

E AND R AMENDMENTS TO LB 322

Introduced by Enrollment and Review Committee: McGill, 26,
Chairperson

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

3 Section 1. The Counsel for Discipline Cash Fund is
4 created. The fund shall be established within the Nebraska Supreme
5 Court and administered by the State Court Administrator. The fund
6 shall consist of a portion of the annual membership dues assessed
7 by the Nebraska State Bar Association and remitted to the Nebraska
8 Supreme Court for credit to the fund. The fund shall only be
9 used to pay the costs associated with the operation of the Office
10 of the Counsel for Discipline. Any money in the fund available
11 for investment shall be invested by the state investment officer
12 pursuant to the Nebraska Capital Expansion Act and the Nebraska
13 State Funds Investment Act.

14 Sec. 2. The Carrier Enforcement Cash Fund is created.
15 The fund shall be established within the Nebraska State Patrol and
16 administered by the Superintendent of Law Enforcement and Public
17 Safety. The fund shall consist of fund transfers made each fiscal
18 year from the Roads Operations Cash Fund as authorized by the
19 Legislature through the budget process. The Carrier Enforcement
20 Cash Fund shall only be used to pay the costs associated with the
21 operation of the carrier enforcement division of the patrol, except
22 that the Legislature may authorize fund transfers each fiscal year
23 through the budget process from the Carrier Enforcement Cash Fund

1 to the Nebraska Public Safety Communication System Cash Fund to
2 pay the carrier enforcement division's share of operations costs
3 of the Nebraska Public Safety Communication System. Any money in
4 the Carrier Enforcement Cash Fund available for investment shall be
5 invested by the state investment officer pursuant to the Nebraska
6 Capital Expansion Act and the Nebraska State Funds Investment Act.

7 Sec. 3. The Capitol Security Revolving Fund is created.
8 The fund shall be established within the Nebraska State Patrol
9 and administered by the Superintendent of Law Enforcement and
10 Public Safety. The fund shall consist of fund transfers made each
11 fiscal year from the State Building Revolving Fund, as authorized
12 by the Legislature through the budget process, and any other
13 revenue received by the state capitol security division of the
14 patrol from separate security agreements with state agencies.
15 The Capitol Security Revolving Fund shall only be used to pay
16 the non-general-fund costs associated with the operation of the
17 state capitol security division. Any money in the Capitol Security
18 Revolving Fund available for investment shall be invested by the
19 state investment officer pursuant to the Nebraska Capital Expansion
20 Act and the Nebraska State Funds Investment Act.

21 Sec. 4. The Nebraska Public Safety Communication System
22 Cash Fund is created. The fund shall be established within the
23 Nebraska State Patrol and administered by the Superintendent of
24 Law Enforcement and Public Safety. The fund shall consist of all
25 revenue credited pursuant to law, including any fund transfers
26 authorized by the Legislature. The fund shall only be used to
27 pay the patrol's direct costs related to administering, operating,

1 and maintaining the Nebraska Public Safety Communication System,
2 except that any unobligated money in the fund may first be used
3 to reduce the patrol's General Fund costs to operate the Nebraska
4 Public Safety Communication System, and if additional unobligated
5 money in the fund exists, the Legislature may transfer money
6 from the fund to the State Fire Marshal and the Game and Parks
7 Commission to reduce the General Fund costs to operate the Nebraska
8 Public Safety Communication System. Any money in the fund available
9 for investment shall be invested by the state investment officer
10 pursuant to the Nebraska Capital Expansion Act and the Nebraska
11 State Funds Investment Act.

12 Sec. 5. The Nebraska Public Safety Communication System
13 Revolving Fund is created. The fund shall be established within the
14 Department of Administrative Services and administered by the Chief
15 Information Officer. The fund shall consist of retainer-fee revenue
16 received from state agencies accessing the Nebraska Public Safety
17 Communication System, as authorized by the Legislature through the
18 budget process. The fund shall only be used to pay for centralized
19 direct costs of administering, operating, and maintaining the
20 Nebraska Public Safety Communication System, including state-owned
21 towers and network equipment. 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. 6. Section 47-632, Revised Statutes Cumulative
26 Supplement, 2006, is amended to read:

27 47-632 The Community Corrections Uniform Data Analysis

1 Cash Fund is created. The ~~executive director~~ of fund shall be
2 established for administrative purposes only within the Nebraska
3 Commission on Law Enforcement and Criminal Justice ~~shall administer~~
4 ~~the fund which shall consist of funds collected pursuant to section~~
5 ~~47-633 and such other funds as the Legislature may direct.~~ and
6 shall be administered by the executive director of the Community
7 Corrections Council. The fund shall consist of money collected
8 pursuant to section 47-633. The fund shall only be used to support
9 operations costs and analysis relating to the implementation and
10 coordination of the uniform analysis of crime data pursuant to
11 the Community Corrections Act, including associated information
12 technology projects, as specifically approved by the executive
13 director of the Community Corrections Council. 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
16 and the Nebraska State Funds Investment Act.

17 The State Treasurer shall transfer three hundred fifty
18 thousand dollars from the Community Corrections Uniform Data
19 Analysis Fund to the Nebraska Law Enforcement Training Center
20 Cash Fund within five days after July 1, 2005.

21 Sec. 7. Section 47-633, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 47-633 In addition to all other court costs assessed
24 according to law, a uniform data analysis fee of one dollar shall
25 be taxed as costs for each case filed in each county court,
26 separate juvenile court, and district court, including appeals to
27 such courts, and for each appeal and original action filed in the

1 Court of Appeals and the Supreme Court. The fees shall be remitted
2 to the State Treasurer on forms prescribed by the State Treasurer
3 within ten days after the end of each month. The State Treasurer
4 shall credit the fees to the Community Corrections Uniform Data
5 Analysis Cash Fund.

6 Sec. 8. Section 48-162.02, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 48-162.02 (1) The Workers' Compensation Trust Fund is
9 created. The fund shall be administered by the administrator of the
10 Nebraska Workers' Compensation Court.

11 (2) The Workers' Compensation Trust Fund shall be used
12 to make payments in accordance with sections 48-128 and 48-162.01.
13 ~~and to make legislative fund transfers to the Compensation Court~~
14 ~~Cash Fund for the purpose of paying salaries, other benefits, and~~
15 ~~administrative expenses of the compensation court relating to the~~
16 ~~Workers' Compensation Trust Fund.~~ Payments from the fund shall
17 be made in the same manner as for claims against the state.
18 The State Treasurer shall be the custodian of the fund and all
19 money and securities in the fund shall be held in trust by the
20 State Treasurer and shall not be money or property of the state.
21 The fund shall be raised and derived as follows: Every insurance
22 company which is transacting business in this state shall on or
23 before March 1 of each year pay to the Director of Insurance an
24 amount equal to two percent of the workers' compensation benefits
25 paid by it during the preceding calendar year in this state.
26 Every risk management pool providing workers' compensation group
27 self-insurance coverage to any of its members shall on or before

1 March 1 of each year pay to the Director of Insurance an amount
2 equal to two percent of the workers' compensation benefits paid by
3 it during the preceding calendar year in this state but in no event
4 less than twenty-five dollars.

5 (3) The computation of the amounts as provided in
6 subsection (2) of this section shall be made on forms furnished
7 by the Department of Insurance and shall be forwarded to the
8 department together with a sworn statement by an appropriate fiscal
9 officer of the company attesting the accuracy of the computation.
10 The department shall furnish such forms to the companies and pools
11 prior to the end of the year for which the amounts are payable
12 together with any information deemed necessary or appropriate by
13 the department. Upon receipt of the payment, the director shall
14 audit and examine the computations to determine that the proper
15 amount has been paid.

16 (4) The Director of Insurance, after notice and hearing
17 in accordance with the Administrative Procedure Act, may rescind or
18 refuse to reissue the certificate of authority of any company or
19 pool which fails to remit the amount due.

20 (5) The Director of Insurance shall remit the amounts
21 paid to the State Treasurer for credit to the Workers' Compensation
22 Trust Fund promptly upon completion of the audit and examination
23 and in no event later than May 1 of the year in which the amounts
24 have been received, except that (a) when there is a dispute as to
25 the amount payable, the proceeds shall be credited to a suspense
26 account until disposition of the controversy and (b) one percent
27 of the amount received shall be credited to the Department of

1 Insurance to cover the costs of administration.

2 (6) Every employer in the occupations described in
3 section 48-106 who qualifies as a self-insurer and who is issued a
4 permit to self-insure shall remit to the State Treasurer for credit
5 to the Workers' Compensation Trust Fund an annual amount equal to
6 two percent of the workers' compensation benefits paid by it during
7 the preceding calendar year in this state but in no event less than
8 twenty-five dollars.

9 (7) The amounts required to be paid by the insurance
10 companies, risk management pools, and self-insurers under
11 subsections (2) and (6) of this section shall be in addition to
12 any other amounts, either in taxes, assessments, or otherwise, as
13 required under any other law of this state.

14 (8) The administrator of the compensation court shall
15 be charged with the conservation of the assets of the Workers'
16 Compensation Trust Fund. The administrator may order payments
17 from the fund for vocational rehabilitation services and costs
18 pursuant to section 48-162.01 when (a) vocational rehabilitation
19 is voluntarily offered by the employer and accepted by the
20 employee, (b) the employee is engaged in an approved vocational
21 rehabilitation plan pursuant to section 48-162.01, and (c) the
22 employer has agreed to pay weekly compensation benefits for
23 temporary disability while the employee is engaged in such plan.

24 (9) The Attorney General shall represent the fund when
25 requested by the administrator in proceedings brought by or against
26 the fund pursuant to section 48-162.01. The Attorney General shall
27 represent the fund in all proceedings brought by or against the

1 fund pursuant to section 48-128. When a claim is made by or against
2 the fund pursuant to section 48-128, the State of Nebraska shall
3 be impleaded as a party plaintiff or defendant, as the case may
4 require, and when so impleaded as a defendant, service shall be had
5 upon the Attorney General.

6 (10) The Department of Administrative Services shall
7 furnish monthly to the Nebraska Workers' Compensation Court a
8 statement of the Workers' Compensation Trust Fund setting forth the
9 balance of the fund as of the first day of the preceding month,
10 the income and its sources, the payments from the fund in itemized
11 form, and the balance of the fund on hand as of the last day of
12 the preceding month. The State Treasurer may receive and credit to
13 the fund any sum or sums which may at any time be contributed to
14 the state or the fund by the United States of America or any agency
15 thereof to which the state may be or become entitled under any act
16 of Congress or otherwise by reason of any payment made from the
17 fund.

18 (11) When the fund equals or exceeds two million three
19 hundred thousand dollars, no further contributions thereto shall
20 be required by employers, risk management pools, or insurance
21 companies. Thereafter whenever the amount of the fund is reduced
22 below one million two hundred thousand dollars by reason of
23 payments and ~~transfers~~ made pursuant to this section or otherwise
24 or whenever the administrator of the compensation court determines
25 that payments and ~~transfers~~ likely to be made from the fund in the
26 next succeeding year will probably cause the fund to be reduced
27 below one million two hundred thousand dollars, the administrator

1 shall notify all self-insurers and the Director of Insurance, who
2 shall notify all workers' compensation insurance companies and
3 risk management pools, that such contributions are to be resumed
4 as of the date set in such notice and such contributions shall
5 continue as provided in this section after the effective date of
6 such notice. Such contributions shall continue until the fund again
7 equals two million three hundred thousand dollars.

8 (12) Any expenses necessarily incurred by the Workers'
9 Compensation Trust Fund or by the Attorney General in connection
10 with a proceeding brought by or against the fund may be paid out of
11 the fund. Such expenses may be taxed as costs and recovered by the
12 fund in any case in which the fund prevails.

13 Sec. 9. Section 55-131, Revised Statutes Cumulative
14 Supplement, 2006, is amended to read:

15 55-131 The Military Department Cash Fund is created. The
16 fund shall be administered by the Adjutant General. The fund shall
17 consist of all nonfederal revenue received by the National Guard
18 pursuant to this section. The Adjutant General is hereby authorized
19 to accept by devise, gift, or otherwise and hold, as trustee, for
20 the benefit and use of the National Guard or any part thereof any
21 property, real or personal; to invest and reinvest the property;
22 to collect, receive, and recover the rents, incomes, and issues
23 from the property; and to expend them as provided by the terms
24 of the devise or gift, or if not so provided, to expend them
25 for the benefit and use of the National Guard as he or she in
26 his or her discretion shall determine, subject to the approval
27 of the Governor. Except as otherwise provided by law, all other

1 money received by the National Guard and derived from any other
2 source shall be remitted to the State Treasurer for credit to the
3 Military Department Cash Fund. Any money in the fund available
4 for investment shall be invested by the state investment officer
5 pursuant to the Nebraska Capital Expansion Act and the Nebraska
6 State Funds Investment Act.

7 Any money in the Military Department Cash Fund
8 administered on behalf of the Nebraska Emergency Management Agency
9 shall be transferred to the Nebraska Emergency Management Agency
10 Cash Fund as soon as possible after July 1, 2006.

11 Sec. 10. Section 60-1303, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 60-1303 (1) The Nebraska State Patrol is hereby
14 designated as the agency to operate the weighing stations and
15 portable scales and to perform carrier enforcement duties.

16 (2) (a) On and after July 20, 2002, officers of the
17 Nebraska State Patrol appointed to operate the weighing stations
18 and portable scales and to perform carrier enforcement duties shall
19 be known as the carrier enforcement division. The Superintendent
20 of Law Enforcement and Public Safety shall appoint officers of
21 the Nebraska State Patrol to the carrier enforcement division,
22 including officers as prescribed in sections 81-2001 to 81-2009,
23 and carrier enforcement officers as prescribed in sections 60-1301
24 to 60-1309.

25 (b) The employees within the Nebraska State Patrol
26 designated to operate the weighing stations and portable scales
27 and to perform carrier enforcement duties before July 20, 2002, and

1 not authorized to act under subdivisions (1) through (8) of section
2 81-2005 shall be known as carrier enforcement officers.

3 (3) All carrier enforcement officers shall be bonded or
4 insured as required by section 11-201. Premiums shall be paid
5 from the money appropriated for the construction, maintenance, and
6 operation of the state weighing stations.

7 (4) All employees of the Nebraska State Patrol who
8 are carrier enforcement officers and who are not officers of
9 the Nebraska State Patrol with the powers and duties prescribed
10 in sections 81-2001 to 81-2009 shall be members of the State
11 Employees Retirement System of the State of Nebraska. Officers of
12 the Nebraska State Patrol who are carrier enforcement officers on
13 July 20, 2002, who subsequently become officers of the Nebraska
14 State Patrol with the powers and duties prescribed in sections
15 81-2001 to 81-2009, and who elect to remain members of the State
16 Employees Retirement System of the State of Nebraska shall continue
17 to participate in the State Employees Retirement System of the
18 State of Nebraska. Carrier enforcement officers shall not receive
19 any expense allowance as provided for by section 81-2002.

20 (5) The Nebraska State Patrol and the Department of
21 Roads shall have the duty, power, and authority to contract with
22 one another for the staffing and operation of weighing stations
23 and portable scales and the performance of carrier enforcement
24 duties to ensure that there is adequate personnel in the carrier
25 enforcement division to carry out the duties specified in sections
26 60-1301 to 60-1309. Through June 30, 2005, the number of full-time
27 equivalent positions funded pursuant to such contract shall be

1 limited to eighty-eight officers, including carrier enforcement
2 officers as prescribed in sections 60-1301 to 60-1309 and officers
3 of the Nebraska State Patrol as prescribed in sections 81-2001 to
4 81-2009 assigned to the carrier enforcement division. Pursuant to
5 such contract, command of the personnel involved in such carrier
6 enforcement operations shall be with the Nebraska State Patrol.
7 The Department of Roads may use any funds at its disposal for
8 its financing of such carrier enforcement activity in accordance
9 with such contract as long as such funds are used only to finance
10 those activities directly involved with the duties specified in
11 sections 60-1301 to 60-1309. The Nebraska State Patrol shall
12 account for all appropriations and expenditures related to the
13 staffing and operation of weighing stations and portable scales
14 and the performance of carrier enforcement duties in a budget
15 program that is distinct and separate from budget programs used for
16 non-carrier-enforcement-division-related activities.

17 (6) The Nebraska State Patrol may adopt, promulgate, and
18 enforce rules and regulations consistent with statutory provisions
19 related to carrier enforcement necessary for (a) the collection of
20 fees, as outlined in sections 60-3,177 and 60-3,179 to 60-3,182
21 and the International Fuel Tax Agreement Act, (b) the inspection
22 of licenses and permits required under the motor fuel laws, and
23 (c) weighing and inspection of buses, motor trucks, truck-tractors,
24 semitrailers, trailers, and towed vehicles.

25 ~~(7) There is hereby created the Carrier Enforcement Cash~~
26 ~~Fund which shall be administered by the Nebraska State Patrol and~~
27 ~~used for the operation of the carrier enforcement division. Any~~

1 ~~money in the Carrier Enforcement Cash Fund available for investment~~
2 ~~shall be invested by the state investment officer pursuant to~~
3 ~~the Nebraska Capital Expansion Act and the Nebraska State Funds~~
4 ~~Investment Act.~~

5 Sec. 11. Section 60-1513, Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:

7 60-1513 The Department of Motor Vehicles Cash Fund is
8 hereby created. The fund shall be administered by the Director
9 of Motor Vehicles. The fund shall be used by the Department of
10 Motor Vehicles to carry out its duties as deemed necessary by the
11 Director of Motor Vehicles, except that transfers from the fund to
12 the General Fund may be made at the direction of the Legislature.
13 Any money in the Department of Motor Vehicles Cash Fund available
14 for investment shall be invested by the state investment officer
15 pursuant to the Nebraska Capital Expansion Act and the Nebraska
16 State Funds Investment Act.

17 ~~The State Treasurer shall transfer eighty-two thousand~~
18 ~~five hundred ninety-five dollars from the Department of Motor~~
19 ~~Vehicles Cash Fund to the Administrative License Revocation Cash~~
20 ~~Fund as soon as possible on or after July 1, 2006.~~

21 Sec. 12. Section 66-489, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 66-489 (1) At the time of filing the return required by
24 section 66-488, such producer, supplier, distributor, wholesaler,
25 or importer shall, in addition to the tax imposed pursuant to
26 sections 66-4,140, 66-4,145, and 66-4,146 and in addition to the
27 other taxes provided for by law, pay a tax of ten and one-half

1 cents per gallon upon all motor fuels as shown by such return,
2 except that there shall be no tax on the motor fuels reported if
3 (a) the required taxes on the motor fuels have been paid, (b) the
4 motor fuels have been sold to a licensed exporter exclusively for
5 resale or use in another state, (c) the motor fuels have been sold
6 from a Nebraska barge line terminal, pipeline terminal, refinery,
7 or ethanol or biodiesel facility, including motor fuels stored
8 offsite in bulk, by a licensed producer or supplier to a licensed
9 distributor, (d) the motor fuels have been sold by a licensed
10 distributor or licensed importer to a licensed distributor or to a
11 licensed wholesaler and the seller acquired ownership of the motor
12 fuels directly from a licensed producer or supplier at or from
13 a refinery, barge, barge line, pipeline terminal, or ethanol or
14 biodiesel facility, including motor fuels stored offsite in bulk,
15 in this state or was the first importer of such fuel into this
16 state, or (e) as otherwise provided in this section. Such producer,
17 supplier, distributor, wholesaler, or importer shall remit such tax
18 to the department.

19 (2) As part of filing the return required by section
20 66-488, each producer of ethanol shall, in addition to other
21 taxes imposed by the motor fuel laws, pay an excise tax of one
22 and one-quarter cents per gallon through December 31, 2004, and
23 commencing January 1, 2010, and two and one-half cents per gallon
24 commencing January 1, 2005, through December 31, 2009, on natural
25 gasoline purchased for use as a denaturant by the producer at
26 an ethanol facility. All taxes, interest, and penalties collected
27 under this subsection shall be remitted to the State Treasurer

1 for credit to the Agricultural Alcohol Fuel Tax Fund, except that
2 commencing January 1, 2005, through December 31, 2009, one and
3 one-quarter cents per gallon of such excise tax shall be credited
4 to the Ethanol Production Incentive Cash Fund. For fiscal years
5 2007-08 through 2011-12, if the total receipts from the excise
6 tax authorized in this subsection and designated for deposit in
7 the Agricultural Alcohol Fuel Tax Fund exceed five hundred fifty
8 thousand dollars, the State Treasurer shall deposit amounts in
9 excess of five hundred fifty thousand dollars in the Ethanol
10 Production Incentive Cash Fund.

11 (3) (a) Motor fuels, methanol, and all blending agents
12 or fuel expanders shall be exempt from the taxes imposed by this
13 section and sections 66-4,105, 66-4,140, 66-4,145, and 66-4,146,
14 when the fuels are used for buses equipped to carry more than
15 seven persons for hire and engaged entirely in the transportation
16 of passengers for hire within municipalities or within a radius of
17 six miles thereof.

18 (b) The owner or agent of any bus equipped to carry
19 more than seven persons for hire and engaged entirely in the
20 transportation of passengers for hire within municipalities, or
21 within a radius of six miles thereof, in lieu of the excise tax
22 provided for in this section, shall pay an equalization fee of a
23 sum equal to twice the amount of the registration fee applicable to
24 such vehicle under the laws of this state. Such equalization fee
25 shall be paid in the same manner as the registration fee and be
26 disbursed and allocated as registration fees.

27 (c) Nothing in this section shall be construed as

1 permitting motor fuels to be sold tax exempt. The department
2 shall refund tax paid on motor fuels used in buses deemed exempt by
3 this section.

4 (4) Natural gasoline purchased for use as a denaturant
5 by a producer at an ethanol facility as defined in section 66-1333
6 shall be exempt from the motor fuels tax imposed by subsection (1)
7 of this section as well as the tax imposed pursuant to sections
8 66-4,140, 66-4,145, and 66-4,146.

9 (5) Unless otherwise provided by an agreement entered
10 into between the State of Nebraska and the governing body of any
11 federally recognized Indian tribe within the State of Nebraska,
12 motor fuels purchased on a Nebraska Indian reservation where the
13 purchaser is a Native American who resides on the reservation shall
14 be exempt from the motor fuels tax imposed by this section as well
15 as the tax imposed pursuant to sections 66-4,140, 66-4,145, and
16 66-4,146.

17 (6) Motor fuels purchased for use by the United States
18 Government or its agencies shall be exempt from the motor fuels
19 tax imposed by this section as well as the tax imposed pursuant to
20 sections 66-4,140, 66-4,145, and 66-4,146.

21 (7) In the case of diesel fuel, there shall be no tax on
22 the motor fuels reported if (a) the diesel fuel has been indelibly
23 dyed and chemically marked in accordance with regulations issued by
24 the Secretary of the Treasury of the United States under 26 U.S.C.
25 4082 or (b) the diesel fuel contains a concentration of sulphur
26 in excess of five-hundredths percent by weight or fails to meet
27 a cetane index minimum of forty and has been indelibly dyed in

1 accordance with regulations promulgated by the Administrator of the
2 Environmental Protection Agency pursuant to 42 U.S.C. 7545.

3 Sec. 13. Section 66-1345, Revised Statutes Cumulative
4 Supplement, 2006, as amended by section 27, Legislative Bill 701,
5 One Hundredth Legislature, First Session, 2007, is amended to read:

6 66-1345 (1) There is hereby created the Ethanol
7 Production Incentive Cash Fund which shall be used by the board
8 to pay the credits created in section 66-1344 to the extent
9 provided in this section. Any money in the fund available for
10 investment shall be invested by the state investment officer
11 pursuant to the Nebraska Capital Expansion Act and the Nebraska
12 State Funds Investment Act. The State Treasurer shall transfer to
13 the Ethanol Production Incentive Cash Fund such money as shall be
14 (a) appropriated to the Ethanol Production Incentive Cash Fund by
15 the Legislature, (b) given as gifts, bequests, grants, or other
16 contributions to the Ethanol Production Incentive Cash Fund from
17 public or private sources, (c) made available due to failure to
18 fulfill conditional requirements pursuant to investment agreements
19 entered into prior to April 30, 1992, (d) received as return on
20 investment of the Ethanol Authority and Development Cash Fund, (e)
21 credited to the Ethanol Production Incentive Cash Fund from the
22 excise taxes imposed by section 66-1345.01 through December 31,
23 2012, and (f) credited to the Ethanol Production Incentive Cash
24 Fund pursuant to sections 66-489, 66-726, 66-1345.04, and 66-1519.

25 (2) The Department of Revenue shall, at the end of each
26 calendar month, notify the State Treasurer of the amount of motor
27 fuel tax that was not collected in the preceding calendar month

1 due to the credits provided in section 66-1344. The State Treasurer
2 shall transfer from the Ethanol Production Incentive Cash Fund to
3 the Highway Trust Fund an amount equal to such credits less the
4 following amounts:

5 (a) For 1993, 1994, and 1995, the amount generated during
6 the calendar quarter by a one-cent tax on motor fuel pursuant to
7 sections 66-489 and 66-6,107;

8 (b) For 1996, the amount generated during the calendar
9 quarter by a three-quarters-cent tax on motor fuel pursuant to such
10 sections;

11 (c) For 1997, the amount generated during the calendar
12 quarter by a one-half-cent tax on motor fuel pursuant to such
13 sections; and

14 (d) For 1998 and each year thereafter, no reduction.

15 For 1993 through 1997, if the amount generated pursuant
16 to subdivisions (a), (b), and (c) of this subsection and the
17 amount transferred pursuant to subsection (1) of this section are
18 not sufficient to fund the credits provided in section 66-1344,
19 then the credits shall be funded through the Ethanol Production
20 Incentive Cash Fund but shall not be funded through either the
21 Highway Cash Fund or the Highway Trust Fund. For 1998 and each year
22 thereafter, the credits provided in such section shall be funded
23 through the Ethanol Production Incentive Cash Fund but shall not be
24 funded through either the Highway Cash Fund or the Highway Trust
25 Fund.

26 If, during any month, the amount of money in the Ethanol
27 Production Incentive Cash Fund is not sufficient to reimburse the

1 Highway Trust Fund for credits earned pursuant to section 66-1344,
2 the Department of Revenue shall suspend the transfer of credits by
3 ethanol producers until such time as additional funds are available
4 in the Ethanol Production Incentive Cash Fund for transfer to the
5 Highway Trust Fund. Thereafter, the Department of Revenue shall, at
6 the end of each month, allow transfer of accumulated credits earned
7 by each ethanol producer on a prorated basis derived by dividing
8 the amount in the fund by the aggregate amount of accumulated
9 credits earned by all ethanol producers.

10 (3) The State Treasurer shall transfer from the Ethanol
11 Production Incentive Cash Fund to the Management Services Expense
12 Revolving Fund the amount reported under subsection (4) of section
13 66-1345.02 for each calendar month of the fiscal year as provided
14 in such subsection.

15 (4) On December 31, 2012, the State Treasurer shall
16 transfer the unexpended and unobligated funds, including all
17 subsequent investment interest, from the Ethanol Production
18 Incentive Cash Fund to the Water Resources Cash Fund.

19 (5) Whenever the unobligated balance in the Ethanol
20 Production Incentive Cash Fund exceeds twenty million dollars, the
21 Department of Revenue shall notify the Department of Agriculture at
22 which time the Department of Agriculture shall suspend collection
23 of the excise tax levied pursuant to section 66-1345.01. If, after
24 suspension of the collection of such excise tax, the balance of
25 the fund falls below ten million dollars, the Department of Revenue
26 shall notify the Department of Agriculture which shall resume
27 collection of the excise tax.

1 (6) On or before December 1, 2003, and each December
2 1 thereafter, the Department of Revenue and the Nebraska Ethanol
3 Board shall jointly submit a report to the Legislature which shall
4 project the anticipated revenue and expenditures from the Ethanol
5 Production Incentive Cash Fund through the termination of the
6 ethanol production incentive programs pursuant to section 66-1344.
7 The initial report shall include a projection of the amount
8 of ethanol production for which the Department of Revenue has
9 entered agreements to provide ethanol production credits pursuant
10 to section 66-1344.01 and any additional ethanol production which
11 the Department of Revenue and the Nebraska Ethanol Board reasonably
12 anticipate may qualify for credits pursuant to section 66-1344.

13 Sec. 14. Section 66-1345.01, Revised Statutes Cumulative
14 Supplement, 2006, as amended by section 28, Legislative Bill 701,
15 One Hundredth Legislature, First Session, 2007, is amended to read:

16 66-1345.01 An excise tax is levied upon all corn and
17 grain sorghum sold through commercial channels in Nebraska or
18 delivered in Nebraska. For any sale or delivery of corn or grain
19 sorghum occurring on or after July 1, 1995, and before January
20 1, 2000, the tax is three-fourths cent per bushel for corn and
21 three-fourths cent per hundredweight for grain sorghum. For any
22 sale or delivery of corn or grain sorghum occurring on or after
23 January 1, 2000, and before January 1, 2001, the tax is one-half
24 cent per bushel for corn and one-half cent per hundredweight for
25 grain sorghum. For any sale or delivery of corn or grain sorghum
26 occurring on or after October 1, 2001, and before October 1, 2004,
27 the tax is one-half cent per bushel for corn and one-half cent per

1 hundredweight for grain sorghum. For any sale or delivery of corn
2 or grain sorghum occurring on or after October 1, 2004, and before
3 October 1, 2005, the tax is three-fourths cent per bushel for corn
4 and three-fourths cent per hundredweight for grain sorghum. For any
5 sale or delivery of corn or grain sorghum occurring on or after
6 October 1, 2005, and before October 1, ~~2010~~, 2012, the tax is
7 seven-eighths cent per bushel for corn and seven-eighths cent per
8 hundredweight for grain sorghum. For any sale or delivery of corn
9 or grain sorghum occurring on or after October 1, 2012, and before
10 October 1, 2019, the tax is three-fifths cent per bushel for corn
11 and three-fifths cent per hundredweight for grain sorghum. The tax
12 shall be in addition to any fee imposed pursuant to sections 2-3623
13 and 2-4012.

14 The excise tax shall be imposed at the time of sale or
15 delivery and shall be collected by the first purchaser. The tax
16 shall be collected, administered, and enforced in conjunction with
17 the fees imposed pursuant to sections 2-3623 and 2-4012. The tax
18 shall be collected, administered, and enforced by the Department of
19 Agriculture. No corn or grain sorghum shall be subject to the tax
20 imposed by this section more than once.

21 In the case of a pledge or mortgage of corn or grain
22 sorghum as security for a loan under the federal price support
23 program, the excise tax shall be deducted from the proceeds of such
24 loan at the time the loan is made. If, within the life of the loan
25 plus thirty days after the collection of the excise tax for corn
26 or grain sorghum that is mortgaged as security for a loan under
27 the federal price support program, the grower of the corn or grain

1 sorghum so mortgaged decides to purchase the corn or grain sorghum
2 and use it as feed, the grower shall be entitled to a refund of
3 the excise tax previously paid. The refund shall be payable by the
4 department upon the grower's written application for a refund. The
5 application shall have attached proof of the tax deducted.

6 The excise tax shall be deducted whether the corn or
7 grain sorghum is stored in this or any other state. The excise
8 tax shall not apply to the sale of corn or grain sorghum to the
9 federal government for ultimate use or consumption by the people
10 of the United States when the State of Nebraska is prohibited from
11 imposing such tax by the Constitution of the United States and laws
12 enacted pursuant thereto.

13 Sec. 15. Section 66-1345.02, Reissue Revised Statutes of
14 Nebraska, as amended by section 29, Legislative Bill 701, One
15 Hundredth Legislature, First Session, 2007, is amended to read:

16 66-1345.02 (1) The first purchaser, at the time of sale
17 or delivery, shall retain the excise tax as provided in section
18 66-1345.01 and shall maintain the necessary records of the excise
19 tax for each sale or delivery of corn or grain sorghum. Records
20 maintained by the first purchaser shall provide (a) the name and
21 address of the seller or deliverer, (b) the date of the sale or
22 delivery, (c) the number of bushels of corn or hundredweight of
23 grain sorghum sold or delivered, and (d) the amount of excise
24 tax retained on each sale or delivery. The records shall be open
25 for inspection and audit by authorized representatives of the
26 Department of Agriculture during normal business hours observed by
27 the first purchaser.

1 (2) The first purchaser shall render and have on file
2 with the department by the last day of each January, April, July,
3 and October on forms prescribed by the department a statement of
4 the number of bushels of corn and hundredweight of grain sorghum
5 sold or delivered in Nebraska. At the time the statement is filed,
6 the first purchaser shall pay and remit to the department the
7 excise tax.

8 (3) The department shall remit the excise tax collected
9 to the State Treasurer for credit to the Ethanol Production
10 Incentive Cash Fund within thirty days after the end of each
11 quarter through December 31, ~~2010-~~ 2012. Beginning January 1, 2013,
12 the department shall remit the excise tax collected to the State
13 Treasurer for credit to the Water Resources Cash Fund within thirty
14 days after the end of each quarter.

15 (4) The department shall calculate its costs in
16 collecting and enforcing the excise tax imposed by section
17 66-1345.01 and shall report such costs to the budget division of
18 the Department of Administrative Services within thirty days after
19 the end of the fiscal year. Sufficient funds to cover such costs
20 shall be transferred from the Ethanol Production Incentive Cash
21 Fund to the Management Services Expense Revolving Fund at the
22 end of each calendar month, with such transfers ending December
23 31, ~~2010-~~ 2012. Beginning January 1, 2013, the Department of
24 Agriculture shall calculate its costs in collecting and enforcing
25 the excise tax imposed by section 66-1345.01 and shall report such
26 costs to the budget division of the Department of Administrative
27 Services within thirty days after the end of the fiscal year.

1 Sufficient funds to cover such costs shall be transferred from
2 the Water Resources Cash Fund to the Management Services Expense
3 Revolving Fund at the end of each calendar month. Funds shall be
4 transferred upon the receipt of a report of costs incurred by the
5 Department of Agriculture for the previous calendar month by the
6 budget division of the Department of Administrative Services.

7 Sec. 16. Section 66-1345.04, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 66-1345.04 (1) The State Treasurer shall transfer from
10 the General Fund to the Ethanol Production Incentive Cash Fund,
11 on or before the end of each of fiscal years 1995-96 and 1996-97,
12 \$8,000,000 per fiscal year.

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

16 (a) For each of fiscal years 1997-98 and 1998-99,
17 \$7,000,000 per fiscal year;

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

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

20 (d) For fiscal year 2001-02 and for each of fiscal years
21 2003-04 through 2006-07, \$1,500,000;

22 (e) For each of fiscal years 2005-06 and 2006-07,
23 \$2,500,000 in addition to the amount in subdivision (2)(d) of
24 this section;

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

26 (g) For each of fiscal years 2008-09 through 2011-12,
27 \$2,500,000; and

1 (h) For each of fiscal years 2005-06 and 2006-07,
2 \$5,000,000 in addition to the other amounts in this section;
3 and -

4 (i) For fiscal year 2007-08, \$15,500,000 in addition to
5 the other amounts in this section.

6 Sec. 17. Section 69-2436, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 69-2436 (1) A permit to carry a concealed handgun is
9 valid throughout the state for a period of five years after the
10 date of issuance. The fee for issuing a permit is one hundred
11 dollars.

12 (2) The Nebraska State Patrol shall renew a person's
13 permit to carry a concealed handgun for a renewal period of five
14 years, subject to continuing compliance with the requirements of
15 section 69-2433. The renewal fee is fifty dollars, and renewal may
16 be applied for up to four months before expiration of a permit to
17 carry a concealed handgun.

18 (3) The applicant shall submit the fee with the
19 application to the Nebraska State Patrol. The fee shall be remitted
20 to the State Treasurer for credit to the ~~Public Safety Cash Fund.~~
21 Nebraska State Patrol Cash Fund.

22 (4) On or before June 30, 2007, the Nebraska State
23 Patrol shall journal entry, as necessary, all current fiscal year
24 expenses and revenue, including investment income, from the Public
25 Safety Cash Fund under the Concealed Handgun Permit Act and recode
26 them against the Nebraska State Patrol Cash Fund and its program
27 appropriation.

1 Sec. 18. Section 71-3532, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 71-3532 The Nebraska Emergency Management Agency Cash
4 Fund is created. The fund shall be administered by the director of
5 the Nebraska Emergency Management Agency. The fund shall consist
6 of all non-federal-fund revenue received by the Nebraska Emergency
7 Management Agency. The fund shall only be used to pay for eligible
8 costs of the Nebraska Emergency Management Agency. Any money in
9 the fund available for investment shall be invested by the state
10 investment officer pursuant to the Nebraska Capital Expansion Act
11 and the Nebraska State Funds Investment Act.

12 Sec. 19. Section 71-7611, Revised Statutes Cumulative
13 Supplement, 2006, is amended to read:

14 71-7611 (1) The Nebraska Health Care Cash Fund is
15 created. The State Treasurer shall transfer ~~fifty-two~~ fifty-four
16 million dollars annually no later than July 15 from the Nebraska
17 Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco
18 Settlement Trust Fund to the Nebraska Health Care Cash Fund.
19 The state investment officer upon consultation with the Nebraska
20 Investment Council shall advise the State Treasurer on the amounts
21 to be transferred from the Nebraska Medicaid Intergovernmental
22 Trust Fund and from the Nebraska Tobacco Settlement Trust
23 Fund under this section in order to sustain such transfers in
24 perpetuity. The state investment officer shall report to the
25 Legislature on or before October 1 of every even-numbered year on
26 the sustainability of such transfers.

27 (2) Any money in the Nebraska Health Care Cash Fund

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

4 ~~(3) The State Treasurer shall transfer two million~~
5 ~~dollars from the Nebraska Health Care Cash Fund to the University~~
6 ~~of Nebraska Medical Center Designated Cash Fund within fifteen days~~
7 ~~after July 1, 2005.~~

8 ~~(4) The State Treasurer shall transfer two million~~
9 ~~dollars from the Nebraska Health Care Cash Fund to the University~~
10 ~~of Nebraska Medical Center Designated Cash Fund within fifteen days~~
11 ~~after July 1, 2006.~~

12 ~~(5) The State Treasurer shall transfer one million nine~~
13 ~~hundred thirty-nine thousand eight hundred sixty-three dollars~~
14 ~~from the Nebraska Health Care Cash Fund to the Nebraska Capital~~
15 ~~Construction Fund within five days after July 1, 2005.~~

16 ~~(6) The State Treasurer shall transfer seven hundred~~
17 ~~thousand dollars from the Nebraska Health Care Cash Fund to the~~
18 ~~Nebraska Capital Construction Fund within five days after July 1,~~
19 ~~2005.~~

20 ~~(7) (3) The University of Nebraska and postsecondary~~
21 ~~educational institutions having colleges of medicine in Nebraska~~
22 ~~and their affiliated research hospitals in Nebraska, as a condition~~
23 ~~of receiving any funds appropriated or transferred from the~~
24 ~~Nebraska Health Care Cash Fund, shall not discriminate against~~
25 ~~any person on the basis of sexual orientation.~~

26 Sec. 20. Section 77-2602, Revised Statutes Cumulative
27 Supplement, 2006, is amended to read:

1 77-2602 (1) Every person engaged in distributing or
2 selling cigarettes at wholesale in this state shall pay to the
3 Tax Commissioner of this state a special privilege tax. This shall
4 be in addition to all other taxes. It shall be paid prior to
5 or at the time of the sale, gift, or delivery to the retail
6 dealer in the several amounts as follows: On each package of
7 cigarettes containing not more than twenty cigarettes, sixty-four
8 cents per package; and on packages containing more than twenty
9 cigarettes, the same tax as provided on packages containing not
10 more than twenty cigarettes for the first twenty cigarettes in each
11 package and a tax of one-twentieth of the tax on the first twenty
12 cigarettes on each cigarette in excess of twenty cigarettes in each
13 package.

14 (2) ~~Commencing July 1, 1994, and continuing until October~~
15 ~~1, 2004, the State Treasurer shall place the equivalent of~~
16 ~~twenty-one cents of such tax in the General Fund. Commencing~~
17 Beginning October 1, 2004, the State Treasurer shall place
18 the equivalent of forty-nine cents of such tax in the General
19 Fund. The State Treasurer shall reduce the amount placed in the
20 General Fund under this subsection by the amount prescribed in
21 subdivision (3)(d) of this section. For purposes of this section,
22 the equivalent of a specified number of cents of the tax shall mean
23 that portion of the proceeds of the tax equal to the specified
24 number divided by the tax rate per package of cigarettes containing
25 not more than twenty cigarettes.

26 (3) The State Treasurer shall distribute the remaining
27 proceeds of such tax in the following order:

1 (a) First, beginning July 1, 1980, the State Treasurer
2 shall place the equivalent of one cent of such tax in the
3 Nebraska Outdoor Recreation Development Cash Fund. For fiscal year
4 distributions occurring after FY1998-99, the distribution under
5 this subdivision shall not be less than the amount distributed
6 under this subdivision for FY1997-98. Any money needed to increase
7 the amount distributed under this subdivision to the FY1997-98
8 amount shall reduce the distribution to the General Fund;

9 (b) Second, beginning July 1, 1993, the State Treasurer
10 shall place the equivalent of three cents of such tax in the
11 Department of Health and Human Services Finance and Support Cash
12 Fund to carry out sections 81-637 to 81-640. For fiscal year
13 distributions occurring after FY1998-99, the distribution under
14 this subdivision shall not be less than the amount distributed
15 under this subdivision for FY1997-98. Any money needed to increase
16 the amount distributed under this subdivision to the FY1997-98
17 amount shall reduce the distribution to the General Fund;

18 (c) ~~Third, beginning July 1, 2001, and continuing until~~
19 ~~October 1, 2002, the State Treasurer shall place the equivalent of~~
20 ~~five cents of such tax in the Building Renewal Allocation Fund.~~
21 ~~Beginning~~ October 1, 2002, and continuing until all the purposes of
22 the Deferred Building Renewal Act have been fulfilled, the State
23 Treasurer shall place the equivalent of seven cents of such tax
24 in the Building Renewal Allocation Fund. ~~The Legislature shall~~
25 ~~appropriate each fiscal year all sums inuring to the fund, plus~~
26 ~~interest earnings, for the Task Force for Building Renewal to be~~
27 ~~used to carry out its duties and to fulfill the purposes of the~~

1 ~~Deferred Building Renewal Act. Unexpended balances existing at the~~
2 ~~end of each fiscal year shall be, and are hereby, reappropriated.~~

3 The distribution under this subdivision shall not be less than the
4 amount distributed under this subdivision for FY1997-98. Any money
5 needed to increase the amount distributed under this subdivision to
6 the FY1997-98 amount shall reduce the distribution to the General
7 Fund;

8 (d) Fourth, until July 1, 2009, the State Treasurer
9 shall place in the Municipal Infrastructure Redevelopment Fund
10 the sum of five hundred twenty thousand dollars each fiscal year
11 to carry out the Municipal Infrastructure Redevelopment Fund Act.
12 The Legislature shall appropriate the sum of five hundred twenty
13 thousand dollars each year for fiscal year 2003-04 through fiscal
14 year 2008-09;

15 (e) Fifth, beginning July 1, 2001, and continuing until
16 June 30, 2008, the State Treasurer shall place the equivalent of
17 two cents of such tax in the Information Technology Infrastructure
18 Fund. The distribution under this subdivision shall not be less
19 than two million fifty thousand dollars. Any money needed to
20 increase the amount distributed under this subdivision to two
21 million fifty thousand dollars shall reduce the distribution to the
22 General Fund;

23 (f) Sixth, beginning July 1, 2001, and continuing until
24 June 30, 2016, the State Treasurer shall place one million dollars
25 each fiscal year in the City of the Primary Class Development Fund.
26 If necessary, the State Treasurer shall reduce the distribution of
27 tax proceeds to the General Fund pursuant to subsection (2) of this

1 section by such amount required to fulfill the one million dollars
2 to be distributed pursuant to this subdivision;

3 (g) Seventh, beginning July 1, 2001, and continuing
4 until June 30, 2016, the State Treasurer shall place one million
5 five hundred thousand dollars each fiscal year in the City of
6 the Metropolitan Class Development Fund. If necessary, the State
7 Treasurer shall reduce the distribution of tax proceeds to the
8 General Fund pursuant to subsection (2) of this section by such
9 amount required to fulfill the one million five hundred thousand
10 dollars to be distributed pursuant to this subdivision; and

11 (h) Eighth, beginning ~~October 1, 2002~~ and continuing
12 until ~~October 1, 2004~~, the State Treasurer shall place the
13 ~~equivalent of twenty-eight cents of such tax in the Cash Reserve~~
14 ~~Fund. July 1, 2008, and continuing until June 30, 2009, the State~~
15 Treasurer shall place the equivalent of two million fifty thousand
16 dollars of such tax in the Nebraska Public Safety Communication
17 System Cash Fund. Beginning July 1, 2009, and continuing until June
18 30, 2016, the State Treasurer shall place the equivalent of two
19 million five hundred seventy thousand dollars of such tax in the
20 Nebraska Public Safety Communication System Cash Fund. Beginning
21 July 1, 2016, and every fiscal year thereafter, the State Treasurer
22 shall place the equivalent of five million seventy thousand dollars
23 of such tax in the Nebraska Public Safety Communication System
24 Cash Fund. If necessary, the State Treasurer shall reduce the
25 distribution of tax proceeds to the General Fund pursuant to
26 subsection (2) of this section by such amount required to fulfill
27 the distribution pursuant to this subdivision.

1 (4) If, after distributing the proceeds of such tax
2 pursuant to subsections (2) and (3) of this section, any proceeds
3 of such tax remain, the State Treasurer shall place such remainder
4 in the Nebraska Capital Construction Fund.

5 (5) The Legislature hereby finds and determines that the
6 projects funded from the Municipal Infrastructure Redevelopment
7 Fund and the Building Renewal Allocation Fund are of critical
8 importance to the State of Nebraska. It is the intent of the
9 Legislature that the allocations and appropriations made by the
10 Legislature to such funds or, in the case of allocations for
11 the Municipal Infrastructure Redevelopment Fund, to the particular
12 municipality's account not be reduced until all contracts and
13 securities relating to the construction and financing of the
14 projects or portions of the projects funded from such funds or
15 accounts of such funds are completed or paid or, in the case
16 of the Municipal Infrastructure Redevelopment Fund, the earlier
17 of such date or July 1, 2009, and that until such time any
18 reductions in the cigarette tax rate made by the Legislature
19 shall be simultaneously accompanied by equivalent reductions in
20 the amount dedicated to the General Fund from cigarette tax
21 revenue. Any provision made by the Legislature for distribution
22 of the proceeds of the cigarette tax for projects or programs
23 other than those to (a) the General Fund, (b) the Nebraska
24 Outdoor Recreation Development Cash Fund, (c) the Department
25 of Health and Human Services Finance and Support Cash Fund,
26 (d) the Municipal Infrastructure Redevelopment Fund, (e) the
27 Building Renewal Allocation Fund, (f) the Information Technology

1 Infrastructure Fund, (g) the City of the Primary Class Development
2 Fund, (h) the City of the Metropolitan Class Development Fund,
3 and (i) the ~~Cash Reserve Fund~~ Nebraska Public Safety Communication
4 System Cash Fund shall not be made a higher priority than or an
5 equal priority to any of the programs or projects specified in
6 subdivisions (a) through (i) of this subsection.

7 Sec. 21. Section 81-188.02, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 81-188.02 (1) For purposes of this section, capital
10 improvement project means (a) construction of a new facility,
11 structure, or building, (b) construction of additions to an
12 existing facility, structure, or building, (c) renovation of an
13 existing facility, structure, or building if the total project
14 cost of such renovation represents not less than fifteen percent
15 of the value of the existing facility, structure, or building
16 as determined by the Department of Administrative Services, (d)
17 purchase of an existing facility, structure, or building, and (e)
18 acquisition of a facility, structure, or building through means of
19 conveyance other than sale and purchase.

20 (2) Beginning with the fiscal year that commences
21 subsequent to the calendar year in which has occurred substantial
22 completion of a capital improvement project as defined in
23 subdivisions (1)(a) through (1)(c) of this section or acquisition
24 of a capital improvement project as defined in subdivisions (1)(d)
25 and (1)(e) of this section, the department shall assess a capital
26 improvement depreciation charge to the agency maintaining ownership
27 or control of the related facility, structure, or building and

1 shall assess such charge for each fiscal year thereafter, ~~except~~
2 ~~that no depreciation charges shall be assessed or paid pursuant~~
3 ~~to this section for the period beginning July 1, 2003, and ending~~
4 ~~June 30, 2005, and depreciation charges in the amount of one-half~~
5 ~~of the amount otherwise assessed pursuant to this section shall be~~
6 ~~assessed and paid for the period beginning July 1, 2005, and ending~~
7 ~~June 30, 2007.~~

8 (3) The annual depreciation charge for a capital
9 improvement project as defined in subdivisions (1)(a) through
10 (1)(c) of this section shall be computed as ~~two~~ one percent of the
11 total project cost of the capital improvement project. The annual
12 depreciation charge for a capital improvement project as defined
13 in subdivision (1)(d) of this section shall be computed as ~~two~~
14 one percent of the greater of the purchase price or the value, as
15 determined by the department, of the capital improvement project
16 at the time of acquisition. The annual depreciation charge for a
17 capital improvement project as defined in subdivision (1)(e) of
18 this section shall be computed as ~~two~~ one percent of the value, as
19 determined by the department, of the capital improvement project
20 at the time of acquisition. The department may assess the charge
21 annually or in monthly, quarterly, or semiannual installments.

22 (4) Depreciation charges shall not be assessed pursuant
23 to this section for capital improvement projects relating to
24 facilities, structures, or buildings owned, leased, or operated
25 by the: (i) University of Nebraska; (ii) Nebraska state colleges;
26 (iii) Department of Aeronautics; (iv) Department of Roads; (v)
27 Game and Parks Commission; or (vi) Board of Educational Lands and

1 Funds or to other buildings or grounds owned, leased, or operated
2 by the State of Nebraska which are specifically exempted by the
3 Department of Administrative Services because the assessment of
4 such depreciation charges would result in the ineligibility for
5 federal funding or would result in hardship on an agency, board, or
6 commission due to other exceptional or unusual circumstances.
7 Depreciation charges shall not be assessed pursuant to this
8 section for capital improvement projects relating to facilities,
9 structures, or buildings of which the department is custodian
10 pursuant to section 81-1108.17 and for which charges are assessed
11 pursuant to subdivision (4) (b) of such section.

12 (5) Payment of depreciation charges assessed pursuant to
13 this section shall be remitted to the State Treasurer for credit to
14 the State Building Renewal Assessment Fund.

15 Sec. 22. Section 81-188.04, Revised Statutes Cumulative
16 Supplement, 2006, is amended to read:

17 81-188.04 (1) For purposes of this section, capital
18 improvement project means (a) construction of a new facility,
19 structure, or building, (b) construction of additions to an
20 existing facility, structure, or building, (c) renovation of an
21 existing facility, structure, or building if the total project
22 cost of such renovation represents not less than fifteen percent
23 of the value of the existing facility, structure, or building
24 as determined by the Department of Administrative Services, (d)
25 purchase of an existing facility, structure, or building, and (e)
26 acquisition of a facility, structure, or building through means of
27 conveyance other than sale and purchase.

1 (2) Beginning with the fiscal year that commences
2 subsequent to the calendar year in which has occurred substantial
3 completion of a capital improvement project by the University of
4 Nebraska as defined in subdivisions (1)(a) through (1)(c) of this
5 section or acquisition of a capital improvement project by the
6 University of Nebraska as defined in subdivisions (1)(d) and (1)(e)
7 of this section, the department shall assess a capital improvement
8 depreciation charge to the Board of Regents of the University
9 of Nebraska and shall assess such charge for each fiscal year
10 thereafter. ~~except that no depreciation charges shall be assessed~~
11 ~~or paid pursuant to this section for the period beginning July 1,~~
12 ~~2003, and ending June 30, 2005, and depreciation charges in the~~
13 ~~amount of one-half of the amount otherwise assessed pursuant to~~
14 ~~this section shall be assessed and paid for the period beginning~~
15 ~~July 1, 2005, and ending June 30, 2007.~~

16 (3) The annual depreciation charge for a capital
17 improvement project as defined in subdivisions (1)(a) through
18 (1)(c) of this section shall be computed as ~~two~~ one percent of the
19 total project cost of the capital improvement project. The annual
20 depreciation charge for a capital improvement project as defined
21 in subdivision (1)(d) of this section shall be computed as ~~two~~
22 one percent of the greater of the purchase price or the value, as
23 determined by the department, of the capital improvement project
24 at the time of acquisition. The annual depreciation charge for a
25 capital improvement project as defined in subdivision (1)(e) of
26 this section shall be computed as ~~two~~ one percent of the value, as
27 determined by the department, of the capital improvement project

1 at the time of acquisition. The department may assess the charge
2 annually or in monthly, quarterly, or semiannual installments.

3 (4) Depreciation charges shall not be assessed pursuant
4 to this section for capital improvement projects relating to
5 facilities, structures, or buildings from which revenue is derived
6 and pledged for the retirement of revenue bonds issued under
7 sections 85-403 to 85-411.

8 (5) Payment of depreciation charges assessed pursuant to
9 this section shall be remitted to the State Treasurer for credit to
10 the University Building Renewal Assessment Fund.

11 Sec. 23. Section 81-188.06, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 81-188.06 (1) For purposes of this section, capital
14 improvement project means (a) construction of a new facility,
15 structure, or building, (b) construction of additions to an
16 existing facility, structure, or building, (c) renovation of an
17 existing facility, structure, or building if the total project
18 cost of such renovation represents not less than fifteen percent
19 of the value of the existing facility, structure, or building
20 as determined by the Department of Administrative Services, (d)
21 purchase of an existing facility, structure, or building, and (e)
22 acquisition of a facility, structure, or building through means of
23 conveyance other than sale and purchase.

24 (2) Beginning with the fiscal year that commences
25 subsequent to the calendar year in which has occurred substantial
26 completion of a capital improvement project by the Nebraska state
27 colleges as defined in subdivisions (1)(a) through (1)(c) of this

1 section or acquisition of a capital improvement project by the
2 Nebraska state colleges as defined in subdivisions (1)(d) and
3 (1)(e) of this section, the department shall assess a depreciation
4 charge to the Board of Trustees of the Nebraska State Colleges and
5 shall assess such charge for each fiscal year thereafter. ~~except~~
6 ~~that no depreciation charges shall be assessed or paid pursuant~~
7 ~~to this section for the period beginning July 1, 2003, and ending~~
8 ~~June 30, 2005, and depreciation charges in the amount of one-half~~
9 ~~of the amount otherwise assessed pursuant to this section shall be~~
10 ~~assessed and paid for the period beginning July 1, 2005, and ending~~
11 ~~June 30, 2007.~~

12 (3) The annual depreciation charge for a capital
13 improvement project as defined in subdivisions (1)(a) through
14 (1)(c) of this section shall be computed as ~~two~~ one percent of the
15 total project cost of the capital improvement project. The annual
16 depreciation charge for a capital improvement project as defined
17 in subdivision (1)(d) of this section shall be computed as ~~two~~
18 one percent of the greater of the purchase price or the value, as
19 determined by the department, of the capital improvement project
20 at the time of acquisition. The annual depreciation charge for a
21 capital improvement project as defined in subdivision (1)(e) of
22 this section shall be computed as ~~two~~ one percent of the value, as
23 determined by the department, of the capital improvement project
24 at the time of acquisition. The department may assess the charge
25 annually or in monthly, quarterly, or semiannual installments.

26 (4) Depreciation charges shall not be assessed pursuant
27 to this section for capital improvement projects relating to

1 facilities, structures, or buildings from which revenue is derived
2 and pledged for the retirement of revenue bonds issued under
3 sections 85-403 to 85-411.

4 (5) Payment of depreciation charges assessed pursuant to
5 this section shall be remitted to the State Treasurer for credit to
6 the State College Building Renewal Assessment Fund.

7 Sec. 24. Section 81-523, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 81-523 (1) For the purpose of maintaining the office of
10 the State Fire Marshal and such other fire prevention activities as
11 the Governor may direct, every foreign and alien insurance company
12 including nonresident attorneys for subscribers to reciprocal
13 insurance exchanges shall, on or before March 1, pay a tax to
14 the Director of Insurance of three-fourths of one percent of the
15 gross direct writing premiums and assessments received by each
16 of such companies during the preceding calendar year for fire
17 insurance business done in this state.

18 (2) For the purpose set forth in subsection (1) of
19 this section, every domestic insurance company including resident
20 attorneys for subscribers to reciprocal insurance exchanges shall,
21 on or before March 1, pay a tax to the Director of Insurance of
22 three-eighths of one percent of the gross direct writing premiums
23 and assessments received by each of such companies during the
24 preceding calendar year for fire insurance business done in this
25 state.

26 (3) The term fire insurance business, as used in
27 subsections (1), (2), and (4) of this section, shall include,

1 but not be limited to, premiums of policies on fire risks on
2 automobiles, whether written under floater form or otherwise.

3 (4) Return premiums on fire insurance business, subject
4 to the fire insurance tax, in accordance with subsections (1)
5 and (2) of this section, may be deducted from the gross direct
6 writing premiums for the purpose of the tax calculations provided
7 for by subsections (1) and (2) of this section. In the case of
8 mutual companies and assessment associations, the dividends paid
9 or credited to policyholders or members in this state shall be
10 construed to be return premiums.

11 (5) Any tax collected pursuant to subsections (1) and (2)
12 of this section shall be remitted to the State Treasurer for credit
13 to the General Fund.

14 ~~(6) The State Treasurer shall transfer the entire balance~~
15 ~~in the Fire Insurance Tax Fund, including any investment income~~
16 ~~credited to the fund, to the State Fire Marshal Cash Fund, as soon~~
17 ~~as possible after April 14, 2004.~~

18 Sec. 25. Section 81-5,153, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 81-5,153 The Training Division Cash Fund is created.
21 Money collected pursuant to section 81-5,152 shall be remitted to
22 the State Treasurer for credit to the fund. The fund shall be used
23 for the purpose of administering the training program established
24 pursuant to sections 81-5,151 to 81-5,157. The fund shall be
25 administered by the State Fire Marshal. Any money in the fund
26 available for investment shall be invested by the state investment
27 officer pursuant to the Nebraska Capital Expansion Act and the

1 Nebraska State Funds Investment Act.

2 ~~Any money in the State Fire Marshal Cash Fund remitted~~
3 ~~for the purpose of administering the training program for fire~~
4 ~~department personnel and others involved in fire safety training~~
5 ~~for developing and maintaining fire department skills and safety~~
6 ~~operations shall be transferred to the Training Division Cash Fund~~
7 ~~as soon as possible after April 14, 2004.~~

8 Sec. 26. Section 81-1108.22, Revised Statutes Cumulative
9 Supplement, 2006, is amended to read:

10 81-1108.22 (1) The division shall have the responsibility
11 of providing office space in leased and state-owned buildings in
12 the proximity of the State Capitol and in other locations.

13 (2) When any board, agency, commission, or department
14 of the state government not otherwise specifically authorized by
15 law desires to use funds available for the purpose of renting
16 office space outside of the State Capitol, it shall submit a
17 request to the Director of Administrative Services. If the director
18 approves the lease, the terms and location shall be approved by the
19 director and the administrator in writing and the leases shall be
20 entered into and administered by the administrator on behalf of the
21 board, agency, commission, or department. A copy of all such lease
22 contracts shall be kept on file by the state building division
23 and shall be open to inspection by the Legislature and the public
24 during normal business hours.

25 (3) (a) The administrator shall develop a system of
26 charges to cover basic rental, maintenance, renovations, and
27 operation of such leased and owned properties. The charges to state

1 agencies, boards, commissions, or departments of state government
2 shall be paid from funds available for the purpose of renting
3 space on a regular basis and placed, as applicable, in the State
4 Building Revolving Fund and the State Building Renewal Assessment
5 Fund. The administrator shall make payments for basic rentals,
6 renovations, and maintenance and operational costs of all leased
7 and owned buildings from the State Building Revolving Fund except
8 for expenses relating to security provided by the Nebraska State
9 Patrol as provided in subdivision (b) of this subsection.

10 (b) The State Building Revolving Fund is created. The
11 fund shall be administered by the administrator. The fund shall
12 consist of rental charges and other receipts collected pursuant
13 to contractual agreements between the state building division and
14 other entities as authorized by law. The fund shall only be used
15 to support the ~~operations~~ operation of the state building division
16 as provided by law, except that the Legislature shall make fund
17 transfers each fiscal year through the budget process from the
18 State Building Revolving Fund to the Capitol Security Revolving
19 Fund to help pay non-general-fund costs associated with the
20 operation of the state capitol security division of the Nebraska
21 State Patrol. That portion of rental revenue collected from
22 state-owned or leased buildings and grounds in Lincoln, Nebraska,
23 relating to security assessments shall be administratively
24 transferred from the State Building Revolving Fund to the Nebraska
25 State Patrol Cash Fund on a periodic basis. Any money in the State
26 Building Revolving Fund available for investment shall be invested
27 by the state investment officer pursuant to the Nebraska Capital

1 Expansion Act and the Nebraska State Funds Investment Act.

2 (4) The charges for such leased and owned properties
3 shall only be adjusted by the administrator on July 1. Prior
4 to any adjustment in the system of charges, the Department of
5 Administrative Services, on or before December 1 of the year
6 preceding the effective date of such adjustment, shall provide
7 written notification to the Committee on Building Maintenance, the
8 Clerk of the Legislature, and the Legislative Fiscal Analyst of the
9 proposed adjustment to the system of charges.

10 (5) Commencing on April 18, 1992, all leases of real
11 property entered into by any state agency, board, commission, or
12 department shall be subject to this section. Leases held by a
13 state agency, board, commission, or department on such date shall
14 be valid until the lease contract is terminated or is subject to
15 renewal. The division shall monitor all such leases and determine
16 when the lease is subject to renewal. Once the determination
17 is made, the division shall cancel the lease as of the renewal
18 date and shall treat the need of the agency, board, commission,
19 or department as an original request for space and subject to
20 this section. This subsection shall not apply to (a) state-owned
21 facilities to be rented to state agencies or other parties by
22 the University of Nebraska, the Nebraska state colleges, the
23 Department of Aeronautics, the Department of Roads, and the Board
24 of Educational Lands and Funds, (b) facilities to be leased for
25 use by the University of Nebraska, the Nebraska state colleges,
26 and the Board of Educational Lands and Funds, (c) facilities to
27 be leased for nonoffice use by the Department of Roads, or (d)

1 facilities controlled by the State Department of Education, which
2 were formerly controlled by the Nebraska School for the Visually
3 Handicapped, to be rented to state agencies or other parties by the
4 department.

5 Sec. 27. Section 81-1201.21, Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:

7 81-1201.21 There is hereby created the Job Training Cash
8 Fund. The fund shall be under the direction of the Department of
9 Economic Development. Money may be transferred to the fund pursuant
10 to subdivision (1)(b)(iv) of section 48-621 and from the Cash
11 Reserve Fund at the direction of the Legislature. The department
12 shall establish a subaccount for all money transferred from the
13 Cash Reserve Fund to the Job Training Cash Fund on or after July
14 1, 2005. Any unexpended ~~and~~ or unobligated balance remaining within
15 such subaccount on July 1, ~~2007,~~ 2010, shall be transferred by
16 the State Treasurer to the Cash Reserve Fund no later than July
17 10, ~~2007.~~ 2010. Any obligated amount not transferred from the
18 subaccount that remains unexpended on July 1, ~~2008,~~ 2009, shall
19 be transferred by the State Treasurer to the Cash Reserve Fund no
20 later than ~~July 10, 2008.~~ December 31, 2011.

21 The department shall use the fund to provide
22 reimbursements for job training activities, including employee
23 assessment, preemployment training, on-the-job training, training
24 equipment costs, and other reasonable costs related to helping
25 industry and business locate or expand in Nebraska, or to provide
26 upgrade skills training of the existing labor force necessary to
27 adapt to new technology or the introduction of new product lines.

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

4 Sec. 28. The State Treasurer shall transfer \$5,500,000
5 from the General Fund to the Ethanol Production Incentive Cash
6 Fund on or before June 30, 2008, on such date as directed by the
7 budget administrator of the budget division of the Department of
8 Administrative Services, pursuant to subdivision (2)(f) of section
9 66-1345.04.

10 Sec. 29. The State Treasurer shall transfer \$15,500,000
11 from the General Fund to the Ethanol Production Incentive Cash
12 Fund on or before June 30, 2008, on such date as directed by the
13 budget administrator of the budget division of the Department of
14 Administrative Services, pursuant to subdivision (2)(i) of section
15 66-1345.04.

16 Sec. 30. The State Treasurer shall transfer \$2,500,000
17 from the General Fund to the Ethanol Production Incentive Cash
18 Fund on or before June 30, 2009, on such date as directed by the
19 budget administrator of the budget division of the Department of
20 Administrative Services, pursuant to subdivision (2)(g) of section
21 66-1345.04.

22 Sec. 31. The State Treasurer shall transfer the entire
23 balance in the Community Corrections Uniform Data Analysis Fund,
24 including any investment income credited to the fund, to the
25 Community Corrections Uniform Data Analysis Cash Fund, as soon as
26 possible on or after the operative date of this section.

27 Sec. 32. The State Treasurer shall transfer the entire

1 balance in the Information Technology Infrastructure Fund,
2 including any investment income credited to the fund, to the
3 Nebraska Public Safety Communication System Cash Fund, as soon as
4 possible on or before July 5, 2009, for FY2009-10.

5 Sec. 33. The State Treasurer shall transfer the entire
6 balance in the Municipal Infrastructure Redevelopment Fund,
7 including any investment income credited to the fund, to the
8 Nebraska Public Safety Communication System Cash Fund, as soon as
9 possible on or after August 1, 2009.

10 Sec. 34. The State Treasurer shall transfer the entire
11 balance in the City of the Metropolitan Class Development Fund,
12 including any investment income credited to the fund, to the
13 Nebraska Public Safety Communication System Cash Fund, as soon as
14 possible on or after August 1, 2016.

15 Sec. 35. The State Treasurer shall transfer the entire
16 balance in the City of the Primary Class Development Fund,
17 including any investment income credited to the fund, to the
18 Nebraska Public Safety Communication System Cash Fund, as soon as
19 possible on or after August 1, 2016.

20 Sec. 36. It is the intent of the Legislature
21 to appropriate \$2,050,000 from the Nebraska Public Safety
22 Communication System Cash Fund for FY2008-09 to the Nebraska State
23 Patrol, for Program 850, to aid in carrying out the provisions of
24 this act.

25 It is the intent of the Legislature to reduce the
26 General Fund appropriation by \$2,050,000 for FY2008-09 to the
27 Nebraska State Patrol, for Program 850, to aid in carrying out the

1 provisions of this act.

2 Sec. 37. (1) The Microenterprise Development Cash Fund
3 is created. The fund shall be administered by the Department
4 of Economic Development. Any money in the fund available for
5 investment shall be invested by the state investment officer
6 pursuant to the Nebraska Capital Expansion Act and the Nebraska
7 State Funds Investment Act.

8 (2) The State Treasurer shall credit to the fund money
9 as is (a) transferred to the fund by the Legislature, (b) paid
10 to the state as fees, deposits, payments, and repayments relating
11 to the fund, both principal and interest, (c) donated as gifts,
12 bequests, or other contributions to such fund from public or
13 private entities, and (d) made available by any department or
14 agency of the United States if so directed by such department or
15 agency.

16 (3) The fund shall be used by the Department of Economic
17 Development for the purpose of carrying out the Microenterprise
18 Development Act.

19 Sec. 38. (1) The Building Entrepreneurial Communities
20 Cash Fund is created. The fund shall be administered by the
21 Department of Economic Development. 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 (2) The State Treasurer shall credit to the fund such
26 money as is (a) transferred to the fund by the Legislature, (b)
27 paid to the state as fees, deposits, payments, and repayments

1 relating to the fund, both principal and interest, (c) donated as
2 gifts, bequests, or other contributions to such fund from public
3 or private entities, and (d) made available by any department or
4 agency of the United States if so directed by such department or
5 agency.

6 (3) The fund shall be expended by the Department of
7 Economic Development for the purpose of carrying out the Building
8 Entrepreneurial Communities Act.

9 Sec. 39. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
10 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30,
11 32, 33, 34, 35, 36, 37, 38, and 41 of this act become operative on
12 July 1, 2007. Section 43 of this act becomes operative on August
13 1, 2007. The other sections of this act become operative on their
14 effective date.

15 Sec. 40. Original section 69-2436, Revised Statutes
16 Cumulative Supplement, 2006, is repealed.

17 Sec. 41. Original section 47-633, Reissue Revised
18 Statutes of Nebraska, sections 47-632, 48-162.02, 55-131, 60-1303,
19 60-1513, 66-489, 66-1345.04, 71-3532, 71-7611, 77-2602, 81-188.02,
20 81-188.04, 81-188.06, 81-523, 81-5,153, 81-1108.22, and 81-1201.21,
21 Revised Statutes Cumulative Supplement, 2006, section 66-1345.02,
22 Reissue Revised Statutes of Nebraska, as amended by section 29,
23 Legislative Bill 701, One Hundredth Legislature, First Session,
24 2007, and sections 66-1345 and 66-1345.01, Revised Statutes
25 Cumulative Supplement, 2006, as amended by sections 27 and 28,
26 respectively, Legislative Bill 701, One Hundredth Legislature,
27 First Session, 2007, are repealed.

1 Sec. 42. The following sections are outright repealed:
2 Sections 86-417.01 and 86-417.02, Revised Statutes Cumulative
3 Supplement, 2006.

4 Sec. 43. The following section is outright repealed:
5 Section 84-221, Revised Statutes Cumulative Supplement, 2006.

6 Sec. 44. Since an emergency exists, this act takes effect
7 when passed and approved according to law.

8 2. On page 1, strike beginning with "sections" in line
9 1 through line 14 and insert "section 47-633, Reissue Revised
10 Statutes of Nebraska, sections 47-632, 48-162.02, 55-131, 60-1303,
11 60-1513, 66-489, 66-1345.04, 69-2436, 71-3532, 71-7611, 77-2602,
12 81-188.02, 81-188.04, 81-188.06, 81-523, 81-5,153, 81-1108.22, and
13 81-1201.21, Revised Statutes Cumulative Supplement, 2006, section
14 66-1345.02, Reissue Revised Statutes of Nebraska, as amended
15 by section 29, Legislative Bill 701, One Hundredth Legislature,
16 First Session, 2007, and sections 66-1345 and 66-1345.01, Revised
17 Statutes Cumulative Supplement, 2006, as amended by sections 27 and
18 28, respectively, Legislative Bill 701, One Hundredth Legislature,
19 First Session, 2007; to create, rename, eliminate, and change
20 use of certain funds; to transfer funds; to change provisions
21 relating to an excise tax on corn and grain sorghum; to change
22 distribution of cigarette tax revenue; to change computation of
23 depreciation charges; to state intent relating to appropriations;
24 to eliminate obsolete language; to harmonize provisions; to provide
25 operative dates; to repeal the original sections; to outright
26 repeal sections 84-221, 86-417.01, and 86-417.02, Revised Statutes
27 Cumulative Supplement, 2006; and to declare an emergency."