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Donations and Solicitation Policy

Issue Date: July 21, 2000

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Nebraska Laws:

All donations and solicitations must be made in accordance with Nebraska law, as stated in the biennial appropriations bill, as follows:

"...any gift, bequest, or devise made available to the State of Nebraska for any purpose or purposes, together with the income thereof, shall be allocated to the expending agency designated by the donor or, if none is designated, by the Governor. Acceptance of a gift, bequest, or devise shall be subject to approval of the expending agency and the following restrictions:

1. No matching of state funds shall be required as a condition of acceptance;
2. Any gift, bequest, or devise of personal property in excess of \$10,000 shall be approved by the Governor before acceptance;*
3. Any gift, bequest, or devise of real property in excess of \$10,000 shall be approved by the Governor and the Legislature before acceptance.

For purposes of this section, gifts, bequests, or devises shall include, but not be limited to, donations, gifts, bequests, devises, and grants from individuals, organizations, corporations, and similar entities and from nonfederal government agencies.

At the discretion of the Budget Administrator of the Budget Division of the Department of Administrative Services and the Accounting Administrator of the Department of Administrative Services, expenditures of funds from any gift, bequest, or devise may be expended through any existing or administratively created Cash Fund account, Revolving Fund account, or Trust Fund account, in which case the actual amount of the gift, bequest, or devise is hereby appropriated to the expending agency for the purpose or purposes designated by the donor, in addition to the amounts appropriated in this act. If no such Cash Fund account, Revolving Fund account, or Trust Fund account exists, the Accounting Administrator may create such fund account as is necessary to properly and separately account for the gift, bequest, or devise in which case the actual amount of the gift, bequest, or devise is hereby appropriated to the expending agency, for the purpose or purposes designated by the donor, in addition to the amounts appropriated by this act..."

In addition, donations and solicitations must adhere to the Nebraska Political Accountability and Disclosure Act, Sections 49-1401 et seq which contains various restrictions on the actions of officers and employees of the State of Nebraska. These restrictions would include acceptance of gifts from lobbyists (Section 49-1490); gifts or anything of value in return for influencing the actions or judgment of a public employee (Section 49-14,101); conflicts of interest (Section 49-1498 and 1499); and restrictions on contracts (Section 49-14,102 through 49-14,103.07).

*Exception: According to DAS, specific legislation regarding gifts, bequests, or devises of personal property related to a specific program supercedes the appropriation bill and requirement for Governor's approval.

Donations

The Service Area Administrator/Facility CEO/Division Administrator (or appointed representative) is responsible for assuring that all donations are received and accounted for in accordance with this policy.

Donations of cash, goods, or services may be accepted by the Nebraska Health and Human Services System (NHHSS) in accordance with the preceding law. Canteen profits are not considered donations. Match requirements for grants are not considered donations. Donations made directly to a client/patient/member or to a provider for items or services on behalf of the client/patient/member shall not be considered a donation to the NHHSS.

Goods and Services. A record of donated goods and services received will be maintained by each Service Area/Facility/Division.

A written receipt shall be provided to the donor listing the goods and/or services, but not an estimated value. (The donor is responsible for the estimated valuation of the donation for tax purposes.)

Monetary Donations. A record of monetary donations received will be maintained by each Service Area/Facility/Division. Monetary donations must be processed through the State Accounting system via NHHSS Finance & Support. Each donor shall be given a written receipt. All monies donated in care of a local facility/office must be submitted to the respective NHHSS Accounting Unit for processing through the State of Nebraska Department of Administrative Services Accounting. No check shall be made payable to an employee of NHHSS. Checks may be made payable to the Nebraska Health and Human Services System department, office, or facility.

Solicitations

Acceptable methods for acquiring donations from the public include:

- A general announcement or appeal stating that NHHSS needs specific donations.
- Presentations to community organizations and businesses to inform them of NHHSS programs and client/patient/member needs for purposes of acquiring specific donations.
- Contacting past donors to inform them of programs and client/patient/member needs for purposes of acquiring specific donations.

All other types of activities not specifically prohibited in this section shall be approved by the Services Area Administrator, Facility CEO, or Division Administrator in Central Office.

NHHSS cannot sponsor the following type of activities utilized for gaining donations from the public:

- Raffles, lotteries, or any form of gambling
- Auction, rummage sales, or bake sales
- Door-to-door solicitation
- Solicitation through direct mass mailings to the general public or the business community

Exception: Internal fundraisers by state employees are permissible if authorization has been given by the Service Area Administrator/Facility CEO/Division Administrator. (Example: Employees prepare baked goods and sell to each other). Under no circumstances are raffles, lotteries or any form of gambling permitted.

This does not preclude NHHSS from accepting donations from community organizations utilizing these activities.

(Note: A match requirement for a grant is not considered as a solicitation.)

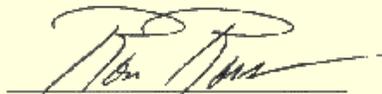
Disbursement of Donations

The donor may stipulate what, where and/or for whom the donation is to be used subject to the acceptance of the agency. The monitoring of the stipulations is the responsibility of the receiving NHHSS program.

The following policies for use of donations are to be strictly adhered to:

- No disbursement of public donations shall be made which will personally benefit an NHHSS employee.
- Authorization for disbursement shall be at the discretion of the Service Area Administrator, Facility CEO, or Division Administrator at Central Office in keeping with NHHSS policies and philosophies.
- Disbursements must be made in accordance with the Nebraska Department of Administrative Services (DAS) requirements. Disbursements may be used to supplement, not supplant, items or services provided by the Agency.

Adopted by the Policy Cabinet: June 27, 2000



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