordable infrastructure capable of carrying a spectrum of
24 services and applications, including distance education, across the
25 state. The Chief Information Officer shall provide access to each

1 school district, each educational service unit, each community
2 college, each state college, and the University of Nebraska at the
3 earliest feasible date and no later than July 1, 2012. Access may be
4 provided through educational service units or other aggregation
5 points. Participation in Network Nebraska shall not be required for
6 any educational entity. The Chief Information Officer shall aggregate
7 demand for those state agencies and educational entities choosing to
8 participate and shall reduce costs for participants whenever
9 feasible. The Chief Information Officer shall establish a cost
10 structure based on actual costs, including necessary administrative
11 expenses but not including administrative travel or conference
12 expenses, and shall charge participants according to such cost
13 structure. The Chief Information Officer shall annually provide a
14 detailed report of such costs to each participant and to the
15 Legislative Fiscal Analyst. The report submitted to the Legislative
16 Fiscal Analyst shall be submitted electronically.

17 Sec. 249. Section 90-309, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 90-309 (1) The Nebraska State Capitol Environs Commission
20 shall meet at least annually with the Nebraska Capitol Commission to
21 discuss and coordinate projects that may impact the capitol and its
22 surrounding environs pursuant to section 81-1108.38.

23 (2) The Nebraska State Capitol Environs Commission shall
24 report each January to the city council and mayor of the city of
25 Lincoln, to the Legislature, and to the Governor. The report

1 submitted to the Legislature shall be submitted electronically. The
2 report shall review the major decisions rendered during the preceding
3 year and outline the rationale for the decisions. The report may also
4 survey the status of the Nebraska State Capitol Environs District and
5 make recommendations for its enhancement and protection.

6 Sec. 250. Sections 70, 71, 72, and 251 of this act become
7 operative on January 1, 2015. The other sections of this act become
8 operative three calendar months after the adjournment of this
9 legislative session.

10 Sec. 251. Original sections 49-1483, 49-1483.03, and
11 49-1488, Reissue Revised Statutes of Nebraska, are repealed.

12 Sec. 252. Original sections 2-15,106, 2-2812, 2-4245,
13 2-5303, 3-801, 9-1,105, 9-809, 9-811.01, 11-203, 13-1205, 13-2114,
14 18-2117.01, 20-325, 23-2313, 24-704, 24-705, 24-1205, 24-1206,
15 25-1809, 25-2920, 29-2252.01, 35-1207, 37-327.01, 37-352, 38-1216,
16 39-1111, 39-1365.02, 39-1391, 39-1392, 42-930, 43-405, 43-512.11,
17 43-1905, 43-2412, 43-3326, 43-3342.04, 43-3402, 44-113, 44-7507,
18 46-1304, 46-1305, 48-1,104, 48-1,118, 48-606, 48-621, 48-1117,
19 48-1625, 48-2213, 48-2307, 48-2909, 49-770, 49-904, 49-1492.01,
20 50-114.03, 50-405, 50-413, 50-1205, 50-1210, 50-1211, 50-1302,
21 54-642, 54-2428, 58-246, 58-270, 66-4,144, 66-1336, 68-959,
22 68-1207.01, 68-1518, 69-503, 69-2409, 69-2423, 71-219.03, 71-707,
23 71-810, 71-816, 71-825, 71-827, 71-830, 71-1134, 71-1628.05,
24 71-1628.07, 71-17,115, 71-1904, 71-2516, 71-3407, 71-4728, 71-4741,
25 71-51,103, 71-5206.01, 71-5210, 71-5322, 71-6226, 71-7611, 71-8313,

1 71-8613, 71-8804, 72-240.26, 72-813, 72-1278, 72-1710, 73-305,
2 76-1521, 77-385, 77-3,116, 77-4110, 77-4933, 77-5204, 77-5210,
3 77-5214, 77-5412, 77-5542, 77-5544, 77-5731, 79-760.03, 79-909,
4 79-976, 79-1905, 81-106, 81-166, 81-187, 81-638, 81-650, 81-6,116,
5 81-829.43, 81-829.47, 81-829.56, 81-830, 81-8,226, 81-8,239.05,
6 81-8,251, 81-8,300, 81-1107.05, 81-1108.15, 81-1108.22, 81-1108.31,
7 81-1108.41, 81-1114, 81-1114.01, 81-1114.02, 81-1117, 81-1120.15,
8 81-1120.16, 81-1125.01, 81-1307.01, 81-1360, 81-1376, 81-1504.01,
9 81-15,153, 81-1606, 81-1607, 81-1637, 81-1845, 81-2004.04, 81-2022,
10 81-2023, 81-2213, 81-2233, 81-2408, 82-333, 83-4,147, 83-924, 83-963,
11 84-205, 84-304, 84-322, 84-605, 84-702, 84-907.06, 84-1205.05,
12 84-1219, 84-1315, 84-1617, 85-1413, 85-1414, 85-1415, 85-1429,
13 85-1811, 86-163, 86-518, 86-530, 86-572, and 90-309, Reissue Revised
14 Statutes of Nebraska, sections 2-111, 2-968, 2-1588, 2-3226.01,
15 4-113, 9-1,101, 13-1210, 20-504, 25-3309, 28-429, 43-2404.02, 68-908,
16 70-1003, 79-527.01, 79-2118, 81-1833, 83-1209, 84-602, 85-1416,
17 85-1807, 85-2106, 86-516, and 86-5,100, Revised Statutes Cumulative
18 Supplement, 2010, and sections 23-362, 29-2252, 37-919, 43-3720,
19 44-4225, 47-624, 50-417, 54-857, 61-218, 66-1345, 68-909, 68-971,
20 68-1017.02, 71-529, 71-7606, 77-367, 77-6309, 79-318, 79-722, 79-759,
21 79-760.05, 79-8,139, 79-987, 79-1007.07, 79-1022, 79-1103,
22 79-2104.02, 81-8,239.02, 81-1108.33, 81-1201.11, 81-1201.13,
23 81-12,142, 81-12,151, 81-12,166, 81-1384, 81-1505.04, 81-15,175,
24 84-901.01, 84-910, and 85-1412, Revised Statutes Supplement, 2011,
25 are repealed.

1 Sec. 253. The following sections are outright repealed:
2 Sections 2-5304, 3-806, 50-422, 71-5213, 81-12,122, and 85-1,130,
3 Reissue Revised Statutes of Nebraska, section 71-465, Revised
4 Statutes Cumulative Supplement, 2010, and section 54-1916, Revised
5 Statutes Supplement, 2011.