

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 378**

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 66-1345.04 and  
2 81-1120.22, Reissue Revised Statutes of Nebraska, and  
3 section 81-1120.23, Revised Statutes Cumulative  
4 Supplement, 2010; to provide for, change, and eliminate  
5 provisions relating to the use and transfer of funds; to  
6 eliminate funds; to harmonize provisions; to repeal the  
7 original sections; to outright repeal section 81-3606,  
8 Reissue Revised Statutes of Nebraska, and section  
9 77-3,111, Revised Statutes Cumulative Supplement, 2010;  
10 and to declare an emergency.

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

1           Section 1. The State Treasurer shall transfer \$200,000  
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 \$200,000 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 \$2,991,541  
8 from the Education Innovation Fund to the State Department of  
9 Education Cash Fund on July 1, 2011, or as soon thereafter as  
10 administratively possible.

11           Sec. 4. The State Treasurer shall transfer \$1,108,136  
12 from the Education Innovation Fund to the State Department of  
13 Education Cash Fund on July 1, 2012, or as soon thereafter as  
14 administratively possible.

15           Sec. 5. The State Treasurer shall transfer \$3,000,000  
16 from the Education Innovation Fund to the State Department of  
17 Education Cash Fund on December 31, 2011, or as soon thereafter as  
18 administratively possible.

19           Sec. 6. The State Treasurer shall transfer \$2,000,000  
20 from the Education Innovation Fund to the State Department of  
21 Education Cash Fund on December 31, 2012, or as soon thereafter as  
22 administratively possible.

23           Sec. 7. The State Treasurer shall transfer \$110,000,000  
24 from the General Fund to the Property Tax Credit Cash Fund on or  
25 before December 15, 2011, on such date as directed by the budget

1 administrator of the budget division of the Department of  
2 Administrative Services.

3           Sec. 8. The State Treasurer shall transfer \$110,000,000  
4 from the General Fund to the Property Tax Credit Cash Fund on or  
5 before December 15, 2012, on such date as directed by the budget  
6 administrator of the budget division of the Department of  
7 Administrative Services.

8           Sec. 9. The State Treasurer shall transfer \$42,900 from  
9 the Local Civic, Cultural, and Convention Center Financing Fund to  
10 the Department of Revenue Enforcement Fund on July 1, 2011, or as  
11 soon thereafter as administratively possible, pursuant to section  
12 77-5601.

13           Sec. 10. The State Treasurer shall transfer \$43,900 from  
14 the Local Civic, Cultural, and Convention Center Financing Fund to  
15 the Department of Revenue Enforcement Fund on July 1, 2012, or as  
16 soon thereafter as administratively possible, pursuant to section  
17 77-5601.

18           Sec. 11. The State Treasurer shall transfer \$50,000 from  
19 the Stem Cell Research Cash Fund to the Health and Human Services  
20 Cash Fund on or before June 30, 2012, as directed by the budget  
21 administrator of the budget division of the Department of  
22 Administrative Services.

23           Sec. 12. The State Treasurer shall transfer \$50,000 from  
24 the Stem Cell Research Cash Fund to the Health and Human Services  
25 Cash Fund on or before June 30, 2013, as directed by the budget

1 administrator of the budget division of the Department of  
2 Administrative Services.

3           Sec. 13. The State Treasurer shall transfer \$349,700 from  
4 the Tobacco Prevention and Control Cash Fund to the Health and Human  
5 Services Cash Fund on or before June 30, 2012, as directed by the  
6 budget administrator of the budget division of the Department of  
7 Administrative Services.

8           Sec. 14. The State Treasurer shall transfer \$349,700 from  
9 the Tobacco Prevention and Control Cash Fund to the Health and Human  
10 Services Cash Fund on or before June 30, 2013, as directed by the  
11 budget administrator of the budget division of the Department of  
12 Administrative Services.

13           Sec. 15. The State Treasurer shall transfer \$2,700,000  
14 from the General Fund to the Water Resources Cash Fund on or before  
15 June 30, 2012, on such date as directed by the budget administrator  
16 of the budget division of the Department of Administrative Services,  
17 pursuant to section 61-218.

18           Sec. 16. The State Treasurer shall transfer \$2,700,000  
19 from the General Fund to the Water Resources Cash Fund on or before  
20 June 30, 2013, on such date as directed by the budget administrator  
21 of the budget division of the Department of Administrative Services,  
22 pursuant to section 61-218.

23           Sec. 17. The State Treasurer shall transfer \$2,500,000  
24 from the General Fund to the Ethanol Production Incentive Cash Fund  
25 on or before June 30, 2012, on such date as directed by the budget

1 administrator of the budget division of the Department of  
2 Administrative Services, pursuant to subdivision (2)(g) of section  
3 66-1345.04.

4           Sec. 18. The State Treasurer shall transfer \$3,800,000  
5 from the General Fund to the Ethanol Production Incentive Cash Fund  
6 on or before June 30, 2012, on such date as directed by the state  
7 budget administrator of the budget division of the Department of  
8 Administrative Services, pursuant to subdivision (2)(l) of section  
9 66-1345.04.

10           Sec. 19. The State Treasurer shall transfer \$25,000,000  
11 from the General Fund to the Nebraska Capital Construction Fund on or  
12 before June 30, 2012, on such date as directed by the budget  
13 administrator of the budget division of the Department of  
14 Administrative Services.

15           Sec. 20. The State Treasurer shall transfer \$200,000 from  
16 the Legal Aid and Services Fund to the Violence Prevention Cash Fund  
17 on or before June 30, 2012, on such date as directed by the budget  
18 administrator of the budget division of the Department of  
19 Administrative Services.

20           Sec. 21. The State Treasurer shall transfer \$200,000 from  
21 the Legal Aid and Services Fund to the Violence Prevention Cash Fund  
22 on or before June 30, 2013, on such date as directed by the budget  
23 administrator of the budget division of the Department of  
24 Administrative Services.

25           Sec. 22. Section 66-1345.04, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           66-1345.04 (1) The State Treasurer shall transfer from  
3 the General Fund to the Ethanol Production Incentive Cash Fund, on or  
4 before the end of each of fiscal years 1995-96 and 1996-97,  
5 \$8,000,000 per fiscal year.

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

9           (a) For each of fiscal years 1997-98 and 1998-99,  
10 \$7,000,000 per fiscal year;

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

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

13           (d) For fiscal year 2001-02 and for each of fiscal years  
14 2003-04 through 2006-07, \$1,500,000;

15           (e) For each of fiscal years 2005-06 and 2006-07,  
16 \$2,500,000 in addition to the amount in subdivision (2)(d) of this  
17 section;

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

19           (g) For each of fiscal years 2008-09 through 2011-12,  
20 \$2,500,000;

21           (h) For each of fiscal years 2005-06 and 2006-07,  
22 \$5,000,000 in addition to the other amounts in this section;

23           (i) For fiscal year 2007-08, \$15,500,000 in addition to  
24 the other amounts in this section;

25           (j) For fiscal year 2009-10, \$8,250,000 in addition to

1 the other amounts in this section; ~~and~~

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

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

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

8 81-1120.22 The Director of Communications shall develop a  
9 system of equitable billings and charges for communications services  
10 provided in any consolidated or joint-use system of communications.  
11 Such system of charges shall reflect, as nearly as may be practical,  
12 the actual share of costs incurred on behalf of or for services to  
13 each department, agency, or political subdivision provided  
14 communications services. from the communications system. Using  
15 agencies shall pay for such services out of appropriated or available  
16 funds. All Prior to July 1, 2011, all payments shall be credited to  
17 the Communications Cash Fund. Beginning July 1, 2011, all payments  
18 shall be credited to the Communications Revolving Fund. Prior to July  
19 1, 2011, all Any money in the fund available for investment shall be  
20 invested by the state investment officer pursuant to the Nebraska  
21 Capital Expansion Act and the Nebraska State Funds Investment Act.  
22 All collections for payment of telephone expenses shall be credited  
23 to the Telephone Expense Revolving Fund which is hereby created.  
24 Expenditures shall be made from the Telephone Expense Revolving Fund  
25 for the payment of telephone expenses subject to appropriations by

1 ~~the Legislature. Such payment shall be made by the Director of~~  
2 ~~Communications. Beginning July 1, 2011, all collections for payment~~  
3 ~~of telephone expenses shall be credited to the Communications~~  
4 ~~Revolving Fund. On July 1, 2011, or as soon thereafter as is~~  
5 ~~administratively possible, the State Treasurer shall transfer any~~  
6 ~~money in the Telephone Expense Revolving Fund to the Communications~~  
7 ~~Revolving Fund. On July 31, 2011, the Telephone Expense Revolving~~  
8 ~~Fund shall terminate.~~

9           Sec. 24. Section 81-1120.23, Revised Statutes Cumulative  
10 Supplement, 2010, is amended to read:

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

1 administratively possible, the State Treasurer shall transfer any  
2 money in the Communications Cash Fund to the Communications Revolving  
3 Fund. On July 31, 2011, the Communications Cash Fund shall terminate.

4           Sec. 25. There is hereby established a revolving fund to  
5 be known as the Communications Revolving Fund. Beginning July 1,  
6 2011, appropriations made to the division of communications of the  
7 office of Chief Information Officer for the purposes of sections  
8 81-1120.01 to 81-1120.28 shall be credited to the fund. Beginning  
9 July 1, 2011, all funds received under such sections and all funds  
10 received for communications services provided to any agency,  
11 department, political subdivision, or other user shall be credited to  
12 the fund. The division shall, under policies and procedures  
13 established by the director, expend funds from time to time credited  
14 to the fund for the communications purposes enumerated in such  
15 sections. Any money in the Communications Revolving Fund available  
16 for investment shall be invested by the state investment officer  
17 pursuant to the Nebraska Capital Expansion Act and the Nebraska State  
18 Funds Investment Act.

19           Sec. 26. Original sections 66-1345.04 and 81-1120.22,  
20 Reissue Revised Statutes of Nebraska, and section 81-1120.23, Revised  
21 Statutes Cumulative Supplement, 2010, are repealed.

22           Sec. 27. The following sections are outright repealed:  
23 Section 81-3606, Reissue Revised Statutes of Nebraska, and section  
24 77-3,111, Revised Statutes Cumulative Supplement, 2010.

25           Sec. 28. Since an emergency exists, this act takes effect

1 when passed and approved according to law.