

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1364

Introduced by McDonnell, 5.

Read first time January 17, 2024

Committee:

- 1 A BILL FOR AN ACT relating to economic development; to amend sections
- 2 81-12,148 and 84-612, Revised Statutes Supplement, 2023; to change
- 3 provisions of the Site and Building Development Act and provide for
- 4 a transfer from the Cash Reserve Fund; to repeal the original
- 5 sections; and to declare an emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-12,148, Revised Statutes Supplement, 2023, is
2 amended to read:

3 81-12,148 (1) Governmental subdivisions and Nebraska nonprofit
4 organizations are eligible to receive assistance under the Site and
5 Building Development Act. Any entity receiving assistance under
6 subsection (1) of section 81-12,147 shall provide, or cause to be
7 provided, matching funds for the eligible activity in an amount
8 determined by the Department of Economic Development, which amount shall
9 be at least equal to one hundred percent of the amount of assistance
10 provided by the Site and Building Development Fund. Nothing in the act
11 shall be construed to allow individuals or businesses to receive direct
12 loans from the fund.

13 (2) An applicant for a grant for development of a public-private-
14 partnership facility under subdivision (1)(h) of section 81-12,147 shall
15 provide the Director of Economic Development with a letter of support
16 from the United States Strategic Command prior to approval of the
17 application and with proof of the availability of [XXXX] ~~twenty million~~
18 dollars in private or other funds for the facility. No funds shall be
19 expended or grants awarded until receipt of proof of the availability of
20 [XXXX] ~~twenty million~~ dollars in private or other funds for the facility
21 and certification is provided by the Director of Economic Development to
22 the budget administrator of the budget division of the Department of
23 Administrative Services.

24 (3) An applicant for a grant for development under subdivision (1)
25 (k) of section 81-12,147 is not required to meet the matching fund
26 requirements pursuant to this section but shall provide the Director of
27 Economic Development a letter from the United States Department of
28 Defense or contractor providing upgrades to ground-based nuclear
29 deterrence that infrastructure improvements, including the construction
30 of electrical, drinking water, and clean water infrastructure, will not
31 be included in the scope of the project. No grants shall be awarded or

1 funds expended until such letter is received.

2 (4) This section does not apply to any inland port authority
3 receiving assistance under subsection (2) of section 81-12,147.

4 Sec. 2. Section 84-612, Revised Statutes Supplement, 2023, is
5 amended to read:

6 84-612 (1) There is hereby created within the state treasury a fund
7 known as the Cash Reserve Fund which shall be under the direction of the
8 State Treasurer. The fund shall only be used pursuant to this section.

9 (2) The State Treasurer shall transfer funds from the Cash Reserve
10 Fund to the General Fund upon certification by the Director of
11 Administrative Services that the current cash balance in the General Fund
12 is inadequate to meet current obligations. Such certification shall
13 include the dollar amount to be transferred. Any transfers made pursuant
14 to this subsection shall be reversed upon notification by the Director of
15 Administrative Services that sufficient funds are available.

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

20 (4) The State Treasurer shall transfer two million dollars from the
21 Governor's Emergency Cash Fund to the Cash Reserve Fund on or before June
22 30, 2024, on such dates and in such amounts as directed by the budget
23 administrator of the budget division of the Department of Administrative
24 Services.

25 (5) The State Treasurer shall transfer two hundred sixteen million
26 one hundred twenty thousand dollars from the Cash Reserve Fund to the
27 Nebraska Capital Construction Fund on or after July 1, 2022, but before
28 June 15, 2023, on such dates and in such amounts as directed by the
29 budget administrator of the budget division of the Department of
30 Administrative Services.

31 (6) The State Treasurer shall transfer one hundred eighty-two

1 million six hundred twenty-three thousand eight hundred twenty-five
2 dollars from the Cash Reserve Fund to the Nebraska Capital Construction
3 Fund on or after July 1, 2023, but before June 30, 2024, on such dates
4 and in such amounts as directed by the budget administrator of the budget
5 division of the Department of Administrative Services.

6 (7) The State Treasurer shall transfer fifty-three million five
7 hundred thousand dollars from the Cash Reserve Fund to the Perkins County
8 Canal Project Fund on or before June 30, 2023, on such dates and in such
9 amounts as directed by the budget administrator of the budget division of
10 the Department of Administrative Services.

11 (8) No funds shall be transferred from the Cash Reserve Fund to
12 fulfill the obligations created under the Nebraska Property Tax Incentive
13 Act unless the balance in the Cash Reserve Fund after such transfer will
14 be at least equal to five hundred million dollars.

15 (9) The State Treasurer shall transfer thirty million dollars from
16 the Cash Reserve Fund to the Military Base Development and Support Fund
17 on or before June 30, 2023, but not before July 1, 2022, on such dates
18 and in such amounts as directed by the budget administrator of the budget
19 division of the Department of Administrative Services.

20 (10) The State Treasurer shall transfer eight million three hundred
21 thousand dollars from the Cash Reserve Fund to the Trail Development and
22 Maintenance Fund on or after July 1, 2022, but before July 30, 2022, on
23 such dates and in such amounts as directed by the budget administrator of
24 the budget division of the Department of Administrative Services.

25 (11) The State Treasurer shall transfer fifty million dollars from
26 the Cash Reserve Fund to the Nebraska Rural Projects Fund on or after
27 July 1, 2022, but before July 15, 2023, on such dates and in such amounts
28 as directed by the budget administrator of the budget division of the
29 Department of Administrative Services.

30 (12) The State Treasurer shall transfer thirty million dollars from
31 the Cash Reserve Fund to the Rural Workforce Housing Investment Fund on

1 or after July 1, 2022, but before July 15, 2023, on such dates and in
2 such amounts as directed by the budget administrator of the budget
3 division of the Department of Administrative Services.

4 (13) The State Treasurer shall transfer twenty million dollars from
5 the Cash Reserve Fund to the Intern Nebraska Cash Fund on or after July
6 1, 2022, but before June 15, 2023, on such dates and in such amounts as
7 directed by the budget administrator of the budget division of the
8 Department of Administrative Services.

9 (14) The State Treasurer shall transfer twenty million dollars from
10 the Cash Reserve Fund to the Middle Income Workforce Housing Investment
11 Fund on July 15, 2022, or as soon thereafter as administratively
12 possible, and in such amounts as directed by the budget administrator of
13 the budget division of the Department of Administrative Services.

14 (15) The State Treasurer shall transfer eighty million dollars from
15 the Cash Reserve Fund to the Jobs and Economic Development Initiative
16 Fund on or after July 1, 2022, but before July 15, 2023, on such dates
17 and in such amounts as directed by the budget administrator of the budget
18 division of the Department of Administrative Services.

19 (16) The State Treasurer shall transfer twenty million dollars from
20 the Cash Reserve Fund to the Site and Building Development Fund on July
21 15, 2022, or as soon thereafter as administratively possible, and in such
22 amounts as directed by the budget administrator of the budget division of
23 the Department of Administrative Services.

24 (17) The State Treasurer shall transfer fifty million dollars from
25 the Cash Reserve Fund to the Surface Water Irrigation Infrastructure Fund
26 on or after July 15, 2022, but before January 1, 2023, on such dates and
27 in such amounts as directed by the budget administrator of the budget
28 division of the Department of Administrative Services.

29 (18) The State Treasurer shall transfer fifteen million dollars from
30 the Cash Reserve Fund to the Site and Building Development Fund on or
31 before June 30, 2022, on such dates and in such amounts as directed by

1 the budget administrator of the budget division of the Department of
2 Administrative Services.

3 (19) The State Treasurer shall transfer fifty-five million dollars
4 from the Cash Reserve Fund to the Economic Recovery Contingency Fund on
5 or before June 30, 2022, on such dates and in such amounts as directed by
6 the budget administrator of the budget division of the Department of
7 Administrative Services.

8 (20) The State Treasurer shall transfer ten million dollars from the
9 Cash Reserve Fund to the School Safety and Security Fund as soon as
10 administratively possible after September 2, 2023, on such dates and in
11 such amounts as directed by the budget administrator of the budget
12 division of the Department of Administrative Services.

13 (21) The State Treasurer shall transfer ten million dollars from the
14 Cash Reserve Fund to the General Fund as soon as administratively
15 possible after June 7, 2023, on such dates and in such amounts as
16 directed by the budget administrator of the budget division of the
17 Department of Administrative Services.

18 (22) The State Treasurer shall transfer one million dollars from the
19 Cash Reserve Fund to the Revitalize Rural Nebraska Fund as soon as
20 administratively possible after June 7, 2023, on such dates and in such
21 amounts as directed by the budget administrator of the budget division of
22 the Department of Administrative Services.

23 (23) The State Treasurer shall transfer three million dollars from
24 the Cash Reserve Fund to the Risk Loss Trust on or before June 30, 2024,
25 on such dates and in such amounts as directed by the budget administrator
26 of the budget division of the Department of Administrative Services.

27 (24) The State Treasurer shall transfer eleven million three hundred
28 twenty thousand dollars from the Cash Reserve Fund to the Health and
29 Human Services Cash Fund on or after July 1, 2023, but on or before June
30 30, 2024, on such dates and in such amounts as directed by the budget
31 administrator of the budget division of the Department of Administrative

1 Services.

2 (25) The State Treasurer shall transfer five hundred seventy-four
3 million five hundred thousand dollars from the Cash Reserve Fund to the
4 Perkins County Canal Project Fund on or before June 30, 2024, on such
5 dates and in such amounts as directed by the budget administrator of the
6 budget division of the Department of Administrative Services.

7 (26) The State Treasurer shall transfer one million four hundred
8 thousand dollars from the Cash Reserve Fund to the State Building
9 Revolving Fund on or before July 10, 2023, on such dates and in such
10 amounts as directed by the budget administrator of the budget division of
11 the Department of Administrative Services.

12 (27) The State Treasurer shall transfer one million one hundred
13 thousand dollars from the Cash Reserve Fund to the Accounting Division
14 Revolving Fund on or before July 10, 2023, on such dates and in such
15 amounts as directed by the budget administrator of the budget division of
16 the Department of Administrative Services.

17 (28) The State Treasurer shall transfer one million one hundred
18 fifteen thousand dollars from the Cash Reserve Fund to the Public Safety
19 Cash Fund on or after July 1, 2023, but before June 30, 2024, on such
20 dates and in such amounts as directed by the budget administrator of the
21 budget division of the Department of Administrative Services.

22 (29) The State Treasurer shall transfer one hundred million dollars
23 from the Cash Reserve Fund to the Roads Operations Cash Fund before June
24 30, 2023, on such dates and in such amounts as directed by the budget
25 administrator of the budget division of the Department of Administrative
26 Services.

27 (30) The State Treasurer shall transfer eighteen million seven
28 hundred fifty thousand dollars from the Cash Reserve Fund to the State
29 Self-Insured Indemnification Fund before June 30, 2023, on such dates and
30 in such amounts as directed by the budget administrator of the budget
31 division of the Department of Administrative Services.

1 (31) The State Treasurer shall transfer five million dollars from
2 the Cash Reserve Fund to the Nebraska Public Safety Communication System
3 Revolving Fund on or after July 1, 2023, but before June 30, 2024, on
4 such dates and in such amounts as directed by the budget administrator of
5 the budget division of the Department of Administrative Services.

6 (32) The State Treasurer shall transfer seventy million dollars from
7 the Cash Reserve Fund to the Shovel-Ready Capital Recovery and Investment
8 Fund on or after July 1, 2023, but before June 30, 2024, on such dates
9 and in such amounts as directed by the budget administrator of the budget
10 division of the Department of Administrative Services.

11 (33) The State Treasurer shall transfer two million dollars from the
12 Cash Reserve Fund to the Site and Building Development Fund on or after
13 July 1, 2023, but before June 30, 2024, on such dates and in such amounts
14 as directed by the budget administrator of the budget division of the
15 Department of Administrative Services.

16 (34) The State Treasurer shall transfer twenty million dollars from
17 the Cash Reserve Fund to the Economic Development Cash Fund on or after
18 July 1, 2023, but before June 30, 2024, on such dates and in such amounts
19 as directed by the budget administrator of the budget division of the
20 Department of Administrative Services.

21 (35) The State Treasurer shall transfer zero dollars from the Cash
22 Reserve Fund to the Rural Workforce Housing Investment Fund on or after
23 July 1, 2023, but before June 30, 2024, on such dates and in such amounts
24 as directed by the budget administrator of the budget division of the
25 Department of Administrative Services.

26 (36) The State Treasurer shall transfer zero dollars from the Cash
27 Reserve Fund to the Middle Income Workforce Housing Investment Fund on or
28 after July 1, 2023, but before June 30, 2024, on such dates and in such
29 amounts as directed by the budget administrator of the budget division of
30 the Department of Administrative Services.

31 (37) The State Treasurer shall transfer two hundred forty million

1 dollars from the Cash Reserve Fund to the Economic Recovery Contingency
2 Fund on or after July 1, 2023, but before June 30, 2024, on such dates
3 and in such amounts as directed by the budget administrator of the budget
4 division of the Department of Administrative Services.

5 (38) The State Treasurer shall transfer ten million dollars from the
6 Cash Reserve Fund to the Critical Infrastructure Facilities Cash Fund on
7 or after July 1, 2023, but before June 30, 2024, on such dates and in
8 such amounts as directed by the budget administrator of the budget
9 division of the Department of Administrative Services.

10 (39) The State Treasurer shall transfer four hundred forty million
11 dollars from the General Fund to the Cash Reserve Fund on or after July
12 1, 2023, but before June 30, 2024, 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 (40) The State Treasurer shall transfer zero dollars from the Cash
16 Reserve Fund to the Site and Building Development Fund on or after July
17 1, 2024, but before June 30, 2025, 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 (41) The State Treasurer shall transfer one million dollars from the
21 Cash Reserve Fund to the General Fund on or after July 1, 2024, but
22 before June 30, 2025, on such dates and in such amounts as directed by
23 the budget administrator of the budget division of the Department of
24 Administrative Services.

25 (42) The State Treasurer shall transfer twenty-five million four
26 hundred fifty-eight thousand eight hundred dollars from the Cash Reserve
27 Fund to the Nebraska Capital Construction Fund on or after July 1, 2024,
28 but before June 30, 2025, on such dates and in such amounts as directed
29 by the budget administrator of the budget division of the Department of
30 Administrative Services.

31 (43) The State Treasurer shall transfer two million five hundred

1 thousand dollars from the Cash Reserve Fund to the Materiel Division
2 Revolving Fund on or after July 1, 2023, but before June 30, 2024, on
3 such dates and in such amounts as directed by the budget administrator of
4 the budget division of the Department of Administrative Services.

5 (44) The State Treasurer shall transfer ten million dollars from the
6 Cash Reserve Fund to the Youth Outdoor Education Innovation Fund on or
7 after July 1, 2023, but before June 30, 2024, on such dates and in such
8 amounts as directed by the budget administrator of the budget division of
9 the Department of Administrative Services.

10 (45) The State Treasurer shall transfer [XXXX] dollars from the Cash
11 Reserve Fund to the Site and Building Development Fund as soon as
12 administratively possible, on such dates and in such amounts as directed
13 by the budget administrator of the budget division of the Department of
14 Administrative Services.

15 Sec. 3. Original sections 81-12,148 and 84-612, Revised Statutes
16 Supplement, 2023, are repealed.

17 Sec. 4. Since an emergency exists, this act takes effect when
18 passed and approved according to law.