

AMENDMENTS TO LB 969

Introduced by Appropriations

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

3 Section 1. The State Treasurer shall transfer \$99,666.37
4 from the State Insurance Fund to the Roads Operations Cash Fund
5 on the operative date of this section or as soon thereafter as
6 administratively possible.

7 Sec. 2. Laws 2011, LB378, section 14, is amended to read:

8 Sec. 14. The State Treasurer shall transfer up to
9 \$3,800,000 from the General Fund to the Ethanol Production
10 Incentive Cash Fund on or before ~~June 30,~~ December 31, 2012,
11 on such ~~date~~ dates and in such amounts as directed by the
12 budget administrator of the budget division of the Department of
13 Administrative Services, pursuant to subdivision (2)(1) of section
14 66-1345.04.

15 Sec. 3. The State Colleges Sport Facilities Cash Fund
16 is created. The fund shall be administered by the Board of
17 Trustees of the Nebraska State Colleges. The fund shall include
18 transfers from the Civic and Community Center Financing Fund,
19 revenue received from gifts, grants, bequests, donations, other
20 similar donation arrangements, or other contributions from public
21 or private sources, and such other revenue as may accrue to
22 the fund. Expenditures from the fund are authorized to support
23 renovation and construction of or improvements to facilities for

1 intercollegiate athletics and student fitness, recreation, and
2 sport activities at the Nebraska State Colleges. Any money in
3 the fund available for investment shall be invested by the state
4 investment officer pursuant to the Nebraska Capital Expansion Act
5 and the Nebraska State Funds Investment Act.

6 Sec. 4. Section 13-2704, Revised Statutes Supplement,
7 2011, is amended to read:

8 13-2704 (1) The Civic and Community Center Financing Fund
9 is created. The fund shall be administered by the department.
10 Transfers may be made from the fund to the General Fund at the
11 direction of the Legislature. Any money in the Civic and Community
12 Center Financing Fund available for investment shall be invested
13 by the state investment officer pursuant to the Nebraska Capital
14 Expansion Act and the Nebraska State Funds Investment Act. The
15 fund may be used for assistance for the construction of new
16 civic centers, the renovation or expansion of existing civic or
17 community centers, or the conversion, rehabilitation, or reuse of
18 historic buildings for purposes consistent with this section. The
19 fund may not be used for programming, marketing, advertising, and
20 related activities. Transfers may be made from the fund to the
21 Department of Revenue Enforcement Fund and to the State Colleges
22 Sport Facilities Cash Fund at the direction of the Legislature.

23 (2) It is the intent of the Legislature that on July
24 1, 2011, or as soon thereafter as is administratively possible
25 the State Treasurer shall transfer forty-two thousand nine hundred
26 dollars from the Civic and Community Center Financing Fund to the
27 Department of Revenue Enforcement Fund.

1 (3) The State Treasurer shall transfer two hundred fifty
2 thousand dollars from the Civic and Community Center Financing
3 Fund to the State Colleges Sport Facilities Cash Fund on October
4 1 of 2012, 2013, and 2014. Commencing October 1, 2015, and every
5 year thereafter, the State Treasurer shall transfer four hundred
6 thousand dollars from the Civic and Community Center Financing Fund
7 to the State Colleges Sport Facilities Cash Fund.

8 Sec. 5. Section 58-703, Revised Statutes Supplement,
9 2011, is amended to read:

10 58-703 The Affordable Housing Trust Fund is created. The
11 fund shall receive money pursuant to sections 8-1120 and 76-903
12 and may include revenue from sources recommended by the housing
13 advisory committee established in section 58-704, appropriations
14 from the Legislature, transfers authorized by the Legislature,
15 grants, private contributions, repayment of loans, and all other
16 sources, except that before appropriations from the General Fund
17 and transfers from the General Fund or the Cash Reserve Fund may
18 not be used as a revenue source for the Affordable Housing Trust
19 Fund after June 30, 2013. or for administrative costs of the
20 Department of Economic Development in administering the fund, such
21 use must be specifically authorized by a separate legislative bill
22 passed in a legislative session subsequent to the Ninety-fourth
23 Legislature, Second Session, 1996. Any initial appropriation from
24 the General Fund which is used as a revenue source for the
25 Affordable Housing Trust Fund or for administrative costs shall be
26 in an appropriations bill which does not contain appropriations for
27 other programs. The department as part of its comprehensive housing

1 affordability strategy shall administer the Affordable Housing
2 Trust Fund.

3 Transfers may be made from the Affordable Housing Trust
4 Fund to the General Fund, the Behavioral Health Services Fund, and
5 the Site and Building Development Fund at the direction of the
6 Legislature.

7 Sec. 6. Section 66-1345.04, Revised Statutes Supplement,
8 2011, 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;

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

5 (j) For fiscal year 2009-10, \$8,250,000 in addition to
6 the other amounts in this section;

7 (k) For fiscal year 2010-11, \$3,000,000 in addition to
8 the other amounts in this section; and

9 (l) For fiscal ~~year~~ years 2011-12 and 2012-13, amounts
10 totaling up to \$3,800,000 in addition to the other amounts in this
11 section.

12 Sec. 7. Section 68-965, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 68-965 (1) The Autism Treatment Program Cash Fund is
15 created. The fund shall include ~~revenue transferred from the~~
16 ~~Nebraska Health Care Cash Fund~~ and revenue received from gifts,
17 grants, bequests, donations, other similar donation arrangements,
18 or other contributions from public or private sources. The
19 department shall administer the fund. ~~The Autism Treatment Program~~
20 ~~Cash Fund~~ fund shall be used as the state's matching share for the
21 waiver established under section 68-966 and for expenses incurred
22 in the administration of the Autism Treatment Program. Any money in
23 the fund available for investment shall be invested by the state
24 investment officer pursuant to the Nebraska Capital Expansion Act
25 and the Nebraska State Funds Investment Act.

26 (2) The program shall utilize private funds deposited in
27 the ~~Autism Treatment Program Cash Fund~~ and ~~funds transferred by~~

1 the Legislature from the Nebraska Health Care Cash Fund to the
2 Autism Treatment Program Cash Fund. Transfers from the Nebraska
3 Health Care Cash Fund in any fiscal year shall be contingent
4 upon the receipt of private matching funds for such program, with
5 no less than one dollar of private funds received for every two
6 dollars transferred from the Nebraska Health Care Cash Fund. fund.
7 No donations from a provider of services under Title XIX of the
8 federal Social Security Act shall be deposited into the Autism
9 Treatment Program Cash Fund. fund.

10 Sec. 8. Section 71-7611, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 71-7611 (1) The Nebraska Health Care Cash Fund is
13 created. The State Treasurer shall transfer (a) fifty-six million
14 one hundred thousand dollars no later than July 15, 2009, and (b)
15 fifty-nine million one hundred thousand dollars beginning on July
16 15, 2010, and annually thereafter no later than July 15, 2011,
17 and July 15, 2012, (c) fifty-six million one hundred forty-five
18 thousand dollars no later than July 15, 2013, (d) fifty-three
19 million one hundred ninety thousand dollars no later than July
20 15, 2014, and (e) fifty million two hundred thirty-five thousand
21 dollars beginning July 15, 2015, and annually thereafter no later
22 than July 15 from the Nebraska Medicaid Intergovernmental Trust
23 Fund and the Nebraska Tobacco Settlement Trust Fund to the Nebraska
24 Health Care Cash Fund, except that such amount shall be reduced by
25 the amount of the unobligated balance in the Nebraska Health Care
26 Cash Fund at the time the transfer is made. The state investment
27 officer upon consultation with the Nebraska Investment Council

1 shall advise the State Treasurer on the amounts to be transferred
2 from the Nebraska Medicaid Intergovernmental Trust Fund and from
3 the Nebraska Tobacco Settlement Trust Fund under this section in
4 order to sustain such transfers in perpetuity. The state investment
5 officer shall report to the Legislature on or before October 1 of
6 every even-numbered year on the sustainability of such transfers.
7 Except as otherwise provided by law, no more than the amount
8 specified in this subsection may be appropriated or transferred
9 from the Nebraska Health Care Cash Fund in any fiscal year.

10 It is the intent of the Legislature that no additional
11 programs are funded through the Nebraska Health Care Cash Fund
12 until funding for all programs with an appropriation from the fund
13 during FY2012-13 are restored to their FY2012-13 levels.

14 (2) Any money in the Nebraska Health Care Cash Fund
15 available for investment shall be invested by the state investment
16 officer pursuant to the Nebraska Capital Expansion Act and the
17 Nebraska State Funds Investment Act.

18 ~~(3) One million dollars in the Nebraska Health Care~~
19 ~~Cash Fund shall be transferred each year to the Autism Treatment~~
20 ~~Program Cash Fund for five fiscal years beginning on a date~~
21 ~~determined by the Department of Health and Human Services but no~~
22 ~~later than ninety days after a waiver under section 68-966 has~~
23 ~~been approved and shall be distributed with matching private funds~~
24 ~~from the Autism Treatment Program Cash Fund and matching funds~~
25 ~~from Title XIX of the federal Social Security Act in each fiscal~~
26 ~~year as follows: (a) First, to the Department of Health and Human~~
27 ~~Services for costs related to application, implementation, and~~

1 ~~administration of a waiver pursuant to section 68-966, (b) second,~~
2 ~~to the department for other medical costs for children who would~~
3 ~~not otherwise qualify for medicaid except for the waiver, and (c)~~
4 ~~third, the balance to fund services pursuant to the waiver.~~

5 ~~(4)~~ (3) The University of Nebraska and postsecondary
6 educational institutions having colleges of medicine in Nebraska
7 and their affiliated research hospitals in Nebraska, as a condition
8 of receiving any funds appropriated or transferred from the
9 Nebraska Health Care Cash Fund, shall not discriminate against
10 any person on the basis of sexual orientation.

11 ~~(5)~~ The State Treasurer shall transfer two hundred
12 thousand dollars from the Nebraska Health Care Cash Fund to the
13 University of Nebraska Medical Center Cash Fund for the Nebraska
14 Regional Poison Center within fifteen days after each July 1.

15 ~~(6)~~ Beginning on July 1, 2010, the State Treasurer shall
16 transfer three million dollars annually no later than July 15 of
17 each year from the Nebraska Health Care Cash Fund to the Tobacco
18 Prevention and Control Cash Fund.

19 ~~(7)~~ The State Treasurer shall transfer five hundred
20 thousand dollars annually no later than July 15 of each year from
21 the Nebraska Health Care Cash Fund to the Stem Cell Research Cash
22 Fund.

23 Sec. 9. Section 71-8805, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 71-8805 (1) The Stem Cell Research Cash Fund is created.
26 Any money in the 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 (2) Money credited to the Stem Cell Research Cash
3 Fund ~~pursuant to section 71-7611~~ shall be used to provide a
4 dollar-for-dollar match, up to five hundred thousand dollars per
5 fiscal year, of funds received by institutions or researchers
6 from sources other than funds provided by the State of Nebraska
7 for nonembryonic stem cell research. Such matching funds shall be
8 awarded through the grant process established pursuant to section
9 71-8804. No single institution or researcher shall receive more
10 than seventy percent of the funds available for distribution under
11 this section on an annual basis.

12 (3) Up to three percent of the funds credited to the
13 Stem Cell Research Cash Fund shall be available to the Division
14 of Public Health of the Department of Health and Human Services
15 for administrative costs, including stipends and reimbursements
16 pursuant to section 71-8803.

17 Sec. 10. Section 82-331, Revised Statutes Supplement,
18 2011, is amended to read:

19 82-331 (1) There is hereby established in the state
20 treasury a trust fund to be known as the Nebraska Cultural
21 Preservation Endowment Fund. The fund shall consist of funds
22 appropriated or transferred by the Legislature, and only the
23 earnings of the fund may be used as provided in this section.

24 (2) On August 1, 1998, the State Treasurer shall transfer
25 five million dollars from the General Fund to the Nebraska Cultural
26 Preservation Endowment Fund.

27 (3) Except as provided in subsection (4) of this section,

1 it is the intent of the Legislature that the State Treasurer
2 shall transfer (a) an amount not to exceed five hundred thousand
3 dollars from the General Fund to the Nebraska Cultural Preservation
4 Endowment Fund on December 31 of 2009 and 2010 and (b) an amount
5 not to exceed five hundred thousand dollars from the General Fund
6 to the Nebraska Cultural Preservation Endowment Fund on December 31
7 of 2013, 2014, 2015, 2016, 2017, and 2018.

8 (4) Prior to the transfer of funds from any state
9 account into the Nebraska Cultural Preservation Endowment Fund,
10 the Nebraska Arts Council shall provide documentation to the
11 budget division of the Department of Administrative Services that
12 qualified endowments have generated a dollar-for-dollar match of
13 new money, up to the amount of state funds authorized by the
14 Legislature to be transferred to the Nebraska Cultural Preservation
15 Endowment Fund. For purposes of this section, new money means a
16 contribution to a qualified endowment generated after July 1, 2011.
17 Contributions not fully matched by state funds shall be carried
18 forward to succeeding years and remain available to provide a
19 dollar-for-dollar match for state funds. For an endowment to be
20 a qualified endowment (a) the endowment must meet the standards
21 set by the Nebraska Arts Council or Nebraska Humanities Council,
22 (b) the endowment must be intended for long-term stabilization
23 of the organization, and (c) the funds of the endowment must
24 be endowed and only the earnings thereon expended. The budget
25 division of the Department of Administrative Services shall notify
26 the State Treasurer to execute a transfer of state funds up to
27 the amount specified by the Legislature, but only to the extent

1 that the Nebraska Arts Council has provided documentation of a
2 dollar-for-dollar match. ~~Funds~~ State funds not transferred shall be
3 carried forward to the succeeding year and be added to the funds
4 authorized for a dollar-for-dollar match during that year.

5 (5) The Legislature shall not appropriate or transfer
6 money from the Nebraska Cultural Preservation Endowment Fund for
7 any purpose other than the purposes stated in sections 82-330 to
8 82-333, except that the Legislature may appropriate or transfer
9 money from the fund upon a finding that the purposes of such
10 sections are not being accomplished by the fund.

11 (6) Any money in the Nebraska Cultural Preservation
12 Endowment Fund available for investment shall be invested by the
13 state investment officer pursuant to the Nebraska Capital Expansion
14 Act and the Nebraska State Funds Investment Act.

15 (7) All investment earnings from the Nebraska Cultural
16 Preservation Endowment Fund shall be credited to the Nebraska Arts
17 and Humanities Cash Fund.

18 Sec. 11. Section 82-332, Revised Statutes Cumulative
19 Supplement, 2010, is amended to read:

20 82-332 (1) The Nebraska Arts and Humanities Cash Fund is
21 created. The fund shall consist of all funds credited from the
22 Nebraska Cultural Preservation Endowment Fund pursuant to section
23 82-331. The Nebraska Arts Council shall administer and distribute
24 the Nebraska Arts and Humanities Cash Fund. All disbursements
25 from the Nebraska Arts and Humanities Cash Fund shall be matched
26 dollar-for-dollar by sources other than state funds. The match
27 funds shall be new money generated for endowments established

1 by the Nebraska Arts Council or Nebraska Humanities Council or
2 qualified endowments of their constituent organizations, new money
3 generated as a result of seed grants to recipients, or new money
4 generated by the Nebraska Arts Council or Nebraska Humanities
5 Council for arts or humanities education. Matching funds shall
6 also include earnings generated by qualified private endowments
7 formed in accordance with this section. ~~New money used as a match~~
8 ~~shall not be limited to matching the Nebraska Arts and Humanities~~
9 ~~Cash Fund in the state fiscal year the new money is received,~~
10 ~~but it shall be used as a match no later than the subsequent~~
11 ~~fiscal year.~~ For the purposes of this section, new money means a
12 contribution to a qualified endowment generated after July 1, 2011.
13 Contributions not fully matched by state funds shall be carried
14 forward to succeeding years and remain available to provide a
15 dollar-for-dollar match for state funds. For an endowment to be
16 a qualified endowment (a) the endowment must meet the standards
17 set by the Nebraska Arts Council or Nebraska Humanities Council,
18 (b) the endowment must be intended for long-term stabilization
19 of the organization, and (c) the funds of the endowment must be
20 endowed and only the earnings thereon expended. An organization is
21 a constituent organization if it receives funding from the Nebraska
22 Arts Council or Nebraska Humanities Council and is tax exempt under
23 section 501 of the Internal Revenue Code. The match funds required
24 by this section shall not include in-kind contributions. The budget
25 division of the Department of Administrative Services shall approve
26 allotment and disbursement of funds from the Nebraska Arts and
27 Humanities Cash Fund only to the extent the Nebraska Arts Council

1 has provided documentation of the dollar-for-dollar match required
2 by this section. Funds from the Nebraska Arts and Humanities Cash
3 Fund may be used for the purpose of obtaining challenge grants from
4 the National Endowment for the Humanities or the National Endowment
5 for the Arts.

6 (2) Rules and regulations of the Nebraska Arts Council
7 shall provide that the ultimate use of disbursements from the
8 Nebraska Arts and Humanities Cash Fund shall be in a ratio of
9 seventy percent to projects, endowments, or programs designated
10 by the Nebraska Arts Council and thirty percent to projects,
11 endowments, or programs designated by the Nebraska Humanities
12 Council.

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

17 Sec. 12. The World Day on the Mall Cash Fund is
18 created. The fund shall consist of sums that are contributed
19 as gifts, donations, grants, or bequests to provide multicultural
20 or diversity education, training, and events. The fund shall be
21 used by the personnel division of the Department of Administrative
22 Services for the administration of multicultural or diversity
23 education, training, and events. Any money in the fund available
24 for investment shall be invested by the state investment officer
25 pursuant to the Nebraska Capital Expansion Act and the Nebraska
26 State Funds Investment Act.

27 Sec. 13. Sections 7, 8, 9, and 15 of this act become

1 operative on July 1, 2012. The other sections of this act become
2 operative on the effective date of this act.

3 Sec. 14. Original section 82-332, Revised Statutes
4 Cumulative Supplement, 2010, sections 13-2704, 58-703, 66-1345.04,
5 and 82-331, Revised Statutes Supplement, 2011, and Laws 2011,
6 LB378, section 14, are repealed.

7 Sec. 15. Original sections 68-965, 71-7611, and 71-8805,
8 Reissue Revised Statutes of Nebraska, are repealed.

9 Sec. 16. The following sections are outright repealed:
10 Laws 2011, LB378, sections 8 and 10.

11 Sec. 17. Since an emergency exists, this act takes effect
12 when passed and approved according to law.