

E AND R AMENDMENTS TO LB974

Introduced by Murante, 49, Chairman Enrollment and Review

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. Section 79-1145, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           79-1145 (1) For each fiscal year prior to fiscal  
6 year 2014-15, the aggregate amount of General Funds appropriated  
7 for special education programs and support services pursuant to  
8 sections 79-1129, 79-1132, and 79-1144 shall not exceed the  
9 aggregate amount of General Funds appropriated pursuant to such  
10 sections for the previous fiscal year, ~~multiplied by one plus a~~  
11 ~~rate of~~ increased by five percent.

12           (2) For fiscal year 2014-15 and each fiscal year  
13 thereafter, the aggregate amount of General Funds appropriated  
14 for special education programs and support services pursuant to  
15 sections 79-1129, 79-1132, and 79-1144 shall not exceed the  
16 aggregate amount of General Funds appropriated pursuant to such  
17 sections for the previous fiscal year, increased by ten percent.

18           Sec. 2. Section 81-132, Revised Statutes Cumulative  
19 Supplement, 2012, is amended to read:

20           81-132 All departments, offices, and institutions of  
21 the state government requesting appropriations shall file in the  
22 office of the Director of Administrative Services the budget forms  
23 furnished them by the director under the provisions of sections

1 81-1113 and 81-1113.01. The budget forms required by this section  
2 shall be filed on or before September 15 of each even-numbered  
3 year. ~~except that in 2002, the budget administrator of the~~  
4 ~~budget division of the Department of Administrative Services~~  
5 ~~may extend the filing deadline for budget forms to a date~~  
6 ~~no later than October 15, 2002.~~ The forms shall show their  
7 total estimated requirements for the next biennium for each unit  
8 of their organization and activity classified as to object of  
9 expenditure. With such forms, each department, office, institution,  
10 and expending agency shall file a report showing all money received  
11 by such department, office, institution, or expending agency  
12 together with the estimated receipts for the coming biennium.  
13 Such estimates shall be accompanied by a statement in writing  
14 giving facts and explanations of reasons for each item of increased  
15 appropriation requested. The report submitted by the Department of  
16 Health and Human Services shall include, but not be limited to, the  
17 key goals, benchmarks, and progress reports required pursuant to  
18 section 81-3133 and sections 7 to 9 of this act.

19 Sec. 3. Section 81-1111.01, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 81-1111.01 For agencies with fewer than seven full-time  
22 employees, preaudits shall be conducted by the accounting  
23 bureau or by a state agency authorized by the Director of  
24 Administrative Services to conduct its own preaudits. The Director  
25 of Administrative Services may authorize departments and agencies  
26 that have seven or more full-time employees to perform their own  
27 preaudits, subject to monitoring by the accounting bureau. The

1 preaudits shall be performed in accordance with the provisions of  
2 subdivisions (3) (a) through (f) of section 81-1111.

3           Sec. 4. Section 81-1113, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:

5           81-1113 The budget division shall prepare the executive  
6 budget in accordance with the wishes and policies of the Governor.  
7 The budget division shall have the following duties, powers, and  
8 responsibilities:

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

27           (2) Shall work with each governmental department and

1 agency in developing performance standards for each program,  
2 subprogram, and activity to measure and evaluate present as well  
3 as projected levels of expenditures. The budget division shall  
4 also work with ~~the Division of Children and Family Services of~~  
5 the Department of Health and Human Services to develop key goals,  
6 benchmarks, and methods of quantification of progress required  
7 pursuant to section 81-3133 and sections 7 to 9 of this act;

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

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

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

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

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

27 (c) A requirement that authorized positions accurately

1 reflect legislative intent contained in legislative appropriation  
2 and intent bills; and

3 (d) Other relevant criteria as determined by the budget  
4 administrator.

5 Sec. 5. Section 81-1125.01, Revised Statutes Cumulative  
6 Supplement, 2012, is amended to read:

7 81-1125.01 It shall be the duty of the Director of  
8 Administrative Services to digest, prepare, and report to the  
9 Governor, the Tax Commissioner, ~~and~~ the Clerk of the Legislature,  
10 and the Legislative Fiscal Analyst, at least twenty days before the  
11 commencement of each regular session of the Legislature:

12 (1) ~~A full and detailed statement of~~ The Annual Budgetary  
13 Report showing the condition of the treasury, and the amount of the  
14 expenditures for the last fiscal year;

15 (2) ~~A full and detailed statement of the public debt,~~ The  
16 Comprehensive Annual Financial Report showing fully all liabilities  
17 and resources of the state; and

18 (3) Such plans as he or she may deem expedient for (a)  
19 the support of public credit, (b) lessening the public expenses,  
20 (c) using the public money to the best advantage, (d) promoting  
21 frugality and economy in public offices, and generally for the  
22 better management and more perfect understanding of the fiscal  
23 affairs of the state, and (e) securing uniformity and efficiency in  
24 the levying and collecting of taxes, systematizing the work to be  
25 done by officers having duties to perform under the revenue law.

26 The ~~report~~ reports submitted to the ~~Clerk~~ of the  
27 Legislature shall be submitted electronically. Each member of

1 the Legislature shall receive an electronic copy of the ~~report~~  
2 reports required by this section by making a request for it to the  
3 director.

4 Sec. 6. Section 81-3110, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 81-3110 Sections 81-3110 to 81-3124 and sections 7 to 9  
7 of this act shall be known and may be cited as the Health and Human  
8 Services Act.

9 Sec. 7. (1) For the biennium ending June 30, 2017, and  
10 the biennium ending June 30, 2019, the Division of Behavioral  
11 Health of the Department of Health and Human Services shall, as  
12 part of the appropriations request process pursuant to section  
13 81-132, include a strategic plan that identifies the main purpose  
14 or purposes of each program, verifiable and auditable key goals  
15 that the division believes are fair measures of its progress in  
16 meeting each program's main purpose or purposes, and benchmarks  
17 for improving performance on the key goals. The division shall  
18 also report whether the benchmarks are being met and, if not,  
19 the expected timeframes for meeting them. Such key goals and  
20 benchmarks shall be developed by the division with the assistance  
21 of the budget division of the Department of Administrative Services  
22 pursuant to subdivision (2) of section 81-1113.

23 (2) Not later than September 15, 2015, and not later  
24 than September 15, 2017, the Division of Behavioral Health of the  
25 Department of Health and Human Services shall report electronically  
26 to the Health and Human Services Committee of the Legislature and  
27 the Appropriations Committee of the Legislature on the progress

1 towards the key goals identified pursuant to this section that  
2 occurred in the previous twelve months. The division shall annually  
3 appear at a joint hearing of the two legislative committees and  
4 present the report.

5           Sec. 8. (1) For the biennium ending June 30, 2017, and  
6 the biennium ending June 30, 2019, the Division of Developmental  
7 Disabilities of the Department of Health and Human Services shall,  
8 as part of the appropriations request process pursuant to section  
9 81-132, include a strategic plan that identifies the main purpose  
10 or purposes of each program, verifiable and auditable key goals  
11 that the division believes are fair measures of its progress in  
12 meeting each program's main purpose or purposes, and benchmarks  
13 for improving performance on the key goals. The division shall  
14 also report whether the benchmarks are being met and, if not,  
15 the expected timeframes for meeting them. Such key goals and  
16 benchmarks shall be developed by the division with the assistance  
17 of the budget division of the Department of Administrative Services  
18 pursuant to subdivision (2) of section 81-1113.

19           (2) Not later than September 15, 2015, and not later  
20 than September 15, 2017, the Division of Developmental Disabilities  
21 of the Department of Health and Human Services shall report  
22 electronically to the Health and Human Services Committee of the  
23 Legislature and the Appropriations Committee of the Legislature on  
24 the progress towards the key goals identified pursuant to this  
25 section that occurred in the previous twelve months. The division  
26 shall annually appear at a joint hearing of the two legislative  
27 committees and present the report.

1           Sec. 9. (1) For the biennium ending June 30, 2017, and  
2 the biennium ending June 30, 2019, the Division of Medicaid and  
3 Long-Term Care of the Department of Health and Human Services  
4 shall, as part of the appropriations request process pursuant to  
5 section 81-132, include a strategic plan that identifies the main  
6 purpose or purposes of each program, verifiable and auditable  
7 key goals that the division believes are fair measures of its  
8 progress in meeting each program's main purpose or purposes, and  
9 benchmarks for improving performance on the key goals. The division  
10 shall also report whether the benchmarks are being met and, if  
11 not, the expected timeframes for meeting them. Such key goals and  
12 benchmarks shall be developed by the division with the assistance  
13 of the budget division of the Department of Administrative Services  
14 pursuant to subdivision (2) of section 81-1113.

15           (2) Not later than September 15, 2015, and not later  
16 than September 15, 2017, the Division of Medicaid and Long-Term  
17 Care of the Department of Health and Human Services shall report  
18 electronically to the Health and Human Services Committee of the  
19 Legislature and the Appropriations Committee of the Legislature on  
20 the progress towards the key goals identified pursuant to this  
21 section that occurred in the previous twelve months. The division  
22 shall annually appear at a joint hearing of the two legislative  
23 committees and present the report.

24           Sec. 10. Section 81-3133, Revised Statutes Supplement,  
25 2013, is amended to read:

26           81-3133 (1)(a) On or before July 30, 2012, the Division  
27 of Children and Family Services of the Department of Health and



1 Human Services shall report in writing its expenditures between  
2 January 1, 2012, and June 30, 2012, and the outcomes relating  
3 to such expenditures to the Appropriations Committee of the  
4 Legislature and the Health and Human Services Committee of the  
5 Legislature. Such report shall identify any changes or movement  
6 of funds in excess of two hundred fifty thousand dollars relating  
7 to child welfare between subprograms within Budget Program 347 and  
8 Budget Program 354.

9 (b) Beginning with the third calendar quarter of 2012,  
10 the division shall report electronically its expenditures for each  
11 quarter and the outcomes relating to such expenditures within  
12 thirty days after the end of the quarter to the Appropriations  
13 Committee of the Legislature and the Health and Human Services  
14 Committee of the Legislature. Such report shall identify any  
15 changes or movement of funds in excess of two hundred fifty  
16 thousand dollars relating to child welfare between subprograms  
17 within Budget Program 347 and Budget Program 354.

18 (2)(a) For the biennium ending June 30, 2015, ~~and~~ the  
19 biennium ending June 30, 2017, and the biennium ending June  
20 30, 2019, the Division of Children and Family Services of the  
21 Department of Health and Human Services shall, as part of the  
22 appropriations request process pursuant to section 81-132, include  
23 a strategic plan that identifies the main purpose or purposes  
24 of each program, verifiable and auditable key goals that the  
25 division believes are fair measures of its progress in meeting each  
26 program's main purpose or purposes, and benchmarks for improving  
27 performance on the key goals for the state as a whole and for each

1 Department of Health and Human Services service area designated  
2 pursuant to section 81-3116. The division shall also report whether  
3 the benchmarks are being met and, if not, the expected timeframes  
4 for meeting them. Such key goals and benchmarks shall be developed  
5 by the Division of Children and Family Services with the assistance  
6 of the budget division of the Department of Administrative Services  
7 pursuant to subdivision (2) of section 81-1113.

8 (b) Not later than September 15, 2013, ~~and~~ not later  
9 than September 15, 2015, and not later than September 15, 2017,  
10 the Division of Children and Family Services of the Department  
11 of Health and Human Services shall report electronically to the  
12 Health and Human Services Committee of the Legislature and the  
13 Appropriations Committee of the Legislature on the progress towards  
14 the key goals identified pursuant to this subsection that occurred  
15 in the previous twelve months. The division shall annually appear  
16 at a joint hearing of the two legislative committees and present  
17 the report.

18 Sec. 11. Original sections 79-1145, 81-1111.01, and  
19 81-3110, Reissue Revised Statutes of Nebraska, sections 81-132,  
20 81-1113, and 81-1125.01, Revised Statutes Cumulative Supplement,  
21 2012, and section 81-3133, Revised Statutes Supplement, 2013, are  
22 repealed.

23 Sec. 12. Since an emergency exists, this act takes effect  
24 when passed and approved according to law.

25 2. On page 1, strike beginning with "agency" in line 1  
26 through line 7 and insert "state government; to amend sections  
27 79-1145, 81-1111.01, and 81-3110, Reissue Revised Statutes of

1 Nebraska, sections 81-132, 81-1113, and 81-1125.01, Revised  
2 Statutes Cumulative Supplement, 2012, and section 81-3133,  
3 Revised Statutes Supplement, 2013; to change limitations on the  
4 appropriation of General Funds for special education; to eliminate  
5 obsolete provisions regarding budget forms; to provide and change  
6 reporting requirements for the Department of Health and Human  
7 Services; to change provisions relating to agency preaudits; to  
8 change powers and duties of the Department of Administrative  
9 Services; to harmonize provisions; to repeal the original sections;  
10 and to declare an emergency."