

AMENDMENTS TO LB 961

Introduced by Appropriations.

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. Section 59-1608.04, Revised Statutes  
4 Cumulative Supplement, 2006, is amended to read:

5           59-1608.04 The State Settlement Cash Fund is created.  
6 The fund shall be maintained by the Department of Justice and  
7 administered by the Attorney General. Except as otherwise provided  
8 by law, the fund shall consist of all recoveries received pursuant  
9 to the Consumer Protection Act, including any money, funds,  
10 securities, or other things of value in the nature of civil  
11 damages or other payment, except criminal penalties, whether such  
12 recovery is by way of verdict, judgment, compromise, or settlement  
13 in or out of court, or other final disposition of any case or  
14 controversy, or any other payments received on behalf of the state  
15 by the Department of Justice and administered by the Attorney  
16 General for the benefit of the state or the general welfare of its  
17 citizens, but excluding all funds held in a trust capacity where  
18 specific benefits accrue to specific individuals, organizations, or  
19 governments. All money in the fund shall be subject to legislative  
20 review and shall be appropriated and expended for any allowable  
21 legal purposes as determined by the Legislature. The fund shall  
22 only be appropriated to a separate and distinct budget program  
23 and such appropriations shall only be expended from a separate

1 and distinct budget subprogram and shall not be commingled with  
2 any other revenue or expenditure. To provide necessary financial  
3 accountability and management oversight, revenue from individual  
4 settlement agreements or other separate sources credited to the  
5 fund may be tracked and accounted for within the state accounting  
6 system through the use of separate and distinct funds, subfunds, or  
7 any other available accounting mechanism specifically approved by  
8 the Accounting Administrator for use by the Department of Justice.  
9 Transfers from the fund to the General Fund may be made at the  
10 direction of the Legislature. On or before July 5, 2008, the  
11 State Treasurer shall transfer six hundred thousand dollars from  
12 the State Settlement Cash Fund to the General Fund. Any money in  
13 the fund available for investment shall be invested by the state  
14 investment officer pursuant to the Nebraska Capital Expansion Act  
15 and the Nebraska State Funds Investment Act.

16           Sec. 2. Section 71-7608, Revised Statutes Supplement,  
17 2007, is amended to read:

18           71-7608 The Nebraska Tobacco Settlement Trust Fund is  
19 created. The fund shall include any settlement payments or other  
20 revenue received by the State of Nebraska in connection with any  
21 tobacco-related litigation to which the State of Nebraska is a  
22 party. The Department of Health and Human Services shall remit  
23 such revenue to the State Treasurer for credit to the fund, except  
24 that of such revenue received on or after April 1, 2005, (1) two  
25 million five hundred thousand dollars shall be credited annually  
26 for fiscal years before FY2009-10 and (2) three million dollars  
27 shall be credited for FY2009-10 and subsequent fiscal years to

1 the Tobacco Prevention and Control Cash Fund. For FY2008-09 five  
2 hundred thousand dollars shall be transferred from the Nebraska  
3 Tobacco Settlement Trust Fund to the Tobacco Prevention and Control  
4 Cash Fund. The State Treasurer shall make such transfer no later  
5 than July 15, 2008. Subject to the terms and conditions of such  
6 litigation, money from the Nebraska Tobacco Settlement Trust Fund  
7 shall be transferred to the Nebraska Health Care Cash Fund as  
8 provided in section 71-7611. Any money in the Nebraska Tobacco  
9 Settlement Trust Fund available for investment shall be invested  
10 by the state investment officer pursuant to the Nebraska Capital  
11 Expansion Act and the Nebraska State Funds Investment Act.

12           Sec. 3. Section 71-7611, Revised Statutes Supplement,  
13 2007, is amended to read:

14           71-7611 (1) The Nebraska Health Care Cash Fund is  
15 created. The State Treasurer shall transfer fifty-five million  
16 seven hundred thousand dollars annually no later than July 15 from  
17 the Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska  
18 Tobacco Settlement Trust Fund to the Nebraska Health Care Cash  
19 Fund. On or before May 1, 2008, the State Treasurer shall transfer  
20 from the Nebraska Medicaid Intergovernmental Trust Fund and the  
21 Nebraska Tobacco Settlement Trust Fund an additional two hundred  
22 fifty thousand dollars to the Nebraska Health Care Cash Fund.  
23 The state investment officer upon consultation with the Nebraska  
24 Investment Council shall advise the State Treasurer on the amounts  
25 to be transferred from the Nebraska Medicaid Intergovernmental  
26 Trust Fund and from the Nebraska Tobacco Settlement Trust  
27 Fund under this section in order to sustain such transfers in

1 perpetuity. The state investment officer shall report to the  
2 Legislature on or before October 1 of every even-numbered year on  
3 the sustainability of such transfers.

4 (2) Any money in the Nebraska Health Care Cash Fund  
5 available for investment shall be invested by the state investment  
6 officer pursuant to the Nebraska Capital Expansion Act and the  
7 Nebraska State Funds Investment Act.

8 (3) One million dollars in the Nebraska Health Care Cash  
9 Fund is designated each year for the Autism Treatment Program  
10 Act for five fiscal years beginning in fiscal year 2007-08 and  
11 shall be distributed in each fiscal year as follows: (a) First,  
12 to the Department of Health and Human Services for costs related  
13 to application and implementation of the waiver; (b) second, to  
14 the department for other medical costs for children who would  
15 not otherwise qualify for medicaid except for the waiver; and (c)  
16 third, the balance to the Autism Treatment Program Cash Fund. The  
17 State Treasurer shall transfer the balance of the funding to the  
18 Autism Treatment Program Cash Fund based on the estimated costs  
19 of administrative and other medical costs as determined by the  
20 Legislature through the appropriation process. The transfers to  
21 the Autism Treatment Program Cash Fund in any fiscal year shall  
22 be contingent upon the receipt of private matching funds under  
23 the Autism Treatment Program Act, with no less than one dollar of  
24 private funds received for every two dollars transferred from the  
25 Nebraska Health Care Cash Fund to the Autism Treatment Program Cash  
26 Fund.

27 (4) The University of Nebraska and postsecondary

1 educational institutions having colleges of medicine in Nebraska  
2 and their affiliated research hospitals in Nebraska, as a condition  
3 of receiving any funds appropriated or transferred from the  
4 Nebraska Health Care Cash Fund, shall not discriminate against any  
5 person on the basis of sexual orientation.

6 (5) The State Treasurer shall transfer two hundred  
7 thousand dollars from the Nebraska Health Care Cash Fund to the  
8 University of Nebraska Medical Center Cash Fund for the Nebraska  
9 Regional Poison Center within fifteen days after each July 1.

10 Sec. 4. Section 81-3119, Revised Statutes Supplement,  
11 2007, is amended to read:

12 81-3119 The Health and Human Services Cash Fund is  
13 created and shall consist of funds from contracts, grants, gifts,  
14 or fees. ~~Any money in the Department of Health and Human Services~~  
15 ~~Cash Fund, the Department of Health and Human Services Finance~~  
16 ~~and Support Cash Fund, and the Department of Health and Human~~  
17 ~~Services Regulation and Licensure Cash Fund on July 1, 2007, shall~~  
18 ~~be transferred to the Health and Human Services Cash Fund. On~~  
19 ~~or before July 15, 2008, one-million dollars shall be transferred~~  
20 ~~from the Health and Human Services Cash Fund to the Rural Health~~  
21 ~~Professional Incentive Fund. Any money in the fund available~~  
22 ~~for investment shall be invested by the state investment officer~~  
23 ~~pursuant to the Nebraska Capital Expansion Act and the Nebraska~~  
24 ~~State Funds Investment Act.~~

25 Sec. 5. Section 84-510, Revised Statutes Cumulative  
26 Supplement, 2006, is amended to read:

27 84-510 The Corporation Cash Fund is created. Transfers

1 from the fund to the Election Administration Fund may be made at  
2 the direction of the Legislature. ~~On or before May 1, 2003,~~ Within  
3 five days after the effective date of this act, the State Treasurer  
4 shall transfer ~~two hundred sixty thousand~~ thirty-five thousand  
5 seven hundred ninety-five dollars from the Corporation Cash Fund  
6 to the Election Administration Fund. Any money in the Corporation  
7 Cash Fund available for investment shall be invested by the state  
8 investment officer pursuant to the Nebraska Capital Expansion Act  
9 and the Nebraska State Funds Investment Act.

10 Sec. 6. Laws 2007, LB 321, section 281, is amended to  
11 read:

12 Sec. 281. FUND LAPSES AND TRANSFERS.

13 The State Treasurer shall make the transfers specified  
14 in this section between funds, in the amounts indicated. Unless  
15 otherwise noted, transfers for FY2007-08 shall occur on July  
16 1, 2007, or as soon thereafter as administratively possible,  
17 and transfers for FY2008-09 shall occur on July 1, 2008, or as  
18 soon thereafter as administratively possible. All agencies with  
19 administrative responsibilities for these funds shall assist the  
20 State Treasurer as needed in implementing the transfers.

21 (1) Transfers for FY2007-08 shall include:

22 (a) From the General Fund to the Nebraska State Patrol  
23 Cash Fund: \$115,000 less the unexpended balance existing on June  
24 30, 2007, in (i) the Nebraska State Patrol Cash Fund, (ii)  
25 the Investigation Petty Cash Fund, (iii) any special checking  
26 account or accounts used by the Nebraska State Patrol, and (iv)  
27 the possession of agency personnel involved in investigations,

1 when the unexpended balances resulted from General Fund transfers  
2 to the Nebraska State Patrol Cash Fund or from General Fund  
3 appropriations. Any transfers made shall be subject to a final  
4 reconciliation of available investigation cash fund balances as of  
5 June 30, 2007, by the Nebraska State Patrol.

6 It is the intent of the Legislature that the Nebraska  
7 State Patrol have available a total of \$115,000 from the General  
8 Fund for FY2007-08 to be used in making drug purchases, for  
9 enforcing Nebraska laws relating to felonies, for enforcing the  
10 Nebraska liquor laws, and for payment of investigative expenses;

11 (b) From the Tobacco Products Administration Cash Fund to  
12 the General Fund: \$-0- on or before June 15, 2008, on such date as  
13 directed by the budget administrator;

14 (c) From the Securities Act Cash Fund to the General  
15 Fund: \$7,500,000 on or before September 30, 2007, and \$3,500,000 on  
16 or before March 31, 2008, on such dates as directed by the budget  
17 administrator;

18 (d) From the Department of Health and Human Services Cash  
19 Fund to the University of Nebraska Eppley Institute for Research in  
20 Cancer and Allied Diseases Cash Fund: \$500,000, pursuant to Laws  
21 1983, LB 192, section 2;

22 (e) From the Department of Insurance Cash Fund to the  
23 General Fund: \$1,500,000 on or before September 30, 2007, and  
24 \$1,500,000 on or before March 31, 2008, on such dates as directed  
25 by the budget administrator;

26 (f) From the Roads Operations Cash Fund to the Carrier  
27 Enforcement Cash Fund: \$6,757,436 less the June 30, 2007,

1 unobligated Carrier Enforcement Cash Fund balance. Transfers shall  
2 be made in four equal quarterly amounts on or before July 15,  
3 October 15, January 15, and April 15;

4 (g) From the Petroleum Release Remedial Action Cash Fund  
5 to the Underground Storage Tank Fund: \$50,000 on or before July 5,  
6 2007;

7 (h) From the State Building Revolving Fund to the Capitol  
8 Security Revolving Fund: \$507,950. Transfers shall be made in four  
9 equal quarterly amounts on or before July 15, October 15, January  
10 15, and April 15.

11 Transfers shall be made to pay non-General Fund costs  
12 associated with the operation of the State Capitol Security  
13 Division of the Nebraska State Patrol;

14 (i) From the Highway Trust Fund to the Motor Fuel Tax  
15 Enforcement and Collection Cash Fund: \$2,000,000. Transfers shall  
16 be made in twelve equal monthly amounts;

17 (j) From the Highway Trust Fund to the Motor Carrier  
18 Division Cash Fund: Up to a maximum of \$750,000. Transfers shall be  
19 made as required by the Department of Motor Vehicles to operate the  
20 Division of Motor Carrier Services;

21 (k) From the Highway Trust Fund to the License Plate  
22 Cash Fund: \$250,000. Transfers shall be made as required by the  
23 Department of Motor Vehicles to meet the expenditures of plate and  
24 sticker production, except that the total \$250,000 aggregate amount  
25 shall be transferred by the State Treasurer on or before June 1,  
26 2008;

27 (l) From the Flexible Spending Trust Fund to the Health



1 and Life Benefit Administration Cash Fund: \$68,000, except if the  
2 total available unobligated balance of forfeitures in the Flexible  
3 Spending Trust Fund as of June 30, 2007, is less than \$68,000, then  
4 the State Treasurer shall transfer the difference, not to exceed  
5 \$68,000, from the Health History Account of the State Employees  
6 Insurance Fund. Transfers shall be made to pay the costs associated  
7 with the administration of the Flexible Spending Account program;

8 (m) From the Health History Account of the State  
9 Employees Insurance Fund to the Health and Life Benefit  
10 Administration Cash Fund: \$631,981, less the June 30, 2007,  
11 unobligated Health and Life Benefit Administration Cash Fund  
12 balance;

13 (n) From the Severance Tax Fund to the Municipal Rate  
14 Negotiations Revolving Loan Fund: \$30,000, pursuant to section  
15 57-705;

16 (o) From the Severance Tax Fund to the State Energy  
17 Office Cash Fund: \$300,000, pursuant to section 57-705. Transfers  
18 shall be made in twelve equal monthly amounts; and

19 (p) From the Nebraska Collection Agency Fund to the  
20 General Fund: \$350,000.

21 (2) Transfers for FY2008-09 shall include:

22 (a) From the General Fund to the Nebraska State Patrol  
23 Cash Fund: \$115,000 less the unexpended balance existing on June  
24 30, 2008, in (i) the Nebraska State Patrol Cash Fund, (ii)  
25 the Investigation Petty Cash Fund, (iii) any special checking  
26 account or accounts used by the Nebraska State Patrol, and (iv)  
27 the possession of agency personnel involved in investigations,

1 when the unexpended balances resulted from General Fund transfers  
2 to the Nebraska State Patrol Cash Fund or from General Fund  
3 appropriations. Any transfers made shall be subject to a final  
4 reconciliation of available investigation cash fund balances as of  
5 June 30, 2008, by the Nebraska State Patrol.

6 It is the intent of the Legislature that the Nebraska  
7 State Patrol have available a total of \$115,000 from the General  
8 Fund for FY2008-09 to be used in making drug purchases, for  
9 enforcing Nebraska laws relating to felonies, for enforcing the  
10 Nebraska liquor laws, and for payment of investigative expenses;

11 (b) From the Tobacco Products Administration Cash Fund to  
12 the General Fund: ~~\$-0-~~ \$12,000,000 on or before June 15, 2009, on  
13 such date as directed by the budget administrator;

14 (c) From the Securities Act Cash Fund to the General  
15 Fund: ~~\$7,500,000~~ \$9,500,000 on or before September 30, 2008, and  
16 ~~\$3,500,000~~ \$9,500,000 on or before March 31, 2009, on such dates as  
17 directed by the budget administrator;

18 (d) From the Department of Health and Human Services Cash  
19 Fund to the University of Nebraska Eppley Institute for Research in  
20 Cancer and Allied Diseases Cash Fund: \$500,000, pursuant to Laws  
21 1983, LB 192, section 2;

22 (e) From the Department of Insurance Cash Fund to the  
23 General Fund: \$1,500,000 on or before September 30, 2008, and  
24 \$1,500,000 on or before March 31, 2009, on such dates as directed  
25 by the budget administrator;

26 (f) From the Roads Operations Cash Fund to the Carrier  
27 Enforcement Cash Fund: ~~\$7,055,791.~~ \$7,433,932. Transfers shall be

1 made in four equal quarterly amounts on or before July 15, October  
2 15, January 15, and April 15;

3 (g) From the Carrier Enforcement Cash Fund to the  
4 Nebraska Public Safety Communication System Cash Fund: \$378,141  
5 on or before July 5, 2008;

6 (h) From the Petroleum Release Remedial Action Cash Fund  
7 to the Underground Storage Tank Fund: \$50,000 on or before July 5,  
8 2008;

9 (i) From the State Building Revolving Fund to the Capitol  
10 Security Revolving Fund: \$533,619. Transfers shall be made in four  
11 equal quarterly amounts on or before July 15, October 15, January  
12 15, and April 15.

13 Transfers shall be made to pay non-General Fund costs  
14 associated with the operation of the State Capitol Security  
15 Division of the Nebraska State Patrol;

16 (j) From the Highway Trust Fund to the Motor Fuel Tax  
17 Enforcement and Collection Cash Fund: \$2,000,000. Transfers shall  
18 be made in twelve equal monthly amounts;

19 (k) From the Highway Trust Fund to the Motor Carrier  
20 Division Cash Fund: Up to a maximum of \$900,000. Transfers shall be  
21 made as required by the Department of Motor Vehicles to operate the  
22 Division of Motor Carrier Services;

23 (l) From the Highway Trust Fund to the License Plate  
24 Cash Fund: Up to a maximum of \$1,950,000. Transfers shall be  
25 made as required by the Department of Motor Vehicles to meet the  
26 expenditures of plate and sticker production;

27 (m) From the Flexible Spending Trust Fund to the Health

1 and Life Benefit Administration Cash Fund: \$68,000, except if the  
2 total available unobligated balance of forfeitures in the Flexible  
3 Spending Trust Fund as of June 30, 2008, is less than \$68,000, then  
4 the State Treasurer shall transfer the difference, not to exceed  
5 \$68,000, from the Health History Account of the State Employees  
6 Insurance Fund. Transfers shall be made to pay the costs associated  
7 with the administration of the Flexible Spending Account program;

8 (n) From the Health History Account of the State  
9 Employees Insurance Fund to the Health and Life Benefit  
10 Administration Cash Fund: \$644,252;

11 (o) From the Severance Tax Fund to the Municipal Rate  
12 Negotiations Revolving Loan Fund: \$30,000, pursuant to section  
13 57-705; and

14 (p) From the Severance Tax Fund to the State Energy  
15 Office Cash Fund: \$300,000, pursuant to section 57-705. Transfers  
16 shall be made in twelve equal monthly amounts.

17 Sec. 7. Original sections 59-1608.04 and 84-519, Revised  
18 Statutes Cumulative Supplement, 2006, sections 71-7608, 71-7611,  
19 and 81-3119, Revised Statutes Supplement, 2007, and Laws 2007, LB  
20 321, section 281, are repealed.

21 Sec. 8. Since an emergency exists, this act takes effect  
22 when passed and approved according to law.