

LEGISLATURE OF NEBRASKA  
 ONE HUNDRED SECOND LEGISLATURE  
 FIRST SESSION  
**LEGISLATIVE BILL 378**

Final Reading

Introduced by Speaker Flood, 19; at the request of the Governor.

Read first time January 13, 2011

Committee: Appropriations

A BILL

1 FOR AN ACT relating to state funds; to amend sections 47-632,  
 2 48-1,103, 48-622.01, 66-1345.04, 81-8,239.02, 81-1120.02,  
 3 81-1120.22, 85-122, 85-125, 85-192, and 85-1,123, Reissue  
 4 Revised Statutes of Nebraska, sections 24-205, 24-227.01,  
 5 25-2921, 29-2259.02, 29-2262.07, 81-1120.23, and 82-331,  
 6 Revised Statutes Cumulative Supplement, 2010, and section  
 7 9-531, Uniform Commercial Code, Revised Statutes  
 8 Cumulative Supplement, 2010; to provide for, change, and  
 9 eliminate provisions relating to the use and transfer of  
 10 funds; to create a fund; to eliminate funds; to harmonize  
 11 provisions; to repeal the original sections; to outright  
 12 repeal section 81-3606, Reissue Revised Statutes of  
 13 Nebraska, and section 77-3,111, Revised Statutes  
 14 Cumulative Supplement, 2010; and to declare an emergency.  
 15 Be it enacted by the people of the State of Nebraska,

1           Section 1. The State Treasurer shall transfer \$234,954  
2 from the Uniform Commercial Code Cash Fund to the Election  
3 Administration Fund on or before July 5, 2011.

4           Sec. 2. The State Treasurer shall transfer \$234,954 from  
5 the Uniform Commercial Code Cash Fund to the Election Administration  
6 Fund on or before July 5, 2012.

7           Sec. 3. The State Treasurer shall transfer \$110,000,000  
8 from the General Fund to the Property Tax Credit Cash Fund on or  
9 before December 15, 2011, on such date as directed by the budget  
10 administrator of the budget division of the Department of  
11 Administrative Services.

12           Sec. 4. The State Treasurer shall transfer \$110,000,000  
13 from the General Fund to the Property Tax Credit Cash Fund on or  
14 before December 15, 2012, on such date as directed by the budget  
15 administrator of the budget division of the Department of  
16 Administrative Services.

17           Sec. 5. The State Treasurer shall transfer \$42,900 from  
18 the Local Civic, Cultural, and Convention Center Financing Fund to  
19 the Department of Revenue Enforcement Fund on July 1, 2011, or as  
20 soon thereafter as administratively possible, pursuant to section  
21 77-5601.

22           Sec. 6. The State Treasurer shall transfer \$43,900 from  
23 the Civic and Community Center Financing Fund to the Department of  
24 Revenue Enforcement Fund on July 1, 2012, or as soon thereafter as  
25 administratively possible, pursuant to section 77-5601.

1           Sec. 7. The State Treasurer shall transfer \$50,000 from  
2 the Stem Cell Research Cash Fund to the Health and Human Services  
3 Cash Fund on or before June 30, 2012, as directed by the budget  
4 administrator of the budget division of the Department of  
5 Administrative Services.

6           Sec. 8. The State Treasurer shall transfer \$50,000 from  
7 the Stem Cell Research Cash Fund to the Health and Human Services  
8 Cash Fund on or before June 30, 2013, as directed by the budget  
9 administrator of the budget division of the Department of  
10 Administrative Services.

11           Sec. 9. The State Treasurer shall transfer \$485,700 from  
12 the Tobacco Prevention and Control Cash Fund to the Health and Human  
13 Services Cash Fund on or before June 30, 2012, as directed by the  
14 budget administrator of the budget division of the Department of  
15 Administrative Services.

16           Sec. 10. The State Treasurer shall transfer \$485,700 from  
17 the Tobacco Prevention and Control Cash Fund to the Health and Human  
18 Services Cash Fund on or before June 30, 2013, as directed by the  
19 budget administrator of the budget division of the Department of  
20 Administrative Services.

21           Sec. 11. The State Treasurer shall transfer \$2,700,000  
22 from the General Fund to the Water Resources Cash Fund on or before  
23 June 30, 2012, on such date as directed by the budget administrator  
24 of the budget division of the Department of Administrative Services,  
25 pursuant to section 61-218.

1           Sec. 12. The State Treasurer shall transfer \$2,700,000  
2 from the General Fund to the Water Resources Cash Fund on or before  
3 June 30, 2013, on such date as directed by the budget administrator  
4 of the budget division of the Department of Administrative Services,  
5 pursuant to section 61-218.

6           Sec. 13. The State Treasurer shall transfer \$2,500,000  
7 from the General Fund to the Ethanol Production Incentive Cash Fund  
8 on or before June 30, 2012, on such date as directed by the budget  
9 administrator of the budget division of the Department of  
10 Administrative Services, pursuant to subdivision (2)(g) of section  
11 66-1345.04.

12           Sec. 14. The State Treasurer shall transfer \$3,800,000  
13 from the General Fund to the Ethanol Production Incentive Cash Fund  
14 on or before June 30, 2012, on such date as directed by the budget  
15 administrator of the budget division of the Department of  
16 Administrative Services, pursuant to subdivision (2)(1) of section  
17 66-1345.04.

18           Sec. 15. The State Treasurer shall transfer \$25,000,000  
19 from the General Fund to the Nebraska Capital Construction Fund on or  
20 before June 30, 2012, on such date as directed by the budget  
21 administrator of the budget division of the Department of  
22 Administrative Services.

23           Sec. 16. Section 24-205, Revised Statutes Cumulative  
24 Supplement, 2010, is amended to read:

25           24-205 The Supreme Court Education Fund is created. The

1 State Court Administrator shall administer the fund. The fund shall  
2 consist of money remitted pursuant to section 33-154. Except as  
3 otherwise directed by the Supreme Court during the period from  
4 November 21, 2009, until June 30, ~~2011, 2013,~~ the fund shall only be  
5 used to aid in supporting the mandatory training and education  
6 program for judges and employees of the Supreme Court, Court of  
7 Appeals, district courts, separate juvenile courts, county courts,  
8 and Nebraska Probation System as enacted by rule of the Supreme  
9 Court. Any money in the fund available for investment shall be  
10 invested by the state investment officer pursuant to the Nebraska  
11 Capital Expansion Act and the Nebraska State Funds Investment Act.

12 Sec. 17. Section 24-227.01, Revised Statutes Cumulative  
13 Supplement, 2010, is amended to read:

14 24-227.01 The Supreme Court Automation Cash Fund is  
15 created. The State Court Administrator shall administer the fund.  
16 Except as otherwise directed by the Supreme Court during the period  
17 from November 21, 2009, until June 30, ~~2011, 2013,~~ the fund shall  
18 only be used to support automation expenses of the Supreme Court,  
19 Court of Appeals, district courts, separate juvenile courts, county  
20 courts, and Nebraska Probation System from the computer automation  
21 budget program, except that the State Treasurer shall, on or before  
22 June 30, 2011, on such date as directed by the budget administrator  
23 of the budget division of the Department of Administrative Services,  
24 transfer the amount set forth in Laws 2009, LB1, One Hundred First  
25 Legislature, First Special Session. Any money in the Supreme Court

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

4 Sec. 18. Section 25-2921, Revised Statutes Cumulative  
5 Supplement, 2010, is amended to read:

6 25-2921 The Dispute Resolution Cash Fund is created. The  
7 State Court Administrator shall administer the fund. The fund shall  
8 consist of proceeds received pursuant to subdivision (10) of section  
9 25-2908 and section 33-155. Except as otherwise directed by the  
10 Supreme Court during the period from November 21, 2009, until June  
11 30, ~~2011,~~2013, the fund shall be used to supplement the  
12 administration of the office and the support of the approved centers.  
13 It is the intent of the Legislature that any General Fund money  
14 supplanted by the Dispute Resolution Cash Fund may be used for the  
15 support and maintenance of the State Library. Any money in the fund  
16 available for investment shall be invested by the state investment  
17 officer pursuant to the Nebraska Capital Expansion Act and the  
18 Nebraska State Funds Investment Act.

19 Sec. 19. Section 29-2259.02, Revised Statutes Cumulative  
20 Supplement, 2010, is amended to read:

21 29-2259.02 The State Probation Contractual Services Cash  
22 Fund is created. The fund shall consist only of payments received by  
23 the state pursuant to contractual agreements with local political  
24 subdivisions for probation services provided by the Office of  
25 Probation Administration. Except as otherwise directed by the Supreme

1 Court during the period from November 21, 2009, until June 30, ~~2011,~~  
2 2013, the fund shall only be used to pay for probation services  
3 provided by the Office of Probation Administration to local political  
4 subdivisions which enter into contractual agreements with the Office  
5 of Probation Administration. The fund shall be administered by the  
6 probation administrator. Any money in the fund available for  
7 investment shall be invested by the state investment officer pursuant  
8 to the Nebraska Capital Expansion Act and the Nebraska State Funds  
9 Investment Act.

10 Sec. 20. Section 29-2262.07, Revised Statutes Cumulative  
11 Supplement, 2010, is amended to read:

12 29-2262.07 The Probation Program Cash Fund is created.  
13 All funds collected pursuant to section 29-2262.06 shall be remitted  
14 to the State Treasurer for credit to the fund. Except as otherwise  
15 directed by the Supreme Court during the period from November 21,  
16 2009, until June 30, ~~2011,~~2013, the fund shall be utilized by the  
17 administrator, in consultation with the Community Corrections  
18 Council, for the purposes stated in subdivision (14) of section  
19 29-2252, except that the State Treasurer shall, on or before June 30,  
20 2011, on such date as directed by the budget administrator of the  
21 budget division of the Department of Administrative Services,  
22 transfer the amount set forth in Laws 2009, LB1, One Hundred First  
23 Legislature, First Special Session. Any money in the fund available  
24 for investment shall be invested by the state investment officer  
25 pursuant to the Nebraska Capital Expansion Act and the Nebraska State

1 Funds Investment Act.

2           On July 15, 2010, the State Treasurer shall transfer  
3 three hundred fifty thousand dollars from the Probation Program Cash  
4 Fund to the Violence Prevention Cash Fund. The Office of Violence  
5 Prevention shall distribute such funds as soon as practicable after  
6 July 15, 2010, to organizations or governmental entities that have  
7 submitted violence prevention plans and that best meet the intent of  
8 reducing street and gang violence and reducing homicides and injuries  
9 caused by firearms.

10           Sec. 21. Section 47-632, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           47-632 (1) The Community Corrections Uniform Data  
13 Analysis Cash Fund is created. Except as provided in ~~subsection~~  
14 subsections (2) and (3) of this section, the fund shall be  
15 established for administrative purposes only within the Nebraska  
16 Commission on Law Enforcement and Criminal Justice, shall be  
17 administered by the executive director of the Community Corrections  
18 Council, and shall only be used to support operations costs and  
19 analysis relating to the implementation and coordination of the  
20 uniform analysis of crime data pursuant to the Community Corrections  
21 Act, including associated information technology projects, as  
22 specifically approved by the executive director of the Community  
23 Corrections Council. The fund shall consist of money collected  
24 pursuant to section 47-633.

25           (2) Transfers may be made from the fund to the General

1 Fund at the direction of the Legislature.

2 (3) The State Treasurer shall transfer the following  
3 amounts from the Community Corrections Uniform Data Analysis Cash  
4 Fund to the Violence Prevention Cash Fund:

5 (a) Two hundred thousand dollars on July 1, 2011, or as  
6 soon thereafter as administratively possible; and

7 (b) Two hundred thousand dollars on July 1, 2012, or as  
8 soon thereafter as administratively possible.

9 ~~(3)~~(4) Any money in the Community Corrections Uniform  
10 Data Analysis Cash Fund available for investment shall be invested by  
11 the state investment officer pursuant to the Nebraska Capital  
12 Expansion Act and the Nebraska State Funds Investment Act.

13 Sec. 22. Section 48-1,103, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 48-1,103 There is hereby established in the state  
16 treasury a Workers' Compensation Claims Revolving Fund, to be  
17 administered by the Risk Manager, from which all workers'  
18 compensation costs, including prevention and administration, shall be  
19 paid. The fund may also be used to pay the costs of administering the  
20 Risk Management Program. The fund shall receive deposits from  
21 assessments against state agencies charged by the Risk Manager to pay  
22 for workers' compensation costs. When the amount of money in the  
23 Workers' Compensation Claims Revolving Fund is not sufficient to pay  
24 any awards or judgments under sections 48-192 to 48-1,109, the Risk  
25 Manager shall immediately advise the Legislature and request an

1 emergency appropriation to satisfy such awards and judgments. Any  
2 money in the Workers' Compensation Claims Revolving Fund available  
3 for investment shall be invested by the state investment officer  
4 pursuant to the Nebraska Capital Expansion Act and the Nebraska State  
5 Funds Investment Act.

6           Sec. 23. Section 48-622.01, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           48-622.01 (1) There is hereby created in the state  
9 treasury a special fund to be known as the State Unemployment  
10 Insurance Trust Fund. All state unemployment insurance tax collected  
11 under sections 48-648 to 48-661, less refunds, shall be paid into the  
12 fund. Such money shall be held in trust for ~~the sole and exclusive~~  
13 ~~use of~~ payment of unemployment insurance benefits. Any money in the  
14 fund available for investment shall be invested by the state  
15 investment officer pursuant to the Nebraska Capital Expansion Act and  
16 the Nebraska State Funds Investment Act, except that interest earned  
17 on money in the fund shall be credited to the Nebraska Training and  
18 Support Trust Fund at the end of each calendar quarter.

19           (2) The commissioner shall have authority to determine  
20 when and in what amounts withdrawals from the State Unemployment  
21 Insurance Trust Fund for payment of benefits are necessary. Amounts  
22 withdrawn for payment of benefits shall be immediately forwarded to  
23 the Secretary of the Treasury of the United States of America to the  
24 credit of the state's account in the Unemployment Trust Fund,  
25 provisions of law in this state relating to the deposit,

1 administration, release, or disbursement of money in the possession  
2 or custody of this state to the contrary notwithstanding.

3 (3) If and when the state unemployment insurance tax  
4 ceases to exist as determined by the Governor, all money then in the  
5 State Unemployment Insurance Trust Fund less accrued interest shall  
6 be immediately transferred to the credit of the state's account in  
7 the Unemployment Trust Fund, provisions of law in this state relating  
8 to the deposit, administration, release, or disbursement of money in  
9 the possession or custody of this state to the contrary  
10 notwithstanding. The determination to eliminate the state  
11 unemployment insurance tax shall be based on the solvency of the  
12 state's account in the Unemployment Trust Fund and the need for  
13 training of Nebraska workers. Accrued interest in the State  
14 Unemployment Insurance Trust Fund shall be credited to the Nebraska  
15 Training and Support Trust Fund.

16 (4) Upon certification from the commissioner that  
17 disallowed costs by the United States Department of Labor for  
18 FY2007-08, FY2008-09, and FY2009-10, or any one of them, have been  
19 reduced to an amount certain by way of settlement or final judgment,  
20 the State Treasurer shall transfer the amount of such settlement or  
21 final judgment from the State Unemployment Insurance Trust Fund to  
22 the Employment Security Special Contingent Fund. The total amount of  
23 such transfers shall not exceed \$2,816,345. The amount of the  
24 reappropriation of Federal Funds appropriated in FY2004-05 under  
25 section 903(d) of the federal Social Security Act shall be reduced by

1 the amount transferred.

2           Sec. 24. Section 66-1345.04, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           66-1345.04 (1) The State Treasurer shall transfer from  
5 the General Fund to the Ethanol Production Incentive Cash Fund, on or  
6 before the end of each of fiscal years 1995-96 and 1996-97,  
7 \$8,000,000 per fiscal year.

8           (2) It is the intent of the Legislature that the  
9 following General Fund amounts be appropriated to the Ethanol  
10 Production Incentive Cash Fund in each of the following years:

11           (a) For each of fiscal years 1997-98 and 1998-99,  
12 \$7,000,000 per fiscal year;

13           (b) For fiscal year 1999-2000, \$6,000,000;

14           (c) For fiscal year 2000-01, \$5,000,000;

15           (d) For fiscal year 2001-02 and for each of fiscal years  
16 2003-04 through 2006-07, \$1,500,000;

17           (e) For each of fiscal years 2005-06 and 2006-07,  
18 \$2,500,000 in addition to the amount in subdivision (2)(d) of this  
19 section;

20           (f) For fiscal year 2007-08, \$5,500,000;

21           (g) For each of fiscal years 2008-09 through 2011-12,  
22 \$2,500,000;

23           (h) For each of fiscal years 2005-06 and 2006-07,  
24 \$5,000,000 in addition to the other amounts in this section;

25           (i) For fiscal year 2007-08, \$15,500,000 in addition to

1 the other amounts in this section;

2 (j) For fiscal year 2009-10, \$8,250,000 in addition to  
3 the other amounts in this section; ~~and~~

4 (k) For fiscal year 2010-11, \$3,000,000 in addition to  
5 the other amounts in this section; and -

6 (l) For fiscal year 2011-12, \$3,800,000 in addition to  
7 the other amounts in this section.

8 Sec. 25. Section 81-8,239.02, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 81-8,239.02 The following separate permanent revolving  
11 funds are established in the state treasury for use under the Risk  
12 Management Program according to the purposes for which each fund is  
13 established:

14 (1) The State Insurance Fund is hereby created for the  
15 purpose of purchasing insurance to cover property, fidelity, and  
16 liability risks of the state and workers' compensation claims against  
17 the state and other risks to which the state or its agencies,  
18 officials, or employees are exposed and for paying related expenses,  
19 including the costs of administering the Risk Management Program. The  
20 fund may receive deposits from assessments against state agencies to  
21 provide insurance coverage as directed by the Risk Manager. The Risk  
22 Manager may retain in the fund sufficient money to pay for any  
23 deductibles, self-insured retentions, or copayments as may be  
24 required by such insurance policies and Risk Management Program  
25 expenses;

1           (2) The State Self-Insured Property Fund is hereby  
2 created for the purpose of replacing, repairing, or rebuilding state  
3 property which has incurred damage or is suffering other loss not  
4 fully covered by insurance and for paying related expenses. The fund  
5 may receive deposits from assessments against state agencies to  
6 provide property coverage as directed by the Risk Manager. The Risk  
7 Manager may assess state agencies to provide self-insured property  
8 coverage;

9           (3) The State Self-Insured Indemnification Fund is hereby  
10 created for the purpose of paying indemnification claims under  
11 section 81-8,239.05. Indemnification claims shall include payments  
12 for awards, settlements, and associated costs, including appeal bonds  
13 and reasonable costs associated with a required appearance before any  
14 tribunal. The fund may receive deposits from assessments against  
15 state agencies to pay for the costs associated with providing and  
16 supporting indemnification claims. The creation of this fund shall  
17 not be interpreted as expanding the liability exposure of the state  
18 or its agencies, officials, or employees; and

19           (4) The State Self-Insured Liability Fund is hereby  
20 created for the purpose of paying compensable liability and fidelity  
21 claims against the state or its agencies, officials, or employees  
22 which are not fully covered by insurance and for which there is  
23 insufficient agency funding and for which a legislative appropriation  
24 is made under the provisions of section 81-8,239.11. The creation of  
25 this fund shall not be interpreted as expanding the liability

1 exposure of the state or its agencies, officials, or employees. The  
2 Risk Manager shall report all claims and judgments paid from the  
3 State Self-Insured Liability Fund to the Clerk of the Legislature  
4 annually. The report shall include the name of the claimant, the  
5 amount claimed and paid, and a brief description of the claim,  
6 including any agency, program, and activity under which the claim  
7 arose. Any member of the Legislature may receive a copy of the report  
8 by making a request to the Risk Manager.

9           Sec. 26. Section 81-1120.02, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           81-1120.02 As used in sections 81-1120.01 to 81-1120.28  
12 and section 29 of this act, unless the context otherwise requires:

13           (1) Director means the Director of Communications;

14           (2) Division means the division of communications of the  
15 office of Chief Information Officer;

16           (3) Communications system means the total communications  
17 facilities and equipment owned, leased, or used by all departments,  
18 agencies, and subdivisions of state government; and

19           (4) Communications means any transmission, emission, or  
20 reception of signs, signals, writing, images, and sounds or  
21 intelligence of any nature by wire, radio, optical, or other  
22 electromagnetic systems.

23           Sec. 27. Section 81-1120.22, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25           81-1120.22 The Director of Communications shall develop a

1 system of equitable billings and charges for communications services  
2 provided in any consolidated or joint-use system of communications.  
3 Such system of charges shall reflect, as nearly as may be practical,  
4 the actual share of costs incurred on behalf of or for services to  
5 each department, agency, or political subdivision provided  
6 communications services. from the communications system. Using  
7 agencies shall pay for such services out of appropriated or available  
8 funds. All ~~Prior to July 1, 2011, all payments shall be credited to~~  
9 ~~the Communications Cash Fund. Beginning July 1, 2011, all payments~~  
10 shall be credited to the Communications Revolving Fund. Prior to July  
11 1, 2011, all ~~Any money in the fund available for investment shall be~~  
12 ~~invested by the state investment officer pursuant to the Nebraska~~  
13 ~~Capital Expansion Act and the Nebraska State Funds Investment Act.~~  
14 ~~All~~ collections for payment of telephone expenses shall be credited  
15 to the Telephone Expense Revolving Fund which is hereby created.  
16 ~~Expenditures shall be made from the Telephone Expense Revolving Fund~~  
17 ~~for the payment of telephone expenses subject to appropriations by~~  
18 ~~the Legislature. Such payment shall be made by the Director of~~  
19 ~~Communications. Beginning July 1, 2011, all collections for payment~~  
20 of telephone expenses shall be credited to the Communications  
21 Revolving Fund. On July 1, 2011, or as soon thereafter as is  
22 administratively possible, the State Treasurer shall transfer any  
23 money in the Telephone Expense Revolving Fund to the Communications  
24 Revolving Fund. On July 31, 2011, the Telephone Expense Revolving  
25 Fund shall terminate.

1           Sec. 28. Section 81-1120.23, Revised Statutes Cumulative  
2 Supplement, 2010, is amended to read:

3           81-1120.23 There is hereby established a cash fund to be  
4 known as the Communications Cash Fund. Appropriations made to the  
5 division of communications of the office of Chief Information Officer  
6 for the purposes of sections 81-1120.01 to 81-1120.28 shall be  
7 credited to the fund. All funds received under such sections and all  
8 funds received for communications services provided to any agency,  
9 department, or other user shall be credited to the fund. The division  
10 shall, under policies and procedures established by the director,  
11 expend funds from time to time credited to the fund for the  
12 communications purposes enumerated in such sections. Transfers may be  
13 made from the fund to the General Fund at the direction of the  
14 Legislature. Any money in the Communications Cash Fund available for  
15 investment shall be invested by the state investment officer pursuant  
16 to the Nebraska Capital Expansion Act and the Nebraska State Funds  
17 Investment Act. On July 1, 2011, or as soon thereafter as is  
18 administratively possible, the State Treasurer shall transfer any  
19 money in the Communications Cash Fund to the Communications Revolving  
20 Fund. On July 31, 2011, the Communications Cash Fund shall terminate.

21           Sec. 29. There is hereby established a revolving fund to  
22 be known as the Communications Revolving Fund. Beginning July 1,  
23 2011, appropriations made to the division of communications of the  
24 office of Chief Information Officer for the purposes of sections  
25 81-1120.01 to 81-1120.28 shall be credited to the fund. Beginning

1 July 1, 2011, all funds received under such sections and all funds  
2 received for communications services provided to any agency,  
3 department, political subdivision, or other user shall be credited to  
4 the fund. The division shall, under policies and procedures  
5 established by the director, expend funds from time to time credited  
6 to the fund for the communications purposes enumerated in such  
7 sections. Any money in the Communications Revolving Fund available  
8 for investment shall be invested by the state investment officer  
9 pursuant to the Nebraska Capital Expansion Act and the Nebraska State  
10 Funds Investment Act.

11           Sec. 30. Section 82-331, Revised Statutes Cumulative  
12 Supplement, 2010, is amended to read:

13           82-331 (1) There is hereby established in the state  
14 treasury a trust fund to be known as the Nebraska Cultural  
15 Preservation Endowment Fund. The fund shall consist of funds  
16 appropriated or transferred by the Legislature, and only the earnings  
17 of the fund may be used as provided in this section.

18           (2) On August 1, 1998, the State Treasurer shall transfer  
19 five million dollars from the General Fund to the Nebraska Cultural  
20 Preservation Endowment Fund.

21           (3) Except as provided in subsection (4) of this section,  
22 it is the intent of the Legislature that the State Treasurer shall  
23 transfer (a) an amount not to exceed five hundred thousand dollars  
24 from the General Fund to the Nebraska Cultural Preservation Endowment  
25 Fund on December 31 of 2009 and 2010 and (b) an amount not to exceed

1 five hundred thousand dollars from the General Fund to the Nebraska  
2 Cultural Preservation Endowment Fund on December 31 of ~~2011, 2012,~~  
3 2013, 2014, 2015, ~~and 2016,~~ 2017, and 2018.

4 (4) Prior to the transfer of funds from any state account  
5 into the Nebraska Cultural Preservation Endowment Fund, the Nebraska  
6 Arts Council shall provide documentation to the budget division of  
7 the Department of Administrative Services that qualified endowments  
8 have generated a dollar-for-dollar match of new money, up to the  
9 amount of state funds authorized by the Legislature to be transferred  
10 to the Nebraska Cultural Preservation Endowment Fund. The budget  
11 division of the Department of Administrative Services shall notify  
12 the State Treasurer to execute a transfer of state funds up to the  
13 amount specified by the Legislature, but only to the extent that the  
14 Nebraska Arts Council has provided documentation of a dollar-for-  
15 dollar match. Funds not transferred shall be carried forward to the  
16 succeeding year and be added to the funds authorized for a dollar-  
17 for-dollar match during that year.

18 (5) The Legislature shall not appropriate or transfer  
19 money from the Nebraska Cultural Preservation Endowment Fund for any  
20 purpose other than the purposes stated in sections 82-330 to 82-333,  
21 except that the Legislature may appropriate or transfer money from  
22 the fund upon a finding that the purposes of such sections are not  
23 being accomplished by the fund.

24 (6) Any money in the Nebraska Cultural Preservation  
25 Endowment Fund available for investment shall be invested by the

1 state investment officer pursuant to the Nebraska Capital Expansion  
2 Act and the Nebraska State Funds Investment Act.

3 (7) All investment earnings from the Nebraska Cultural  
4 Preservation Endowment Fund shall be credited to the Nebraska Arts  
5 and Humanities Cash Fund.

6 Sec. 31. Section 85-122, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 85-122 The several funds for the support of the  
9 university shall be constituted and designated as follows: (1) The  
10 Permanent Endowment Fund; (2) the Temporary University Fund; (3) the  
11 University Cash Fund; (4) the United States Morrill Fund; (5) the  
12 United States Experiment Station Fund; (6) the University Trust Fund;  
13 (7) the United States Agricultural Extension Fund; (8) the Veterinary  
14 School Fund; (9) the University of Nebraska at Omaha Cash Fund; (10)  
15 the University of Nebraska at Omaha Trust Fund; (11) the University  
16 of Nebraska at Kearney Cash Fund; (12) the University of Nebraska at  
17 Kearney Trust Fund; (13) the Agricultural Field Laboratory Fund; (14)  
18 the Animal Research and Diagnosis Revolving Fund; (15) the University  
19 Buildings Renovation and Land Acquisition Fund; (16) the University  
20 Facility Improvement Fund; (17) the University of Nebraska Eppley  
21 Science Hall Construction Fund; and (18) the University Facilities  
22 Fund. No portion of the funds designated above derived from taxation  
23 shall be disbursed for mileage or other traveling expenses except as  
24 authorized by sections 81-1174 to 81-1177. No expenditures shall be  
25 made for or on behalf of the School of Veterinary Medicine and

1 Surgery except from money appropriated to the Veterinary School Fund.  
2 Any money in the funds designated in this section 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 except as provided in sections 85-125, 85-192, and  
6 85-1,123.

7           Sec. 32. Section 85-125, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           85-125 The University Cash Fund shall consist of the  
10 matriculation and diploma fees, registration fees, laboratory fees,  
11 tuition fees, summer session or school fees, all other money or fees  
12 collected from students by the authority of the Board of Regents for  
13 university purposes, and receipts from all university activities  
14 collected by the board in connection with the operation of the  
15 university. A record shall be kept by the board separating such money  
16 into appropriate and convenient accounts. All money and funds  
17 accruing to the University Cash Fund shall become available when  
18 appropriated by the Legislature for the use be used for the  
19 maintenance and operation of the university and its activities and  
20 shall at all times be subject to the orders of the Board of Regents  
21 accordingly. The fund shall be in the custody of the State Treasurer,  
22 and any money in the fund available for investment shall be invested  
23 by the state investment officer pursuant to the Nebraska Capital  
24 Expansion Act and the Nebraska State Funds Investment Act, except  
25 that there may be retained by the Board of Regents a sum not to

1 exceed two percent of the fund, which shall be available to make  
2 settlement and equitable adjustments to students entitled thereto, to  
3 carry on university activities contributing to the fund, and to  
4 provide for contingencies. No warrant shall be issued against such  
5 fund unless there is money in the hands of the State Treasurer  
6 sufficient to pay the same. ~~The board shall cause all money belonging~~  
7 ~~to this fund, which is received by its authority at the university,~~  
8 ~~to be paid over from time to time, as the same is received, to the~~  
9 ~~State Treasurer, to be placed to the credit of this fund, except that~~  
10 ~~the board may retain in its possession a sum, not to exceed four~~  
11 ~~hundred seventy five thousand dollars, out of which money at least~~  
12 ~~fifty thousand dollars shall be available during the first two weeks~~  
13 ~~of each term to make advances to students who have financial aid in~~  
14 ~~excess of tuition and fees, and the remainder of which money shall be~~  
15 ~~available to make settlement and equitable adjustments with students~~  
16 ~~entitled thereto, to carry on university activities contributing to~~  
17 ~~this fund, and to provide for contingencies. The board may require~~  
18 ~~its secretary, in addition to his or her other duties, to perform all~~  
19 ~~acts necessary to carry into effect the provisions of this section.~~

20           Sec. 33. Section 85-192, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           85-192 There is hereby created a University of Nebraska  
23 at Omaha Cash Fund which shall consist of all fees and other money  
24 collected from students at the University of Nebraska at Omaha by  
25 authority of the Board of Regents of the University of Nebraska for

1 university purposes, all receipts from all university activities at  
2 the University of Nebraska at Omaha collected in connection with the  
3 operation of such university, and the money and funds received at the  
4 time the University of Nebraska at Omaha was established. A record  
5 shall be kept separating such money and funds into appropriate and  
6 convenient accounts. All money and funds accruing to the cash fund  
7 ~~when appropriated by the Legislature shall be used for the~~  
8 maintenance and operation of the University of Nebraska at Omaha and  
9 shall at all times be subject to the orders of the Board of Regents.  
10 The fund shall be in the custody of the State Treasurer, and any  
11 money in such fund available for investment shall be invested by the  
12 state investment officer pursuant to the Nebraska Capital Expansion  
13 Act and the Nebraska State Funds Investment Act, except that there  
14 may be retained at the University of Nebraska at Omaha a sum not to  
15 exceed two percent of the fund, which shall be available to make  
16 settlement and equitable adjustments to students entitled thereto, to  
17 carry on university activities contributing to the fund, and to  
18 provide for contingencies. No warrant shall be issued against such  
19 fund unless there is money sufficient to pay the same. ~~There may be~~  
20 ~~retained at the University of Nebraska at Omaha a sum not to exceed~~  
21 ~~one hundred seventy five thousand dollars out of such money to make~~  
22 ~~settlement and equitable adjustments to students entitled thereto, to~~  
23 ~~carry on university activities contributing to the fund, and to~~  
24 ~~provide for contingencies.~~ The fund shall be in the custody of the  
25 State Treasurer. Any money in such fund available for investment

1 ~~shall be invested by the state investment officer pursuant to the~~  
2 ~~Nebraska Capital Expansion Act and the Nebraska State Funds~~  
3 ~~Investment Act.~~

4           There is hereby created a University of Nebraska at Omaha  
5 Trust Fund which shall consist of all property, real or personal, now  
6 or hereafter acquired by or for the municipal University of Omaha by  
7 donation or bequest to it, which property shall be held and applied  
8 in the manner and according with the provisions of the will, deed, or  
9 instrument making such donation or bequest. All future donations or  
10 bequests to or for the University of Nebraska at Omaha shall be a  
11 part of such trust fund. Such trust fund shall be held and managed in  
12 such manner as the Board of Regents shall determine. Such holdings  
13 and management shall be in strict accordance with all terms of the  
14 donation or bequest, but in the absence of any investment  
15 instructions the funds may be invested by or at the direction of the  
16 Board of Regents in such investments as are authorized for trustees,  
17 guardians, personal representatives, or administrators under the laws  
18 of Nebraska. Any money in such fund available for investment shall be  
19 invested by the state investment officer pursuant to the Nebraska  
20 Capital Expansion Act and the Nebraska State Funds Investment Act.

21           Sec. 34. Section 85-1,123, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23           85-1,123 (1) There is hereby created the University of  
24 Nebraska at Kearney Cash Fund. The fund shall consist of all fees and  
25 other money collected from students at the University of Nebraska at

1   Kearney by authority of the Board of Regents of the University of  
2   Nebraska for university purposes, all receipts from all university  
3   activities at the University of Nebraska at Kearney collected in  
4   connection with the operation of such university, and the money and  
5   funds received at the time the University of Nebraska at Kearney was  
6   established. A record shall be kept separating the money and funds  
7   into appropriate and convenient accounts. All money and funds  
8   accruing to the fund ~~when appropriated by the Legislature shall be~~  
9   used for the maintenance and operation of the University of Nebraska  
10   at Kearney and shall at all times be subject to the orders of the  
11   Board of Regents. The fund shall be in the custody of the State  
12   Treasurer, and any money in such fund available for investment shall  
13   be invested by the state investment officer pursuant to the Nebraska  
14   Capital Expansion Act and the Nebraska State Funds Investment Act,  
15   except that there may be retained at the University of Nebraska at  
16   Kearney a sum not to exceed two percent of the fund, which shall be  
17   available to make settlement and equitable adjustments to students  
18   entitled thereto, to carry on university activities contributing to  
19   the fund, and to provide for contingencies. No warrant shall be  
20   issued against the fund unless there is money sufficient to pay the  
21   same. ~~There may be retained at the University of Nebraska at Kearney~~  
22   ~~a sum not to exceed one hundred seventy five thousand dollars out of~~  
23   ~~the fund to make settlement and equitable adjustments to students~~  
24   ~~entitled thereto, to carry on university activities contributing to~~  
25   ~~the fund, and to provide for contingencies. The University of~~

1 ~~Nebraska at Kearney Cash Fund shall be in the custody of the State~~  
2 ~~Treasurer.~~

3           (2) There is hereby created the University of Nebraska at  
4 Kearney Trust Fund, which fund shall consist of all property, real or  
5 personal, acquired as of July 1, 1991, or at any time thereafter by  
6 or for Kearney State College by donation or bequest to it, which  
7 property shall be held and applied in the manner and according with  
8 the provisions of the will, deed, or instrument making such donation  
9 or bequest. All future donations or bequests to the University of  
10 Nebraska at Kearney shall be a part of such fund. The fund shall be  
11 held and managed in such manner as the Board of Regents shall  
12 determine. The holdings and management shall be in strict accordance  
13 with all terms of the donation or bequest, except that in the absence  
14 of any investment instructions, the funds may be invested by or at  
15 the direction of the Board of Regents in such investments as are  
16 authorized for trustees, guardians, personal representatives, or  
17 administrators under the laws of Nebraska.

18           Sec. 35. Section 9-531, Uniform Commercial Code, Revised  
19 Statutes Cumulative Supplement, 2010, is amended to read:

20           9-531 Uniform Commercial Code Cash Fund; created; use;  
21 Secretary of State; duties; fees.

22           (a) There is created the Uniform Commercial Code Cash  
23 Fund. Except as otherwise specifically provided, all funds received  
24 pursuant to this part and sections 52-1312, 52-1313, 52-1316, and  
25 52-1602, Reissue Revised Statutes of Nebraska, shall be placed in the

1 fund and used by the Secretary of State to carry out this part,  
2 sections 52-1301 to 52-1322, Reissue Revised Statutes of Nebraska,  
3 and sections 52-1601 to 52-1605, Reissue Revised Statutes of  
4 Nebraska, except that transfers from the Uniform Commercial Code Cash  
5 Fund to the General Fund, the Election Administration Fund, and the  
6 Records Management Cash Fund may be made at the direction of the  
7 Legislature.

8 (b)(1) The Secretary of State shall furnish each county  
9 clerk with computer terminal hardware, including a printer,  
10 compatible with the centralized computer system implemented and  
11 maintained pursuant to section 9-529, for inquiries and searches of  
12 information in such centralized computer system. The terminals shall  
13 be readily and reasonably available and accessible to members of the  
14 public for such inquiries and searches.

15 (2) The fees charged by county clerks for inquiries and  
16 other services regarding information in the centralized computer  
17 system shall be the same as set forth for filing offices in this  
18 part.

19 Sec. 36. Original sections 47-632, 48-1,103, 48-622.01,  
20 66-1345.04, 81-8,239.02, 81-1120.02, 81-1120.22, 85-122, 85-125,  
21 85-192, and 85-1,123, Reissue Revised Statutes of Nebraska, sections  
22 24-205, 24-227.01, 25-2921, 29-2259.02, 29-2262.07, 81-1120.23, and  
23 82-331, Revised Statutes Cumulative Supplement, 2010, and section  
24 9-531, Uniform Commercial Code, Revised Statutes Cumulative  
25 Supplement, 2010, are repealed.

1                   Sec. 37. The following sections are outright repealed:  
2    Section 81-3606, Reissue Revised Statutes of Nebraska, and section  
3    77-3,111, Revised Statutes Cumulative Supplement, 2010.

4                   Sec. 38. Since an emergency exists, this act takes effect  
5    when passed and approved according to law.