

## LEGISLATIVE BILL 2

Approved by the Governor October 5, 1992

Introduced by Speaker Baack, 47, at the request of the Governor

AN ACT relating to funds; to amend sections 83-145 and 83-150, Reissue Revised Statutes of Nebraska, 1943, and section 9-420, Uniform Commercial Code; to rename a fund; to authorize and provide for transfers of funds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 83-145, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-145. All departments, institutions, and agencies of this state, which are supported in whole or in part by taxation for state purposes, and all counties and other ~~governmental~~ political subdivisions of this state shall purchase from the Department of Correctional Services all articles required by the departments, institutions, and agencies of the state, ~~or by the counties or other governmental subdivisions,~~ them produced, printed, or manufactured by offenders ~~or misdemeanants~~ confined in facilities of the Department of Correctional Services, or elsewhere, including products of any farms operated by the department unless such articles of equal quality and materials could be purchased from another supplier at a lesser cost. The quality and materials must be certified as being equal by the materiel division of the Department of Administrative Services. No such article shall be purchased by any department, institution, or agency of the state from any other source unless excepted from the provisions of this section as provided in sections 83-144 to 83-152. Printing by offenders ~~or misdemeanants~~ shall be restricted to such as may be required at the various institutions under the jurisdiction of the department and such other printing requirements as may be determined by the materiel division of the Department of Administrative Services pursuant to subdivision (3) of section 81-1118. No products of any institutional printing plant, other than that used by departments, institutions, agencies, and

other political subdivisions of the state, shall be sold in competition with outside labor. Nothing in this section shall be construed to prohibit the department from exchanging Department of Correctional Services-made goods with other states. Goods received from divisions of corrections outside of Nebraska shall be of the same status and will be subject to the same restrictions and penalties as if they had been manufactured in the Nebraska Department of Correctional Services. In cases of exchange of Department of Correctional Services-made goods with other states, the department is authorized to pay or receive in cash any differences that may exist in the articles exchanged, the amounts paid or received to be charged or credited to the Nebraska State Use System of Department of Correctional Services Employment Correctional Industries Revolving Fund. In exchange of Department of Correctional Services-made goods with other states, the goods received in exchange shall be restricted to such use and needs as may be required in the various institutions under the jurisdiction of the department. Any authorized agency, bureau, commission, or department of the federal government or any charitable, fraternal, or nonprofit corporation may purchase from the Department of Correctional Services goods produced or manufactured by offenders or misdemeanants confined in facilities of the Department of Correctional Services, or elsewhere, including products of any farms operated by the department.

Sec. 2. That section 83-150, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-150. All funds accruing to received by the Department of Correctional Services under sections 83-144 to 83-152 shall be deposited with remitted to the State Treasurer and by him credited for credit to the Correctional Industries Revolving Fund, which fund is hereby created. The fund shall be administered by the Director of Correctional Services. The fund shall be used to pay all proper expenses incident to the administration of sections 83-144 to 83-152, except that transfers from the fund to the General Fund may be made at the direction of the Legislature. Any money in the Correctional Industries Revolving Fund Nebraska State Use System of Department of Correctional Services Employment Fund. All proper expenses incident to the administration of sections 83-144 to 83-152 shall be payable out of the fund. Any money in the Nebraska State Use System of Department of Correctional Services Employment Fund available for investment shall be



invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259 72-1276.

Any money in the Nebraska State Use System of Department of Correctional Services Employment Fund on the effective date of this act shall be transferred to the Correctional Industries Revolving Fund on such date.

Sec. 3. That section 9-420, Uniform Commercial Code, be amended to read as follows: U9-420. Uniform Commercial Code Cash Fund; created; use; Secretary of State; furnish printers.

(1) There is hereby created the Uniform Commercial Code Cash Fund. All funds received pursuant to section 9-403, Uniform Commercial Code, and sections 52-1312, 52-1313, 52-1316, and 52-1602 shall be placed in the fund and used by the Secretary of State to carry out subsection (2) of this section, sections 9-401, 9-403, and 9-411 to 9-415, Uniform Commercial Code, and sections 52-1301 to 52-1321, except that transfers from the Uniform Commercial Code Cash Fund to the General Fund may be made at the direction of the Legislature.

(2) The Secretary of State shall furnish each county clerk a printer compatible with the centralized computer system established pursuant to section 9-415, Uniform Commercial Code, so the county clerk is able to mail written confirmation of inquiries by the end of the next business day as required by section 52-1316.

Sec. 4. That original sections 83-145 and 83-150, Reissue Revised Statutes of Nebraska, 1943, and section 9-420, Uniform Commercial Code, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.