

LEGISLATIVE BILL 1090

Approved by the Governor April 13, 2004

Introduced by Speaker Bromm, 23; at the request of the Governor

AN ACT relating to the Cash Reserve Fund; to amend sections 81-179 and 84-613, Reissue Revised Statutes of Nebraska, and section 84-612, Revised Statutes Supplement, 2003; to change provisions relating to the Building Renewal Allocation Fund; to change and eliminate provisions relating to the Cash Reserve Fund; to repeal the original sections; and to declare an emergency.

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

Section 1. Section 81-179, Reissue Revised Statutes of Nebraska, is amended to read:

81-179. (1) There is hereby created under the control of the Governor, for allocation to building renewal projects of the various agencies, a fund to be known as the Building Renewal Allocation Fund. The fund shall contain the revenue from the special privilege tax as provided in section 77-2602, the interest income as provided in section 84-613, and such other money as is appropriated by the Legislature. Such appropriation is declared to consist of building renewal funds which shall be kept separate and distinct from the program continuation funds and project construction funds.

(2) Separate subfunds, subprograms, projects, or accounts shall be established to separately account for any expenditures on state buildings or facilities to comply with the federal Americans with Disabilities Act of 1990. A minimal amount of the funds contained in the subfunds, subprograms, projects, or accounts may be used for planning and evaluation of buildings and facilities.

(3) The budget division of the Department of Administrative Services may administratively transfer funds to appropriate accounting entities to correctly account for the operating expenditures. A separate fund, cash fund, project, or other account may be administratively established for such purpose.

(4) Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 2. Section 84-612, Revised Statutes Supplement, 2003, is amended to read:

84-612. (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred. Any transfers made pursuant to this subsection shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

(3) On July 23, 2001, the State Treasurer shall transfer three hundred seventy thousand dollars from the Cash Reserve Fund to the Municipal Natural Gas Regulation Revolving Loan Fund for purposes of loaning to Nebraska communities that seek to review natural gas rates. Any transfer made pursuant to this subsection shall be reversed upon notification by the Director of Policy Research that a sufficient court judgment has been obtained. Upon reversal, any money in excess of three hundred seventy thousand dollars shall be transferred to the Municipal Rate Negotiations Revolving Loan Fund.

~~(4) Within fifteen days after July 1, 2002, the State Treasurer shall transfer twenty-two million five hundred thousand dollars from the Cash Reserve Fund to the General Fund.~~

~~(5) On or before June 16, 2003, the State Treasurer shall transfer sixty-four million nine hundred thousand dollars from the Cash Reserve Fund to the General Fund.~~

~~(6) On June 15, 2005, the State Treasurer shall transfer twenty-two million five hundred thousand dollars from the General Fund to the Cash Reserve Fund.~~

~~(7) On June 15, 2004, the State Treasurer shall transfer three million dollars from the Cash Reserve Fund to the General Fund.~~

~~(8) (5) On June 15, 2005, the State Treasurer shall transfer three~~
twenty-six million dollars from the Cash Reserve Fund to the General Fund.

~~(9)~~ (6) The State Treasurer, at the direction of the budget administrator of the budget division of the Department of Administrative Services, shall transfer such amounts not to exceed five million seven hundred twenty-seven thousand seven hundred seven dollars in total from the Cash Reserve Fund to the Nebraska Capital Construction Fund between July 1, 2003, and June 30, 2007.

~~(10)~~ (7) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection ~~(9)~~ (6) of this section from the General Fund to the Cash Reserve Fund on or before June 30, 2008.

~~(11)~~ (8) In addition to receiving transfers from other funds, the Cash Reserve Fund shall receive federal funds received by the State of Nebraska for undesignated general government purposes, federal revenue sharing, or general fiscal relief of the state.

(9) The State Treasurer, at the direction of the budget administrator of the budget division of the Department of Administrative Services, shall transfer fifty-eight million one hundred ninety-one thousand eight hundred sixty-two dollars from the Cash Reserve Fund to the General Fund on or before June 30, 2004. There is included in this subsection a transfer of fifty-eight million one hundred ninety-one thousand eight hundred sixty-two dollars of federal payments made to the State of Nebraska under the Jobs and Growth Tax Relief Reconciliation Act of 2003 to the General Fund for purposes of providing essential government services such as health care and education as appropriated from the General Fund for fiscal year 2003-04 in Laws 2003, LB 407.

Sec. 3. Section 84-613, Reissue Revised Statutes of Nebraska, is amended to read:

84-613. Any money in the Cash Reserve Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. ~~Any~~ Until July 1, 2007, any interest earned by the fund shall accrue to the General Fund. Commencing July 1, 2007, any interest earned by the Cash Reserve Fund shall accrue to the Building Renewal Allocation Fund.

Sec. 4. Original sections 81-179 and 84-613, Reissue Revised Statutes of Nebraska, and section 84-612, Revised Statutes Supplement, 2003, are repealed.

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