

E AND R AMENDMENTS TO LB 961

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. Section 71-7608, Revised Statutes Supplement,
4 2007, is amended to read:

5 71-7608 The Nebraska Tobacco Settlement Trust Fund is
6 created. The fund shall include any settlement payments or other
7 revenue received by the State of Nebraska in connection with any
8 tobacco-related litigation to which the State of Nebraska is a
9 party. The Department of Health and Human Services shall remit
10 such revenue to the State Treasurer for credit to the fund, except
11 that of such revenue received on or after April 1, 2005, (1) two
12 million five hundred thousand dollars shall be credited annually
13 for fiscal years before FY2009-10 and (2) three million dollars
14 shall be credited for FY2009-10 and subsequent fiscal years to
15 the Tobacco Prevention and Control Cash Fund. For FY2008-09 five
16 hundred thousand dollars shall be transferred from the Nebraska
17 Tobacco Settlement Trust Fund to the Tobacco Prevention and Control
18 Cash Fund. The State Treasurer shall make such transfer no later
19 than July 15, 2008. Subject to the terms and conditions of such
20 litigation, money from the Nebraska Tobacco Settlement Trust Fund
21 shall be transferred to the Nebraska Health Care Cash Fund as
22 provided in section 71-7611. Any money in the Nebraska Tobacco
23 Settlement Trust Fund available for investment shall be invested

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

3 Sec. 2. Section 71-7611, Revised Statutes Supplement,
4 2007, is amended to read:

5 71-7611 (1) The Nebraska Health Care Cash Fund is
6 created. The State Treasurer shall transfer fifty-five million
7 seven hundred thousand dollars annually no later than July 15 from
8 the Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska
9 Tobacco Settlement Trust Fund to the Nebraska Health Care Cash
10 Fund. On or before May 1, 2008, the State Treasurer shall transfer
11 from the Nebraska Medicaid Intergovernmental Trust Fund and the
12 Nebraska Tobacco Settlement Trust Fund an additional two hundred
13 fifty thousand dollars to the Nebraska Health Care Cash Fund.

14 The state investment officer upon consultation with the Nebraska
15 Investment Council shall advise the State Treasurer on the amounts
16 to be transferred from the Nebraska Medicaid Intergovernmental
17 Trust Fund and from the Nebraska Tobacco Settlement Trust
18 Fund under this section in order to sustain such transfers in
19 perpetuity. The state investment officer shall report to the
20 Legislature on or before October 1 of every even-numbered year on
21 the sustainability of such transfers.

22 (2) Any money in the Nebraska Health Care Cash Fund
23 available for investment shall be invested by the state investment
24 officer pursuant to the Nebraska Capital Expansion Act and the
25 Nebraska State Funds Investment Act.

26 (3) One million dollars in the Nebraska Health Care Cash
27 Fund is designated each year for the Autism Treatment Program

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

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

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

1 Sec. 3. Section 81-3119, Revised Statutes Supplement,
2 2007, is amended to read:

3 81-3119 The Health and Human Services Cash Fund is
4 created and shall consist of funds from contracts, grants, gifts,
5 or fees. ~~Any money in the Department of Health and Human Services~~
6 ~~Cash Fund, the Department of Health and Human Services Finance~~
7 ~~and Support Cash Fund, and the Department of Health and Human~~
8 ~~Services Regulation and Licensure Cash Fund on July 1, 2007, shall~~
9 ~~be transferred to the Health and Human Services Cash Fund. On or~~
10 before July 15, 2008, one million dollars shall be transferred
11 from the Health and Human Services Cash Fund to the Rural Health
12 Professional Incentive Fund. Any money in the fund Health and
13 Human Services Cash Fund available for investment shall be invested
14 by the state investment officer pursuant to the Nebraska Capital
15 Expansion Act and the Nebraska State Funds Investment Act.

16 Sec. 4. Section 84-510, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 84-510 The Corporation Cash Fund is created. Transfers
19 from the fund to the Election Administration Fund may be made at
20 the direction of the Legislature. ~~On or before May 1, 2003, Within~~
21 five days after the effective date of this act, the State Treasurer
22 shall transfer two hundred sixty thousand thirty-five thousand
23 seven hundred ninety-five dollars from the Corporation Cash Fund
24 to the Election Administration Fund. Any money in the Corporation
25 Cash Fund available for investment shall be invested by the state
26 investment officer pursuant to the Nebraska Capital Expansion Act
27 and the Nebraska State Funds Investment Act.

1 Sec. 5. Laws 2007, LB 321, section 281, is amended to
2 read:

3 Sec. 281. FUND LAPSES AND TRANSFERS.

4 The State Treasurer shall make the transfers specified
5 in this section between funds, in the amounts indicated. Unless
6 otherwise noted, transfers for FY2007-08 shall occur on July
7 1, 2007, or as soon thereafter as administratively possible,
8 and transfers for FY2008-09 shall occur on July 1, 2008, or as
9 soon thereafter as administratively possible. All agencies with
10 administrative responsibilities for these funds shall assist the
11 State Treasurer as needed in implementing the transfers.

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

13 (a) From the General Fund to the Nebraska State Patrol
14 Cash Fund: \$115,000 less the unexpended balance existing on June
15 30, 2007, in (i) the Nebraska State Patrol Cash Fund, (ii)
16 the Investigation Petty Cash Fund, (iii) any special checking
17 account or accounts used by the Nebraska State Patrol, and (iv)
18 the possession of agency personnel involved in investigations,
19 when the unexpended balances resulted from General Fund transfers
20 to the Nebraska State Patrol Cash Fund or from General Fund
21 appropriations. Any transfers made shall be subject to a final
22 reconciliation of available investigation cash fund balances as of
23 June 30, 2007, by the Nebraska State Patrol.

24 It is the intent of the Legislature that the Nebraska
25 State Patrol have available a total of \$115,000 from the General
26 Fund for FY2007-08 to be used in making drug purchases, for
27 enforcing Nebraska laws relating to felonies, for enforcing the

1 Nebraska liquor laws, and for payment of investigative expenses;

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

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

9 (d) From the ~~Department of~~ Health and Human Services Cash
10 Fund to the University of Nebraska Eppley Institute for Research in
11 Cancer and Allied Diseases Cash Fund: \$500,000, pursuant to Laws
12 1983, LB 192, section 2;

13 (e) From the Department of Insurance Cash Fund to the
14 General Fund: \$1,500,000 on or before September 30, 2007, and
15 \$1,500,000 on or before March 31, 2008, on such dates as directed
16 by the budget administrator;

17 (f) From the Roads Operations Cash Fund to the Carrier
18 Enforcement Cash Fund: \$6,757,436 less the June 30, 2007,
19 unobligated Carrier Enforcement Cash Fund balance. Transfers shall
20 be made in four equal quarterly amounts on or before July 15,
21 October 15, January 15, and April 15;

22 (g) From the Petroleum Release Remedial Action Cash Fund
23 to the Underground Storage Tank Fund: \$50,000 on or before July 5,
24 2007;

25 (h) From the State Building Revolving Fund to the Capitol
26 Security Revolving Fund: \$507,950. Transfers shall be made in four
27 equal quarterly amounts on or before July 15, October 15, January

1 15, and April 15.

2 Transfers shall be made to pay non-General Fund costs
3 associated with the operation of the State Capitol Security
4 Division of the Nebraska State Patrol;

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

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

12 (k) From the Highway Trust Fund to the License Plate
13 Cash Fund: \$250,000. Transfers shall be made as required by the
14 Department of Motor Vehicles to meet the expenditures of plate and
15 sticker production, except that the total \$250,000 aggregate amount
16 shall be transferred by the State Treasurer on or before June 1,
17 2008;

18 (l) From the Flexible Spending Trust Fund to the Health
19 and Life Benefit Administration Cash Fund: \$68,000, except if the
20 total available unobligated balance of forfeitures in the Flexible
21 Spending Trust Fund as of June 30, 2007, is less than \$68,000, then
22 the State Treasurer shall transfer the difference, not to exceed
23 \$68,000, from the Health History Account of the State Employees
24 Insurance Fund. Transfers shall be made to pay the costs associated
25 with the administration of the Flexible Spending Account program;

26 (m) From the Health History Account of the State
27 Employees Insurance Fund to the Health and Life Benefit

1 Administration Cash Fund: \$631,981, less the June 30, 2007,
2 unobligated Health and Life Benefit Administration Cash Fund
3 balance;

4 (n) From the Severance Tax Fund to the Municipal Rate
5 Negotiations Revolving Loan Fund: \$30,000, pursuant to section
6 57-705;

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

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

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

13 (a) From the General Fund to the Nebraska State Patrol
14 Cash Fund: \$115,000 less the unexpended balance existing on June
15 30, 2008, in (i) the Nebraska State Patrol Cash Fund, (ii)
16 the Investigation Petty Cash Fund, (iii) any special checking
17 account or accounts used by the Nebraska State Patrol, and (iv)
18 the possession of agency personnel involved in investigations,
19 when the unexpended balances resulted from General Fund transfers
20 to the Nebraska State Patrol Cash Fund or from General Fund
21 appropriations. Any transfers made shall be subject to a final
22 reconciliation of available investigation cash fund balances as of
23 June 30, 2008, by the Nebraska State Patrol.

24 It is the intent of the Legislature that the Nebraska
25 State Patrol have available a total of \$115,000 from the General
26 Fund for FY2008-09 to be used in making drug purchases, for
27 enforcing Nebraska laws relating to felonies, for enforcing the

1 Nebraska liquor laws, and for payment of investigative expenses;

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

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

9 (d) From the ~~Department of~~ Health and Human Services Cash
10 Fund to the University of Nebraska Eppley Institute for Research in
11 Cancer and Allied Diseases Cash Fund: \$500,000, pursuant to Laws
12 1983, LB 192, section 2;

13 (e) From the Department of Insurance Cash Fund to the
14 General Fund: \$1,500,000 on or before September 30, 2008, and
15 \$1,500,000 on or before March 31, 2009, on such dates as directed
16 by the budget administrator;

17 (f) From the Roads Operations Cash Fund to the Carrier
18 Enforcement Cash Fund: ~~\$7,055,791.~~ \$7,433,932. Transfers shall be
19 made in four equal quarterly amounts on or before July 15, October
20 15, January 15, and April 15;

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

24 (h) From the Petroleum Release Remedial Action Cash Fund
25 to the Underground Storage Tank Fund: \$50,000 on or before July 5,
26 2008;

27 (i) From the State Building Revolving Fund to the Capitol

1 Security Revolving Fund: \$533,619. Transfers shall be made in four
2 equal quarterly amounts on or before July 15, October 15, January
3 15, and April 15.

4 Transfers shall be made to pay non-General Fund costs
5 associated with the operation of the State Capitol Security
6 Division of the Nebraska State Patrol;

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

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

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

18 (m) From the Flexible Spending Trust Fund to the Health
19 and Life Benefit Administration Cash Fund: \$68,000, except if the
20 total available unobligated balance of forfeitures in the Flexible
21 Spending Trust Fund as of June 30, 2008, is less than \$68,000, then
22 the State Treasurer shall transfer the difference, not to exceed
23 \$68,000, from the Health History Account of the State Employees
24 Insurance Fund. Transfers shall be made to pay the costs associated
25 with the administration of the Flexible Spending Account program;

26 (n) From the Health History Account of the State
27 Employees Insurance Fund to the Health and Life Benefit

1 Administration Cash Fund: \$644,252;

2 (o) From the Severance Tax Fund to the Municipal Rate
3 Negotiations Revolving Loan Fund: \$30,000, pursuant to section
4 57-705; and

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

8 Sec. 6. Original section 84-510, Revised Statutes
9 Cumulative Supplement, 2006, sections 71-7608, 71-7611, and
10 81-3119, Revised Statutes Supplement, 2007, and Laws 2007, LB 321,
11 section 281, are repealed.

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

14 2. On page 1, strike beginning with "the" in line 1
15 through line 6 and insert "state funds; to amend section 84-510,
16 Revised Statutes Cumulative Supplement, 2006, sections 71-7608,
17 71-7611, and 81-3119, Revised Statutes Supplement, 2007, and Laws
18 2007, LB 321, section 281; to provide for and change amounts
19 of transfers of funds; to change allocation provisions for the
20 Nebraska Tobacco Settlement Trust Fund; to repeal the original
21 sections; and to declare an emergency."