

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 316

Introduced by Speaker Flood, 19; at the request of the Governor.

Read first time January 15, 2009

Committee: Appropriations

A BILL

1 FOR AN ACT relating to state funds; to amend sections 57-705 and
2 82-332, Reissue Revised Statutes of Nebraska, and section
3 66-1345.04, Revised Statutes Cumulative Supplement, 2008;
4 to provide for the transfer of funds; to provide
5 conditions for the use of certain funds; to harmonize
6 provisions; to repeal the original sections; and to
7 declare an emergency.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. The State Treasurer shall transfer \$100,000
2 from the Department of Administrative Services Administration
3 Revolving Fund to the Personnel Revolving Fund, as soon as
4 possible, on or after the effective date of this act.

5 Sec. 2. The State Treasurer shall transfer \$450,000 from
6 the Accounting Division Revolving Fund to the Personnel Revolving
7 Fund, as soon as possible, on or after the effective date of this
8 act.

9 Sec. 3. The State Treasurer shall transfer \$7,100,000
10 from the General Fund to the Highway Cash Fund. Transfer shall be
11 made in two equal semiannual amounts on July 6, 2009, and January
12 4, 2010.

13 Sec. 4. The State Treasurer shall transfer \$7,200,000
14 from the General Fund to the Highway Cash Fund. Transfers shall be
15 made in two equal semiannual amounts on July 6, 2010, and January
16 4, 2011.

17 Sec. 5. The State Treasurer shall transfer \$2,500,000
18 from the General Fund to the Ethanol Production Incentive Cash
19 Fund on or before June 30, 2010, on such date as directed by the
20 budget administrator of the budget division of the Department of
21 Administrative Services, pursuant to subdivision (2)(g) of section
22 66-1345.04.

23 Sec. 6. The State Treasurer shall transfer \$2,500,000
24 from the General Fund to the Ethanol Production Incentive Cash
25 Fund on or before June 30, 2011, on such date as directed by the

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

4 Sec. 7. The State Treasurer shall transfer \$2,700,000
5 from the General Fund to the Water Resources Cash Fund on
6 or before June 30, 2010, on such date as directed by the
7 budget administrator of the budget division of the Department
8 of Administrative Services, pursuant to section 61-218.

9 Sec. 8. The State Treasurer shall transfer \$2,700,000
10 from the General Fund to the Water Resources Cash Fund on
11 or before June 30, 2011, on such date as directed by the
12 budget administrator of the budget division of the Department
13 of Administrative Services, pursuant to section 61-218.

14 Sec. 9. The State Treasurer shall transfer \$8,250,000
15 from the General Fund to the Ethanol Production Incentive Cash
16 Fund on or before June 30, 2010, on such date as directed by the
17 budget administrator of the budget division of the Department of
18 Administrative Services, pursuant to subdivision (2)(j) of section
19 66-1345.04.

20 Sec. 10. The State Treasurer shall transfer \$8,250,000
21 from the General Fund to the Ethanol Production Incentive Cash
22 Fund on or before June 30, 2011, on such date as directed by the
23 budget administrator of the budget division of the Department of
24 Administrative Services, pursuant to subdivision (2)(j) of section
25 66-1345.04.

1 Sec. 11. The State Treasurer shall transfer \$112,000,000
2 from the General Fund to the Property Tax Credit Cash Fund on
3 or before December 31, 2009, on such date as directed by the
4 budget administrator of the budget division of the Department of
5 Administrative Services.

6 Sec. 12. The State Treasurer shall transfer \$112,000,000
7 from the General Fund to the Property Tax Credit Cash Fund on
8 or before December 31, 2010, on such date as directed by the
9 budget administrator of the budget division of the Department of
10 Administrative Services.

11 Sec. 13. The State Treasurer shall transfer \$100,000 from
12 the Health Care Cash Fund to the Joseph Soukup Trust Fund on July
13 1, 2009, or as soon thereafter as administratively possible.

14 Sec. 14. Section 57-705, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 57-705 (1) All severance taxes levied by Chapter 57,
17 article 7, shall be paid to the Tax Commissioner. He or she shall
18 remit all such money received to the State Treasurer. All such
19 money received by the State Treasurer shall be credited to a
20 fund to be known as the Severance Tax Fund. An amount equal to
21 one percent of the gross severance tax receipts, excluding those
22 receipts from tax derived from oil and natural gas severed from
23 school lands, credited to the fund shall be credited by the State
24 Treasurer, upon the first day of each month, and shall inure to the
25 Severance Tax Administration Fund to be used for the expenses of

1 administering Chapter 57, article 7. The balance of the Severance
2 Tax Fund received from school lands shall be credited by the State
3 Treasurer, upon the first day of each month, and shall inure to the
4 permanent school fund.

5 (2) Of the balance of the Severance Tax Fund received
6 from other than school lands (a) the Legislature may transfer
7 an amount to be determined by the Legislature through the
8 appropriations process up to three hundred thousand dollars for
9 each year to the State Energy Office Cash Fund, (b) the Legislature
10 may transfer an amount to be determined by the Legislature through
11 the appropriations process up to thirty thousand dollars for
12 each year to the Public Service Commission for administration of
13 the Municipal Rate Negotiations Revolving Loan Fund, and (c) the
14 remainder shall be credited and inure to the permanent school fund.

15 (3) The State Treasurer shall transfer two hundred fifty
16 thousand dollars from the Severance Tax Administration Fund to the
17 Department of Revenue Enforcement Fund on July 1, 2009, or as soon
18 thereafter as administratively possible. The State Treasurer shall
19 transfer two hundred fifty thousand dollars from the Severance
20 Tax Administration Fund to the Department of Revenue Enforcement
21 Fund on July 1, 2010, or as soon thereafter as administratively
22 possible.

23 Sec. 15. Section 66-1345.04, Revised Statutes Cumulative
24 Supplement, 2008, is amended to read:

25 66-1345.04 (1) The State Treasurer shall transfer from

1 the General Fund to the Ethanol Production Incentive Cash Fund,
2 on or before the end of each of fiscal years 1995-96 and 1996-97,
3 \$8,000,000 per fiscal year.

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

7 (a) For each of fiscal years 1997-98 and 1998-99,
8 \$7,000,000 per fiscal year;

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

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

11 (d) For fiscal year 2001-02 and for each of fiscal years
12 2003-04 through 2006-07, \$1,500,000;

13 (e) For each of fiscal years 2005-06 and 2006-07,
14 \$2,500,000 in addition to the amount in subdivision (2)(d) of
15 this section;

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

17 (g) For each of fiscal years 2008-09 through 2011-12,
18 \$2,500,000;

19 (h) For each of fiscal years 2005-06 and 2006-07,
20 \$5,000,000 in addition to the other amounts in this section;

21 ~~and~~

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

24 (j) For each of fiscal years 2009-10 and 2010-11,
25 \$8,250,000 in addition to the other amounts in this section.

1 Sec. 16. Section 82-332, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 82-332 (1) The Nebraska Arts and Humanities Cash Fund is
4 created. The fund shall consist of all funds credited from the
5 Nebraska Cultural Preservation Endowment Fund pursuant to section
6 82-331. The Nebraska Arts Council shall administer and distribute
7 the Nebraska Arts and Humanities Cash Fund. All disbursements
8 from the Nebraska Arts and Humanities Cash Fund shall be matched
9 dollar-for-dollar by sources other than state funds. The match
10 funds shall be new money generated for endowments established
11 by the Nebraska Arts Council or Nebraska Humanities Council or
12 qualified endowments of their constituent organizations, new money
13 generated as a result of seed grants to recipients, or new money
14 generated by the Nebraska Arts Council or Nebraska Humanities
15 Council for arts or humanities education. ~~New money includes, but~~
16 ~~is not limited to, donations to the Nebraska Arts Council or~~
17 ~~Nebraska Humanities Council in anticipation of the establishment~~
18 ~~of the Nebraska Cultural Preservation Endowment Fund. Matching~~
19 ~~funds shall also include earnings generated by qualified private~~
20 ~~endowments formed in accordance with this section.~~ New money used
21 as a match shall not be limited to matching the Nebraska Arts
22 and Humanities Cash Fund in the state fiscal year the new money
23 is received, but it shall be used as a match no later than
24 the subsequent fiscal year. For an endowment to be a qualified
25 endowment (a) the endowment must meet the standards set by the

1 Nebraska Arts Council or Nebraska Humanities Council, (b) the
2 endowment must be intended for long-term stabilization of the
3 organization, and (c) the funds of the endowment must be endowed
4 and only the earnings thereon expended. An organization is a
5 constituent organization if it receives funding from the Nebraska
6 Arts Council or Nebraska Humanities Council and is tax exempt under
7 section 501 of the Internal Revenue Code. The match funds required
8 by this section shall not include in-kind contributions. The budget
9 division of the Department of Administrative Services shall approve
10 allotment and disbursement of funds from the Nebraska Arts and
11 Humanities Cash Fund only to the extent the Nebraska Arts Council
12 has provided documentation of the dollar-for-dollar match required
13 by this section. Funds from the Nebraska Arts and Humanities Cash
14 Fund may be used for the purpose of obtaining challenge grants from
15 the National Endowment for the Humanities or the National Endowment
16 for the Arts.

17 (2) Rules and regulations of the Nebraska Arts Council
18 shall provide that the ultimate use of disbursements from the
19 Nebraska Arts and Humanities Cash Fund shall be in a ratio of
20 seventy percent to projects, endowments, or programs designated
21 by the Nebraska Arts Council and thirty percent to projects,
22 endowments, or programs designated by the Nebraska Humanities
23 Council.

24 (3) Any money in the fund available for investment
25 shall be invested by the state investment officer pursuant to

1 the Nebraska Capital Expansion Act and the Nebraska State Funds
2 Investment Act.

3 Sec. 17. Original sections 57-705 and 82-332, Reissue
4 Revised Statutes of Nebraska, and section 66-1345.04, Revised
5 Statutes Cumulative Supplement, 2008, are repealed.

6 Sec. 18. Since an emergency exists, this act takes effect
7 when passed and approved according to law.