

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 945**

FINAL READING

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

Read first time January 10, 2018

Committee: Appropriations

1 A BILL FOR AN ACT relating to appropriations; to amend section 81-1121,  
2 Reissue Revised Statutes of Nebraska, sections 9-1,101, 49-14,140,  
3 61-224, 81-2,162.27, 81-1201.21, 81-1211, and 84-1227, Revised  
4 Statutes Cumulative Supplement, 2016, sections 37-327.02, 48-1,116,  
5 58-703, 59-1608.04, 61-218, 71-7611, 81-3701, and 81-3714, Revised  
6 Statutes Supplement, 2017, and Laws 2017, LB331, sections 3, 4, and  
7 11; to authorize, provide, change, and eliminate fund transfer  
8 provisions; to create funds; to state intent; to change provisions  
9 relating to the source and use of funds and interest on funds; to  
10 eliminate a termination date; to change refund provisions; to  
11 harmonize provisions; to repeal the original sections; and to  
12 declare an emergency.

13 Be it enacted by the people of the State of Nebraska,

1           Section 1. The State Treasurer shall transfer \$170,325 from the  
2 Underground Storage Tank Fund to the General Fund on or before June 30,  
3 2019, on such dates and in such amounts as directed by the budget  
4 administrator of the budget division of the Department of Administrative  
5 Services.

6           Sec. 2. The State Treasurer shall transfer \$1,300,000 from the  
7 Health and Human Services Cash Fund to the General Fund on or before June  
8 30, 2019, on such dates and in such amounts as directed by the budget  
9 administrator of the budget division of the Department of Administrative  
10 Services. It is the intent of the Legislature that the transfer to the  
11 General Fund in this section be from funds credited to the X-Ray Cash  
12 Fund, a subfund of the Health and Human Services Cash Fund.

13           Sec. 3. The State Treasurer shall transfer \$520,000 from the Health  
14 and Human Services Cash Fund to the General Fund on or before June 30,  
15 2019, on such dates and in such amounts as directed by the budget  
16 administrator of the budget division of the Department of Administrative  
17 Services. It is the intent of the Legislature that the transfer to the  
18 General Fund in this section be from funds credited to the Emergency  
19 Preparedness Cash Fund, a subfund of the Health and Human Services Cash  
20 Fund.

21           Sec. 4. The State Treasurer shall transfer \$750,000 from the Health  
22 and Human Services Cash Fund to the General Fund on or before June 30,  
23 2019, on such dates and in such amounts as directed by the budget  
24 administrator of the budget division of the Department of Administrative  
25 Services. It is the intent of the Legislature that the transfer to the  
26 General Fund in this section be from funds credited to the Radioactive  
27 Materials Cash Fund, a subfund of the Health and Human Services Cash  
28 Fund.

29           Sec. 5. The State Treasurer shall transfer the unobligated balance  
30 on September 30, 2017, of the Nebraska Progress Loan Fund plus any  
31 accrued interest to the Intern Nebraska Cash Fund on or before July 15,

1 2018, on such date as directed by the budget administrator of the budget  
2 division of the Department of Administrative Services.

3       Sec. 6. The State Treasurer shall transfer \$50,000 from the  
4 Nebraska Accountability and Disclosure Commission Cash Fund to the  
5 General Fund on or before June 30, 2019, on such dates and in such  
6 amounts as directed by the budget administrator of the budget division of  
7 the Department of Administrative Services.

8       Sec. 7. The State Treasurer shall transfer \$200,000 from the  
9 Affordable Housing Trust Fund to the Lead-Based Paint Hazard Control Cash  
10 Fund no later than July 15, 2018, on such dates and in such amounts as  
11 directed by the budget administrator of the budget division of the  
12 Department of Administrative Services.

13       Sec. 8. The Nebraska Film Office Fund is created. The fund shall be  
14 administered by the Department of Economic Development. The fund shall  
15 consist of funds appropriated by the Legislature, gifts, grants, and  
16 bequests. Any money in the fund available for investment shall be  
17 invested by the state investment officer pursuant to the Nebraska Capital  
18 Expansion Act and the Nebraska State Funds Investment Act.

19       Sec. 9. Section 9-1,101, Revised Statutes Cumulative Supplement,  
20 2016, is amended to read:

21       9-1,101 (1) The Nebraska Bingo Act, the Nebraska County and City  
22 Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle  
23 Card Lottery Act, the Nebraska Small Lottery and Raffle Act, and section  
24 9-701 shall be administered and enforced by the Charitable Gaming  
25 Division of the Department of Revenue, which division is hereby created.  
26 The Department of Revenue shall make annual reports to the Governor,  
27 Legislature, Auditor of Public Accounts, and Attorney General on all tax  
28 revenue received, expenses incurred, and other activities relating to the  
29 administration and enforcement of such acts. The report submitted to the  
30 Legislature shall be submitted electronically.

31       (2) The Charitable Gaming Operations Fund is hereby created. Any

1 money in the fund available for investment shall be invested by the state  
2 investment officer pursuant to the Nebraska Capital Expansion Act and the  
3 Nebraska State Funds Investment Act.

4 (3)(a) Forty percent of the taxes collected pursuant to sections  
5 9-239, 9-344, 9-429, and 9-648 shall be available to the Charitable  
6 Gaming Division for administering and enforcing the acts listed in  
7 subsection (1) of this section and providing administrative support for  
8 the Nebraska Commission on Problem Gambling. The remaining sixty percent  
9 shall be transferred to the General Fund. Any portion of the forty  
10 percent not used by the division in the administration and enforcement of  
11 such acts and section shall be distributed as provided in this  
12 subsection.

13 (b) On or before November 1 each year, the State Treasurer shall  
14 transfer one hundred  ~~fifty~~ thousand dollars from the Charitable Gaming  
15 Operations Fund to the Compulsive Gamblers Assistance Fund, except that  
16 no transfer shall occur if the Charitable Gaming Operations Fund contains  
17 less than one hundred  ~~fifty~~ thousand dollars.

18 (c) Any money remaining in the Charitable Gaming Operations Fund  
19 after the transfer pursuant to subdivision (b) of this subsection not  
20 used by the Charitable Gaming Division in its administration and  
21 enforcement duties pursuant to this section may be transferred to the  
22 General Fund at the direction of the Legislature.

23 (4) The Tax Commissioner shall employ investigators who shall be  
24 vested with the authority and power of a law enforcement officer to carry  
25 out the laws of this state administered by the Tax Commissioner or the  
26 Department of Revenue and to enforce sections 28-1101 to 28-1117 relating  
27 to possession of a gambling device. For purposes of enforcing sections  
28 28-1101 to 28-1117, the authority of the investigators shall be limited  
29 to investigating possession of a gambling device, notifying local law  
30 enforcement authorities, and reporting suspected violations to the county  
31 attorney for prosecution.

1 (5) The Charitable Gaming Division may charge a fee for publications  
2 and listings it produces. The fee shall not exceed the cost of  
3 publication and distribution of such items. The division may also charge  
4 a fee for making a copy of any record in its possession equal to the  
5 actual cost per page. The division shall remit the fees to the State  
6 Treasurer for credit to the Charitable Gaming Operations Fund.

7 (6) For administrative purposes only, the Nebraska Commission on  
8 Problem Gambling shall be located within the Charitable Gaming Division.  
9 The division shall provide office space, furniture, equipment, and  
10 stationery and other necessary supplies for the commission. Commission  
11 staff shall be appointed, supervised, and terminated by the director of  
12 the Gamblers Assistance Program pursuant to section 9-1004.

13 Sec. 10. Section 37-327.02, Revised Statutes Supplement, 2017, is  
14 amended to read:

15 37-327.02 The Game and Parks Commission Capital Maintenance Fund is  
16 created. The fund shall consist of money credited to the fund pursuant to  
17 section 77-27,132, transfers authorized by the Legislature, and any  
18 gifts, grants, bequests, or donations to the fund. The fund shall be  
19 administered by the commission and shall be used to build, repair,  
20 renovate, rehabilitate, restore, modify, or improve any infrastructure  
21 within the statutory authority and administration of the commission. Any  
22 money in the fund available for investment shall be invested by the state  
23 investment officer pursuant to the Nebraska Capital Expansion Act and the  
24 Nebraska State Funds Investment Act.

25 Transfers may be made from the Game and Parks Commission Capital  
26 Maintenance Fund to the General Fund at the direction of the Legislature  
27 through June 30, 2019. The State Treasurer shall transfer four million  
28 five hundred thousand dollars from the Game and Parks Commission Capital  
29 Maintenance Fund to the General Fund between June 1, 2018, and June 30,  
30 2018, on such date as directed by the budget administrator of the budget  
31 division of the Department of Administrative Services. The State

1 Treasurer shall transfer eight ~~four~~ million five hundred thousand dollars  
2 from the Game and Parks Commission Capital Maintenance Fund to the  
3 General Fund between June 1, 2019, and June 30, 2019, on such date as  
4 directed by the budget administrator of the budget division of the  
5 Department of Administrative Services.

6 Sec. 11. Section 48-1,116, Revised Statutes Supplement, 2017, is  
7 amended to read:

8 48-1,116 The Compensation Court Cash Fund is hereby created. The  
9 fund shall be used to aid in providing for the expense of administering  
10 the Nebraska Workers' Compensation Act and the payment of the salaries  
11 and expenses of the personnel of the Nebraska Workers' Compensation  
12 Court.

13 The State Treasurer shall transfer one million five hundred thousand  
14 dollars from the Compensation Court Cash Fund to the General Fund after  
15 June 15, 2019 ~~2018~~, and before June 30, 2019 ~~2018~~, on such dates as  
16 directed by the budget administrator of the budget division of the  
17 Department of Administrative Services.

18 All fees received pursuant to sections 48-120, 48-120.02, 48-138,  
19 48-139, 48-145.04, and 48-165 shall be remitted to the State Treasurer  
20 for credit to the Compensation Court Cash Fund. The fund shall also  
21 consist of amounts credited to the fund pursuant to sections 48-1,113,  
22 48-1,114, and 77-912. The State Treasurer may receive and credit to the  
23 fund any money which may at any time be contributed to the state or the  
24 fund by the federal government or any agency thereof to which the state  
25 may be or become entitled under any act of Congress or otherwise by  
26 reason of any payment made from the fund.

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

30 Sec. 12. Section 49-14,140, Revised Statutes Cumulative Supplement,  
31 2016, is amended to read:

1           49-14,140 The Nebraska Accountability and Disclosure Commission Cash  
2 Fund is hereby created. The fund shall consist of funds received by the  
3 commission pursuant to sections 49-1449.01, 49-1470, 49-1480.01, 49-1482,  
4 49-14,123, and 49-14,123.01 and subdivision (4) of section 49-14,126. The  
5 fund shall be used by the commission in administering the Nebraska  
6 Political Accountability and Disclosure Act. Any money in the Nebraska  
7 Accountability and Disclosure Commission Cash Fund available for  
8 investment shall be invested by the state investment officer pursuant to  
9 the Nebraska Capital Expansion Act and the Nebraska State Funds  
10 Investment Act. Transfers may be made from the fund to the General Fund  
11 at the direction of the Legislature.

12           On April 25, 2013, the State Treasurer shall transfer \$630,870 from  
13 the Campaign Finance Limitation Cash Fund to the Nebraska Accountability  
14 and Disclosure Commission Cash Fund to be used for development,  
15 implementation, and maintenance of an electronic filing system for  
16 campaign statements and other reports under the Nebraska Political  
17 Accountability and Disclosure Act and for making such statements and  
18 reports available to the public on the web site of the commission. The  
19 State Treasurer shall transfer the balance of the Campaign Finance  
20 Limitation Cash Fund to the Election Administration Fund on or before  
21 July 5, 2013, or as soon thereafter as administratively possible.

22           Sec. 13. Section 58-703, Revised Statutes Supplement, 2017, is  
23 amended to read:

24           58-703 The Affordable Housing Trust Fund is created. The fund shall  
25 receive money pursuant to section 76-903 and may include revenue from  
26 sources recommended by the housing advisory committee established in  
27 section 58-704, appropriations from the Legislature, transfers authorized  
28 by the Legislature, grants, private contributions, repayment of loans,  
29 and all other sources. The Department of Economic Development as part of  
30 its comprehensive housing affordability strategy shall administer the  
31 Affordable Housing Trust Fund.

1 Transfers may be made from the Affordable Housing Trust Fund to the  
2 General Fund, the Behavioral Health Services Fund, the Lead-Based Paint  
3 Hazard Control Cash Fund, the Rural Workforce Housing Investment Fund,  
4 and the Site and Building Development Fund at the direction of the  
5 Legislature.

6 Sec. 14. Section 59-1608.04, Revised Statutes Supplement, 2017, is  
7 amended to read:

8 59-1608.04 (1) The State Settlement Cash Fund is created. The fund  
9 shall be maintained by the Department of Justice and administered by the  
10 Attorney General. Except as otherwise provided by law, the fund shall  
11 consist of all recoveries received pursuant to the Consumer Protection  
12 Act, including any money, funds, securities, or other things of value in  
13 the nature of civil damages or other payment, except criminal penalties,  
14 whether such recovery is by way of verdict, judgment, compromise, or  
15 settlement in or out of court, or other final disposition of any case or  
16 controversy, or any other payments received on behalf of the state by the  
17 Department of Justice and administered by the Attorney General for the  
18 benefit of the state or the general welfare of its citizens, but  
19 excluding all funds held in a trust capacity where specific benefits  
20 accrue to specific individuals, organizations, or governments. The fund  
21 may be expended for any allowable legal purposes as determined by the  
22 Attorney General. Transfers from the State Settlement Cash Fund may be  
23 made at the direction of the Legislature to the Nebraska Capital  
24 Construction Fund, the Legal Education for Public Service and Rural  
25 Practice Loan Repayment Assistance Fund, and the General Fund. To provide  
26 necessary financial accountability and management oversight, revenue from  
27 individual settlement agreements or other separate sources credited to  
28 the State Settlement Cash Fund may be tracked and accounted for within  
29 the state accounting system through the use of separate and distinct  
30 funds, subfunds, or any other available accounting mechanism specifically  
31 approved by the Accounting Administrator for use by the Department of



1 Justice. Any money in the fund available for investment shall be invested  
2 by the state investment officer pursuant to the Nebraska Capital  
3 Expansion Act and the Nebraska State Funds Investment Act.

4 (2) The State Treasurer shall transfer two million five hundred  
5 thousand dollars from the State Settlement Cash Fund to the Nebraska  
6 Capital Construction Fund on July 1, 2013, or as soon thereafter as  
7 administratively possible.

8 (3) The State Treasurer shall transfer eight seven hundred seventy-  
9 six fifty thousand nine hundred ninety-eight dollars from the State  
10 Settlement Cash Fund to the General Fund on or before June 30, 2018, on  
11 such dates and in such amounts as directed by the budget administrator of  
12 the budget division of the Department of Administrative Services.

13 (4) The State Treasurer shall transfer one million seven hundred  
14 fifty-six fifty thousand six hundred thirty-nine dollars from the State  
15 Settlement Cash Fund to the General Fund on or before June 30, 2019, on  
16 such dates and in such amounts as directed by the budget administrator of  
17 the budget division of the Department of Administrative Services.

18 (5) The State Treasurer shall transfer one hundred twenty-five  
19 thousand dollars from the State Settlement Cash Fund to the Legal  
20 Education for Public Service and Rural Practice Loan Repayment Assistance  
21 Fund on or before April 30, 2018, on such dates and in such amounts as  
22 directed by the budget administrator of the budget division of the  
23 Department of Administrative Services.

24 (6) The State Treasurer shall transfer one hundred fifty thousand  
25 dollars from the State Settlement Cash Fund to the Legal Education for  
26 Public Service and Rural Practice Loan Repayment Assistance Fund on or  
27 before July 9, 2018, on such dates and in such amounts as directed by the  
28 budget administrator of the budget division of the Department of  
29 Administrative Services.

30 Sec. 15. Section 61-218, Revised Statutes Supplement, 2017, is  
31 amended to read:

1           61-218 (1) The Water Resources Cash Fund is created. The fund shall  
2 be administered by the Department of Natural Resources. Any money in the  
3 fund available for investment shall be invested by the state investment  
4 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
5 State Funds Investment Act.

6           (2) The State Treasurer shall credit to the fund such money as is  
7 (a) transferred to the fund by the Legislature, (b) paid to the state as  
8 fees, deposits, payments, and repayments relating to the fund, both  
9 principal and interest, (c) donated as gifts, bequests, or other  
10 contributions to such fund from public or private entities, (d) made  
11 available by any department or agency of the United States if so directed  
12 by such department or agency, ~~and~~ (e) allocated pursuant to section  
13 81-15,175, and (f) received by the state for settlement of claims  
14 regarding Colorado's past use of water under the Republican River  
15 Compact.

16           (3) The fund shall be expended by the department (a) to aid  
17 management actions taken to reduce consumptive uses of water or to  
18 enhance streamflows or ground water recharge in river basins, subbasins,  
19 or reaches which are deemed by the department overappropriated pursuant  
20 to section 46-713 or fully appropriated pursuant to section 46-714 or are  
21 bound by an interstate compact or decree or a formal state contract or  
22 agreement, (b) for purposes of projects or proposals described in the  
23 grant application as set forth in subdivision (2)(h) of section  
24 81-15,175, and (c) to the extent funds are not expended pursuant to  
25 subdivisions (a) and (b) of this subsection, the department may conduct a  
26 statewide assessment of short-term and long-term water management  
27 activities and funding needs to meet statutory requirements in sections  
28 46-713 to 46-718 and 46-739 and any requirements of an interstate compact  
29 or decree or formal state contract or agreement. The fund shall not be  
30 used to pay for administrative expenses or any salaries for the  
31 department or any political subdivision.

1 (4) It is the intent of the Legislature that three million three  
2 hundred thousand dollars be transferred each fiscal year from the General  
3 Fund to the Water Resources Cash Fund for FY2011-12 through FY2018-19,  
4 except that for FY2012-13 it is the intent of the Legislature that four  
5 million seven hundred thousand dollars be transferred from the General  
6 Fund to the Water Resources Cash Fund. It is the intent of the  
7 Legislature that the State Treasurer credit any money received from any  
8 Republican River Compact settlement to the Water Resources Cash Fund in  
9 the fiscal year in which it is received.

10 (5)(a) Expenditures from the Water Resources Cash Fund may be made  
11 to natural resources districts eligible under subsection (3) of this  
12 section for activities to either achieve a sustainable balance of  
13 consumptive water uses or assure compliance with an interstate compact or  
14 decree or a formal state contract or agreement and shall require a match  
15 of local funding in an amount equal to or greater than forty percent of  
16 the total cost of carrying out the eligible activity. The department  
17 shall, no later than August 1 of each year, beginning in 2007, determine  
18 the amount of funding that will be made available to natural resources  
19 districts from the Water Resources Cash Fund and notify natural resources  
20 districts of this determination. The department shall adopt and  
21 promulgate rules and regulations governing application for and use of the  
22 Water Resources Cash Fund by natural resources districts. Such rules and  
23 regulations shall, at a minimum, include the following components:

24 (i) Require an explanation of how the planned activity will achieve  
25 a sustainable balance of consumptive water uses or will assure compliance  
26 with an interstate compact or decree or a formal state contract or  
27 agreement as required by section 46-715 and the controls, rules, and  
28 regulations designed to carry out the activity; and

29 (ii) A schedule of implementation of the activity or its components,  
30 including the local match as set forth in subdivision (5)(a) of this  
31 section.

1 (b) Any natural resources district that fails to implement and  
2 enforce its controls, rules, and regulations as required by section  
3 46-715 shall not be eligible for funding from the Water Resources Cash  
4 Fund until it is determined by the department that compliance with the  
5 provisions required by section 46-715 has been established.

6 (6) The Department of Natural Resources shall submit electronically  
7 an annual report to the Legislature no later than October 1 of each year,  
8 beginning in the year 2007, that shall detail the use of the Water  
9 Resources Cash Fund in the previous year. The report shall provide:

10 (a) Details regarding the use and cost of activities carried out by  
11 the department; and

12 (b) Details regarding the use and cost of activities carried out by  
13 each natural resources district that received funds from the Water  
14 Resources Cash Fund.

15 (7)(a) Prior to the application deadline for fiscal year 2011-12,  
16 the Department of Natural Resources shall apply for a grant of nine  
17 million nine hundred thousand dollars from the Nebraska Environmental  
18 Trust Fund, to be paid out in three annual installments of three million  
19 three hundred thousand dollars. The purposes listed in the grant  
20 application shall be consistent with the uses of the Water Resources Cash  
21 Fund provided in this section and shall be used to aid management actions  
22 taken to reduce consumptive uses of water, to enhance streamflows, to  
23 recharge ground water, or to support wildlife habitat in any river basin  
24 determined to be fully appropriated pursuant to section 46-714 or  
25 designated as overappropriated pursuant to section 46-713.

26 (b) If the application is granted, funds received from such grant  
27 shall be remitted to the State Treasurer for credit to the Water  
28 Resources Cash Fund for the purpose of supporting the projects set forth  
29 in the grant application. The department shall include in its grant  
30 application documentation that the Legislature has authorized a transfer  
31 of three million three hundred thousand dollars from the General Fund

1 into the Water Resources Cash Fund for each of fiscal years 2011-12 and  
2 2012-13 and has stated its intent to transfer three million three hundred  
3 thousand dollars to the Water Resources Cash Fund for fiscal year  
4 2013-14.

5 (c) It is the intent of the Legislature that the department apply  
6 for an additional three-year grant that would begin in fiscal year  
7 2014-15 and an additional three-year grant from the Nebraska  
8 Environmental Trust Fund that would begin in fiscal year 2017-18 if the  
9 criteria established in subsection (4) of section 81-15,175 are achieved.

10 (8) The department shall establish a subaccount within the Water  
11 Resources Cash Fund for the accounting of all money received as a grant  
12 from the Nebraska Environmental Trust Fund as the result of an  
13 application made pursuant to subsection (7) of this section. At the end  
14 of each calendar month, the department shall calculate the amount of  
15 interest earnings accruing to the subaccount and shall notify the State  
16 Treasurer who shall then transfer a like amount from the Water Resources  
17 Cash Fund to the Nebraska Environmental Trust Fund.

18 Sec. 16. Section 61-224, Revised Statutes Cumulative Supplement,  
19 2016, is amended to read:

20 61-224 There is hereby created the Critical Infrastructure  
21 Facilities Cash Fund in the Department of Natural Resources. The fund  
22 shall consist of funds appropriated or transferred by the Legislature.  
23 The fund shall be used by the Department of Natural Resources to provide  
24 a grant to a natural resources district to offset costs related to soil  
25 and water improvements intended to protect critical infrastructure  
26 facilities within the district which includes military installations,  
27 transportation routes, and wastewater treatment facilities. Transfers may  
28 be made from the fund to the General Fund at the direction of the  
29 Legislature. The State Treasurer shall transfer three hundred eighty-four  
30 thousand two hundred twenty-two dollars plus any accrued interest through  
31 the effective date of this act, from the Critical Infrastructure

1 Facilities Cash Fund to the General Fund on or before June 30, 2019, on  
2 such dates and in such amounts as directed by the budget administrator of  
3 the budget division of the Department of Administrative Services. Any  
4 money in the Critical Infrastructure Facilities Cash Fund fund available  
5 for investment shall be invested by the state investment officer pursuant  
6 to the Nebraska Capital Expansion Act and the Nebraska State Funds  
7 Investment Act, and any interest earned by the fund shall be credited to  
8 the General Fund.

9       Sec. 17. Section 71-7611, Revised Statutes Supplement, 2017, is  
10 amended to read:

11       71-7611 (1) The Nebraska Health Care Cash Fund is created. The State  
12 Treasurer shall transfer (a) sixty million three hundred thousand dollars  
13 on or before July 15, 2014, (b) sixty million three hundred fifty  
14 thousand dollars on or before July 15, 2015, (c) sixty million three  
15 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty  
16 million seven hundred thousand dollars on or before July 15, 2017, (e)  
17 five hundred thousand dollars on or before May 15, 2018, (f) sixty  
18 million seven hundred thousand dollars on or before July 15, 2018, and  
19 (g) (f) sixty million four hundred fifty thousand dollars on or before  
20 every July 15 thereafter from the Nebraska Medicaid Intergovernmental  
21 Trust Fund and the Nebraska Tobacco Settlement Trust Fund to the Nebraska  
22 Health Care Cash Fund, except that such amount shall be reduced by the  
23 amount of the unobligated balance in the Nebraska Health Care Cash Fund  
24 at the time the transfer is made. The state investment officer shall  
25 advise the State Treasurer on the amounts to be transferred first from  
26 the Nebraska Medicaid Intergovernmental Trust Fund until the fund balance  
27 is depleted and from the Nebraska Tobacco Settlement Trust Fund  
28 thereafter in order to sustain such transfers in perpetuity. The state  
29 investment officer shall report electronically to the Legislature on or  
30 before October 1 of every even-numbered year on the sustainability of  
31 such transfers. The Nebraska Health Care Cash Fund shall also include

1 money received pursuant to section 77-2602. Except as otherwise provided  
2 by law, no more than the amounts specified in this subsection may be  
3 appropriated or transferred from the Nebraska Health Care Cash Fund in  
4 any fiscal year.

5 The State Treasurer shall transfer ten million dollars from the  
6 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on  
7 June 28, 2018, and June 28, 2019.

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

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

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

22 (4) The State Treasurer shall transfer fifty thousand dollars on or  
23 before July 15, 2016, from the Nebraska Health Care Cash Fund to the  
24 Board of Regents of the University of Nebraska for the University of  
25 Nebraska Medical Center. It is the intent of the Legislature that these  
26 funds be used by the College of Public Health for workforce training.

27 Sec. 18. Section 81-2,162.27, Revised Statutes Cumulative  
28 Supplement, 2016, is amended to read:

29 81-2,162.27 (1) All money received under the Nebraska Commercial  
30 Fertilizer and Soil Conditioner Act and the Agricultural Liming Materials  
31 Act shall be remitted to the State Treasurer for credit to the

1 Fertilizers and Soil Conditioners Administrative Fund, which fund is  
2 hereby created. All money so received shall be used by the department for  
3 defraying the expenses of administering the Nebraska Commercial  
4 Fertilizer and Soil Conditioner Act and the Agricultural Liming Materials  
5 Act. Transfers may be made from the fund to the General Fund at the  
6 direction of the Legislature. The State Treasurer shall transfer two  
7 hundred seventy-five thousand dollars from the Fertilizers and Soil  
8 Conditioners Administrative Fund to the General Fund on or before June  
9 30, 2019, on such dates and in such amounts as directed by the budget  
10 administrator of the budget division of the Department of Administrative  
11 Services.

12 (2) Any unexpended balance in the Fertilizers and Soil Conditioners  
13 Administrative Fund at the close of any biennium shall, when  
14 reappropriated, be available for the uses and purposes of the fund for  
15 the succeeding biennium. Any money in the fund available for investment  
16 shall be invested by the state investment officer pursuant to the  
17 Nebraska Capital Expansion Act and the Nebraska State Funds Investment  
18 Act.

19 Sec. 19. Section 81-1121, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 81-1121 (1)(a) The Director of Administrative Services shall have  
22 power to develop and implement a system of warrant preparation and  
23 issuance in accordance with acceptable accounting and internal control  
24 safeguards and by use of such mechanical means as may be most economical.

25 (b) Warrant or state warrant shall include an order drawn by the  
26 director upon the State Treasurer, directing the latter to pay a  
27 specified amount to a specified payee by the use of a dual signature  
28 negotiable instrument as provided for in subsections (2) and (3) of this  
29 section, electronic funds transfer system, telephonic funds transfer  
30 system, electric funds transfer system, funds transfers as provided for  
31 in article 4A, Uniform Commercial Code, mechanical funds transfer system,



1 or other funds transfer system established by the director and the State  
2 Treasurer. The warrant, when it is an order drawn by the director upon  
3 the State Treasurer directing the latter to pay a specified amount to a  
4 specified payee by the use of a dual signature negotiable instrument as  
5 provided for in subsections (2) and (3) of this section, shall affect the  
6 state's cash balance in the bank when redeemed by the State Treasurer,  
7 not when cashed by a financial institution.

8 (2) The director shall sign each warrant or shall cause each warrant  
9 to be signed in his or her behalf either personally, by delegation of  
10 authority, or by facsimile signature as will assure the most economical,  
11 timely, and practical means for making payments from the state treasury  
12 and which means provides the most acceptable safeguarding of public  
13 funds. The signature of the director shall signify that the payment  
14 intended by a warrant bearing such signature is proper under the  
15 appropriate laws of the state.

16 (3) The State Treasurer shall countersign all warrants issued by the  
17 director.

18 (4) The State Treasurer shall make such arrangements for facsimile  
19 signature of warrants as will assure the most economical, timely, and  
20 practical means for making payments from the state treasury.

21 (5) The director and the State Treasurer may establish and operate  
22 an electronic funds transfer system, telephonic funds transfer system,  
23 electric funds transfer system, funds transfers as provided for in  
24 article 4A, Uniform Commercial Code, mechanical funds transfer system, or  
25 other funds transfer system established by the director and the State  
26 Treasurer for the payment of funds from and the deposit of receipts into  
27 the state treasury. Any state agency that wishes to establish and operate  
28 such a system shall jointly establish the procedures necessary to  
29 implement such a system with the cooperation of the director and the  
30 State Treasurer. The system shall be designed to be compatible with state  
31 accounting procedures. Such a system as established by the director shall

1 employ internal control safeguards and after meeting such safeguards  
2 shall be deemed to satisfy any signature requirements. The use of an  
3 electronic funds transfer system, telephonic funds transfer system,  
4 electric funds transfer system, funds transfers as provided for in  
5 article 4A, Uniform Commercial Code, mechanical funds transfer system, or  
6 other funds transfer system established by the director and the State  
7 Treasurer or any state agency shall not create any rights that would not  
8 have been created had an order, drawn by the director upon the State  
9 Treasurer directing the latter to pay a specified amount to a specified  
10 payee by the use of a dual signature negotiable instrument as provided  
11 for in subsections (2) and (3) of this section, been used as the payment  
12 medium.

13 (6) Whenever it is ascertained that by mistake or otherwise any  
14 county treasurer or other person has paid into the state treasury any sum  
15 not due the state, the director shall refund to such county treasurer or  
16 other person the amount so paid. Such refund shall be carried on the  
17 books of the state as an adjustment to income and not as an expenditure  
18 or disbursement.

19 (7) Whenever it is ascertained that by mistake or otherwise the  
20 State of Nebraska or any of its departments, agencies, or officers shall  
21 have caused to be made a disbursement which for any reason is refunded to  
22 the state, the amount so disbursed and refunded to the state shall be  
23 credited to the fund and account from which the disbursement was made as  
24 an adjustment of expenditures and disbursements and not as a receipt.  
25 Such credited refund shall be considered part of the original  
26 appropriation to the department or agency and to the appropriate program  
27 and may be expended therefrom without further or additional  
28 appropriation. When a refund to the state or any of its departments or  
29 agencies is related to a transaction which occurred during a prior fiscal  
30 period, the refund shall be credited to the unappropriated surplus  
31 account of the fund from which the disbursement was originally made,

1 except that (a) medicaid refunds or rebates for (i) (a) pharmaceuticals,  
2 (ii) (b) third-party liability recoveries, and (iii) (c) surveillance and  
3 utilization reviews which have occurred during a prior fiscal period  
4 shall be treated as an adjustment to expenditures in the year in which  
5 the refund or rebate is received and (b) reimbursement to the State of  
6 Nebraska from other member states operating in accordance with the  
7 Emergency Management Assistance Compact shall be credited as receipts to  
8 the Governor's Emergency Cash Fund.

9       Sec. 20. Section 81-1201.21, Revised Statutes Cumulative Supplement,  
10 2016, is amended to read:

11       81-1201.21 (1) There is hereby created the Job Training Cash Fund.  
12 The fund shall be under the direction of the Department of Economic  
13 Development. Money may be transferred to the fund pursuant to subdivision  
14 (1)(b)(iii) of section 48-621 and from the Cash Reserve Fund at the  
15 direction of the Legislature. The department shall establish a subaccount  
16 for all money transferred from the Cash Reserve Fund to the Job Training  
17 Cash Fund on or after July 1, 2005.

18       (2) The money in the Job Training Cash Fund or the subaccount  
19 established in subsection (1) of this section shall be used (a) to  
20 provide reimbursements for job training activities, including employee  
21 assessment, preemployment training, on-the-job training, training  
22 equipment costs, and other reasonable costs related to helping industry  
23 and business locate or expand in Nebraska, (b) to provide upgrade skills  
24 training of the existing labor force necessary to adapt to new technology  
25 or the introduction of new product lines, (c) ~~to provide grants pursuant~~  
26 ~~to section 81-1210.02, (d)~~ as provided in section 79-2308, or (d) (e) as  
27 provided in section 48-3405. The department shall give a preference to  
28 job training activities carried out in whole or in part within an  
29 enterprise zone designated pursuant to the Enterprise Zone Act.

30       (3) The department shall establish a subaccount within the fund to  
31 provide training grants for training employees and potential employees of

1 businesses that (a) employ twenty-five or fewer employees on the  
2 application date, (b) employ, or train for potential employment,  
3 residents of rural areas of Nebraska, or (c) are located in or employ, or  
4 train for potential employment, residents of high-poverty areas as  
5 defined in section 81-1203. The department shall calculate the amount of  
6 prior year investment income earnings accruing to the fund and allocate  
7 such amount to the subaccount for training grants under this subsection.  
8 The subaccount shall also be used as provided in the Teleworker Job  
9 Creation Act ~~and as provided in section 81-1210.02~~. The department shall  
10 give a preference to training grants for businesses located in whole or  
11 in part within an enterprise zone designated pursuant to the Enterprise  
12 Zone Act.

13 ~~(4) On the effective date of this act, any funds that were dedicated~~  
14 ~~to carrying out sections 81-1210.01 to 81-1210.03 but were not yet~~  
15 ~~expended shall be transferred to the Intern Nebraska Cash Fund. The State~~  
16 ~~Treasurer shall transfer:~~

17 ~~(a) Two hundred fifty thousand dollars from the Job Training Cash~~  
18 ~~Fund to the General Fund no later than July 15 of 2015 and 2016; and~~

19 ~~(b) Two hundred fifty thousand dollars from the Job Training Cash~~  
20 ~~Fund to the Sector Partnership Program Fund on or before July 15, 2016.~~

21 (5) Any money in the Job Training Cash Fund available for investment  
22 shall be invested by the state investment officer pursuant to the  
23 Nebraska Capital Expansion Act and the Nebraska State Funds Investment  
24 Act.

25 Sec. 21. The Intern Nebraska Cash Fund is created. The fund shall  
26 be used to carry out sections 81-1210.01 to 81-1210.03. The fund shall  
27 consist of money transferred to the fund by the Legislature, other funds  
28 as appropriated by the Legislature, and money donated as gifts, bequests,  
29 or other contributions from public or private entities. Any money in the  
30 fund available for investment shall be invested by the state investment  
31 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska

1 State Funds Investment Act.

2 Sec. 22. Section 81-1211, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:

4 81-1211 The Lead-Based Paint Hazard Control Cash Fund is created in  
5 the Department of Economic Development. The fund shall receive transfers  
6 from the Affordable Housing Trust Fund as authorized by the Legislature.  
7 The department shall use the entirety of the fund to award a grant to a  
8 city of the metropolitan class to carry out lead-based paint hazard  
9 control on owner-occupied properties, contingent upon formal notification  
10 by the United States Department of Housing and Urban Development that it  
11 intends to award a grant to a city of the metropolitan class to carry out  
12 the federal Residential Lead-Based Paint Hazard Reduction Act of 1992, 42  
13 U.S.C. 4852, as such section existed on January 1, 2015. No more than  
14 fifteen percent of the grant proceeds may be used for administrative  
15 expenses. It is the intent of the Legislature that any grant awarded from  
16 the Lead-Based Paint Hazard Control Cash Fund shall be applied to the  
17 congressional district grant allocations as established under section  
18 58-708. Any money in the fund available for investment shall be invested  
19 by the state investment officer pursuant to the Nebraska Capital  
20 Expansion Act and the Nebraska State Funds Investment Act.—~~The fund~~  
21 ~~terminates on July 1, 2016.~~

22 Sec. 23. Section 81-3701, Revised Statutes Supplement, 2017, is  
23 amended to read:

24 81-3701 Sections 81-3701 to 81-3726 and sections 24 and 25 of this  
25 act shall be known and may be cited as the Nebraska Visitors Development  
26 Act.

27 Sec. 24. Vendors under contract with the commission to develop,  
28 print, and distribute publications and promotional materials on behalf of  
29 the commission shall, on a monthly basis, submit to the commission all  
30 revenue received from the sale of advertising space in such publications.  
31 Monthly submissions shall include an itemization of the sources of

1 revenue in a format as designated by the commission. Revenue shall be  
2 remitted to the State Treasurer for credit to the Nebraska Tourism  
3 Commission Promotional Cash Fund.

4       Sec. 25. The Nebraska Tourism Commission Promotional Cash Fund is  
5 hereby created. The fund shall consist of revenue submitted by vendors as  
6 designated under section 24 of this act. The balance of any account  
7 established after July 1, 2017, to receive revenue from the sale of  
8 advertising shall be transferred to the Nebraska Tourism Commission  
9 Promotional Cash Fund. The commission shall use the fund to carry out its  
10 purposes under the Nebraska Visitors Development Act. Any money in the  
11 Nebraska Tourism Commission Promotional Cash Fund available for  
12 investment shall be invested by the state investment officer pursuant to  
13 the Nebraska Capital Expansion Act and the Nebraska State Funds  
14 Investment Act.

15       Sec. 26. Section 81-3714, Revised Statutes Supplement, 2017, is  
16 amended to read:

17       81-3714 The State Visitors Promotion Cash Fund is created. The fund  
18 shall be administered by the commission. The fund shall consist of  
19 revenue deposited into the fund pursuant to section 81-3715 and money  
20 donated as gifts, bequests, or other contributions from public or private  
21 entities. Funds made available by any department or agency of the United  
22 States may also be credited to the fund if so directed by such department  
23 or agency. The commission shall use the proceeds of the fund to generally  
24 promote, encourage, and attract visitors to and within the State of  
25 Nebraska, to erect and replace highway tourism markers, to enhance the  
26 use of travel and tourism facilities within the state, to provide grants  
27 to communities and organizations, and to contract with the Department of  
28 Administrative Services to provide support services to the commission,  
29 including, but not limited to, accounting and personnel functions. The  
30 proceeds of the fund shall be in addition to funds appropriated to the  
31 commission from the General Fund. Transfers may be made from the State

1 Visitors Promotion Cash Fund to the General Fund at the direction of the  
2 Legislature. The State Treasurer shall transfer one million dollars from  
3 the State Visitors Promotion Cash Fund to the General Fund on or before  
4 June 30, 2019, on such dates and in such amounts as directed by the  
5 budget administrator of the budget division of the Department of  
6 Administrative Services. Any money in the State Visitors Promotion Cash  
7 Fund available for investment shall be invested by the state investment  
8 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
9 State Funds Investment Act.

10       Sec. 27. Section 84-1227, Revised Statutes Cumulative Supplement,  
11 2016, is amended to read:

12       84-1227 There is hereby established in the state treasury a special  
13 fund to be known as the Records Management Cash Fund which, when  
14 appropriated by the Legislature, shall be expended by the Secretary of  
15 State for the purposes of providing records management services and  
16 assistance to local agencies, for development and maintenance of the  
17 portal for providing electronic access to public records or electronic  
18 information and services, and for grants to a state or local agency as  
19 provided in subdivision (1)(j) of section 84-1204. All fees and charges  
20 for the purpose of records management services and analysis received by  
21 the Secretary of State from the local agencies shall be remitted to the  
22 State Treasurer for credit to such fund. Transfers may be made from the  
23 fund to the General Fund or the Secretary of State Administration Cash  
24 Fund at the direction of the Legislature. The State Treasurer, at the  
25 direction of the budget administrator of the budget division of the  
26 Department of Administrative Services, shall transfer five hundred  
27 thousand dollars from the Records Management Cash Fund to the Information  
28 Management Revolving Fund on or before June 30, 2016. Any money in the  
29 Records Management Cash Fund available for investment shall be invested  
30 by the state investment officer pursuant to the Nebraska Capital  
31 Expansion Act and the Nebraska State Funds Investment Act.

1           Sec. 28. Laws 2017, LB331, section 3, is amended to read:

2           Sec. 3. The State Treasurer shall transfer ~~\$9,170,000~~ ~~\$10,670,000~~  
3 from the General Fund to the Water Sustainability Fund on or before June  
4 30, 2018, on such dates and in such amounts as directed by the budget  
5 administrator of the budget division of the Department of Administrative  
6 Services.

7           Sec. 29. Laws 2017, LB331, section 4, is amended to read:

8           Sec. 4. The State Treasurer shall transfer ~~\$6,000,000~~ ~~\$9,470,000~~  
9 from the General Fund to the Water Sustainability Fund on or before June  
10 30, 2019, on such dates and in such amounts as directed by the budget  
11 administrator of the budget division of the Department of Administrative  
12 Services.

13           Sec. 30. Laws 2017, LB331, section 11, is amended to read:

14           Sec. 11. The State Treasurer shall transfer ~~\$700,000~~ ~~\$200,000~~ from  
15 the Nebraska Litter Reduction and Recycling Fund to the General Fund on  
16 or before June 30, 2019, on such dates and in such amounts as directed by  
17 the budget administrator of the budget division of the Department of  
18 Administrative Services.

19           Sec. 31. Original section 81-1121, Reissue Revised Statutes of  
20 Nebraska, sections 9-1,101, 49-14,140, 61-224, 81-2,162.27, 81-1201.21,  
21 81-1211, and 84-1227, Revised Statutes Cumulative Supplement, 2016,  
22 sections 37-327.02, 48-1,116, 58-703, 59-1608.04, 61-218, 71-7611,  
23 81-3701, and 81-3714, Revised Statutes Supplement, 2017, and Laws 2017,  
24 LB331, sections 3, 4, and 11, are repealed.

25           Sec. 32. Since an emergency exists, this act takes effect when  
26 passed and approved according to law.