

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 286

Introduced by Conrad, 46.

Read first time January 16, 2013

Committee: Appropriations

A BILL

1 FOR AN ACT relating to fund transfers; to amend section 68-1604,
2 Reissue Revised Statutes of Nebraska, and sections 58-703
3 and 84-612, Revised Statutes Cumulative Supplement, 2012;
4 to provide for Cash Reserve Fund transfers for affordable
5 housing, homeless shelter assistance, and legal aid; to
6 harmonize provisions; to repeal the original sections;
7 and to declare an emergency.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 58-703, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 58-703 The Affordable Housing Trust Fund is created. The
4 fund shall receive money pursuant to sections 8-1120 and 76-903 and
5 may include revenue from sources recommended by the housing advisory
6 committee established in section 58-704, appropriations from the
7 Legislature, transfers authorized by the Legislature, grants, private
8 contributions, repayment of loans, and all other sources., ~~except~~
9 ~~that appropriations from the General Fund and transfers from the~~
10 ~~General Fund or the Cash Reserve Fund may not be used as a revenue~~
11 ~~source for the Affordable Housing Trust Fund after June 30, 2013.~~ The
12 Department of Economic Development as part of its comprehensive
13 housing affordability strategy shall administer the Affordable
14 Housing Trust Fund.

15 Transfers may be made from the Affordable Housing Trust
16 Fund to the General Fund, the Behavioral Health Services Fund, and
17 the Site and Building Development Fund at the direction of the
18 Legislature.

19 Sec. 2. Section 68-1604, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 68-1604 The Homeless Shelter Assistance Trust Fund is
22 hereby created. The fund shall include the proceeds raised from the
23 documentary stamp tax and remitted for such fund pursuant to section
24 76-903 and transfers authorized by the Legislature. Money remitted to
25 such fund shall be used by the department (1) for grants to eligible

1 shelter providers as set out in section 68-1605 for the purpose of
2 assisting in the alleviation of homelessness, to provide temporary
3 and permanent shelters for homeless persons, to encourage the
4 development of projects which link housing assistance to programs
5 promoting the concept of self-sufficiency, and to address the needs
6 of the migrant farmworker and (2) to aid in defraying the expenses of
7 administering the Homeless Shelter Assistance Trust Fund Act, which
8 shall not exceed seventy-five thousand dollars in any fiscal year.

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

12 Sec. 3. Section 84-612, Revised Statutes Cumulative
13 Supplement, 2012, is amended to read:

14 84-612 (1) There is hereby created within the state
15 treasury a fund known as the Cash Reserve Fund which shall be under
16 the direction of the State Treasurer. The fund shall only be used
17 pursuant to this section.

18 (2) The State Treasurer shall transfer funds from the
19 Cash Reserve Fund to the General Fund upon certification by the
20 Director of Administrative Services that the current cash balance in
21 the General Fund is inadequate to meet current obligations. Such
22 certification shall include the dollar amount to be transferred. Any
23 transfers made pursuant to this subsection shall be reversed upon
24 notification by the Director of Administrative Services that
25 sufficient funds are available.

1 (3) In addition to receiving transfers from other funds,
2 the Cash Reserve Fund shall receive federal funds received by the
3 State of Nebraska for undesignated general government purposes,
4 federal revenue sharing, or general fiscal relief of the state.

5 (4) On July 7, 2009, the State Treasurer shall transfer
6 five million dollars from the Cash Reserve Fund to the Roads
7 Operations Cash Fund. The Department of Roads shall use such funds to
8 provide the required state match for federal funding made available
9 to the state through congressional earmarks.

10 (5) The State Treasurer shall transfer a total of thirty-
11 seven million dollars from the Cash Reserve Fund to the General Fund
12 on or before June 30, 2012, on such dates and in such amounts as
13 directed by the budget administrator of the budget division of the
14 Department of Administrative Services.

15 (6) The State Treasurer shall transfer a total of sixty-
16 eight million dollars from the Cash Reserve Fund to the General Fund
17 on or before June 30, 2013, on such dates and in such amounts as
18 directed by the budget administrator of the budget division of the
19 Department of Administrative Services.

20 (7) The State Treasurer, at the direction of the budget
21 administrator of the budget division of the Department of
22 Administrative Services, shall transfer not to exceed twelve million
23 dollars in total between July 1, 2011, and November 30, 2012, from
24 the Cash Reserve Fund to the Ethanol Production Incentive Cash Fund,
25 for ethanol production incentive credits, on such dates and in such

1 amounts as certified by the Tax Commissioner.

2 (8) The State Treasurer, at the direction of the budget
3 administrator of the budget division of the Department of
4 Administrative Services, shall transfer an amount equal to the total
5 amount transferred pursuant to subsection (7) of this section from
6 the Ethanol Production Incentive Cash Fund to the Cash Reserve Fund
7 in such amounts as certified by the Tax Commissioner on or before
8 November 30, 2012.

9 (9) The State Treasurer, at the direction of the budget
10 administrator of the budget division of the Department of
11 Administrative Services, shall transfer eighty million dollars from
12 the Cash Reserve Fund to the Nebraska Capital Construction Fund on or
13 before August 15, 2012.

14 (10) The State Treasurer, at the direction of the budget
15 administrator of the budget division of the Department of
16 Administrative Services, shall transfer one million dollars from the
17 Cash Reserve Fund to the Affordable Housing Trust Fund on or before
18 August 15, 2012.

19 (11) The State Treasurer shall transfer ten million
20 dollars from the Cash Reserve Fund to the General Fund on or before
21 June 30, 2013, on such date as directed by the budget administrator
22 of the budget division of the Department of Administrative Services.

23 (12) The State Treasurer, at the direction of the budget
24 administrator of the budget division of the Department of
25 Administrative Services, shall transfer five million four hundred

1 twenty-two thousand five hundred twenty-eight dollars from the Cash
2 Reserve Fund to the Affordable Housing Trust Fund on or before
3 September 1, 2013.

4 (13) The State Treasurer, at the direction of the budget
5 administrator of the budget division of the Department of
6 Administrative Services, shall transfer one million dollars from the
7 Cash Reserve Fund to the Homeless Shelter Assistance Trust Fund on or
8 before September 1, 2013.

9 (14) The State Treasurer, at the direction of the budget
10 administrator of the budget division of the Department of
11 Administrative Services, shall transfer one million dollars from the
12 Cash Reserve Fund to the Legal Aid and Services Fund on or before
13 September 1, 2013.

14 Sec. 4. Original section 68-1604, Reissue Revised
15 Statutes of Nebraska, and sections 58-703 and 84-612, Revised
16 Statutes Cumulative Supplement, 2012, are repealed.

17 Sec. 5. Since an emergency exists, this act takes effect
18 when passed and approved according to law.