

AMENDMENTS TO LB 379

Introduced by Appropriations

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

3           Section 1. Section 66-1345, Revised Statutes Cumulative  
4 Supplement, 2010, is amended to read:

5           66-1345 (1) There is hereby created the Ethanol  
6 Production Incentive Cash Fund which shall be used by the board  
7 to pay the credits created in section 66-1344 to the extent  
8 provided in this section. Any money in the fund available for  
9 investment shall be invested by the state investment officer  
10 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
11 State Funds Investment Act. The State Treasurer shall transfer to  
12 the Ethanol Production Incentive Cash Fund such money as shall be  
13 (a) appropriated to the Ethanol Production Incentive Cash Fund by  
14 the Legislature, (b) given as gifts, bequests, grants, or other  
15 contributions to the Ethanol Production Incentive Cash Fund from  
16 public or private sources, (c) made available due to failure to  
17 fulfill conditional requirements pursuant to investment agreements  
18 entered into prior to April 30, 1992, (d) received as return on  
19 investment of the Ethanol Authority and Development Cash Fund, (e)  
20 credited to the Ethanol Production Incentive Cash Fund from the  
21 excise taxes imposed by section 66-1345.01 through December 31,  
22 2012, and (f) credited to the Ethanol Production Incentive Cash  
23 Fund pursuant to sections 66-489, 66-726, 66-1345.04, and 66-1519.

1 and (g) directed to be transferred pursuant to section 84-612.

2 (2) The Department of Revenue shall, at the end of each  
3 calendar month, notify the State Treasurer of the amount of motor  
4 fuel tax that was not collected in the preceding calendar month  
5 due to the credits provided in section 66-1344. The State Treasurer  
6 shall transfer from the Ethanol Production Incentive Cash Fund to  
7 the Highway Trust Fund an amount equal to such credits less the  
8 following amounts:

9 (a) For 1993, 1994, and 1995, the amount generated during  
10 the calendar quarter by a one-cent tax on motor fuel pursuant to  
11 sections 66-489 and 66-6,107;

12 (b) For 1996, the amount generated during the calendar  
13 quarter by a three-quarters-cent tax on motor fuel pursuant to such  
14 sections;

15 (c) For 1997, the amount generated during the calendar  
16 quarter by a one-half-cent tax on motor fuel pursuant to such  
17 sections; and

18 (d) For 1998 and each year thereafter, no reduction.

19 For 1993 through 1997, if the amount generated pursuant  
20 to subdivisions (a), (b), and (c) of this subsection and the  
21 amount transferred pursuant to subsection (1) of this section are  
22 not sufficient to fund the credits provided in section 66-1344,  
23 then the credits shall be funded through the Ethanol Production  
24 Incentive Cash Fund but shall not be funded through either the  
25 Highway Cash Fund or the Highway Trust Fund. For 1998 and each year  
26 thereafter, the credits provided in such section shall be funded  
27 through the Ethanol Production Incentive Cash Fund but shall not be

1 funded through either the Highway Cash Fund or the Highway Trust  
2 Fund.

3           If, during any month, the amount of money in the Ethanol  
4 Production Incentive Cash Fund is not sufficient to reimburse the  
5 Highway Trust Fund for credits earned pursuant to section 66-1344,  
6 the Department of Revenue shall suspend the transfer of credits by  
7 ethanol producers until such time as additional funds are available  
8 in the Ethanol Production Incentive Cash Fund for transfer to the  
9 Highway Trust Fund. Thereafter, the Department of Revenue shall, at  
10 the end of each month, allow transfer of accumulated credits earned  
11 by each ethanol producer on a prorated basis derived by dividing  
12 the amount in the fund by the aggregate amount of accumulated  
13 credits earned by all ethanol producers.

14           (3) The State Treasurer shall transfer from the Ethanol  
15 Production Incentive Cash Fund to the Management Services Expense  
16 Revolving Fund the amount reported under subsection (4) of section  
17 66-1345.02 for each calendar month of the fiscal year as provided  
18 in such subsection.

19           (4) On December 31, 2012, the State Treasurer shall  
20 transfer one-half of the unexpended and unobligated funds,  
21 including all subsequent investment interest, from the Ethanol  
22 Production Incentive Cash Fund to the Nebraska Corn Development,  
23 Utilization, and Marketing Fund and the Grain Sorghum Development,  
24 Utilization, and Marketing Fund in the same proportion as funds  
25 were collected pursuant to section 66-1345.01 from corn and grain  
26 sorghum. The Department of Agriculture shall assist the State  
27 Treasurer in determining the amounts to be transferred to the

1 funds. The State Treasurer shall transfer the remaining one-half of  
2 the unexpended and unobligated funds to the General Fund.

3 (5) Whenever the unobligated balance in the Ethanol  
4 Production Incentive Cash Fund exceeds twenty million dollars, the  
5 Department of Revenue shall notify the Department of Agriculture at  
6 which time the Department of Agriculture shall suspend collection  
7 of the excise tax levied pursuant to section 66-1345.01. If, after  
8 suspension of the collection of such excise tax, the balance of  
9 the fund falls below ten million dollars, the Department of Revenue  
10 shall notify the Department of Agriculture which shall resume  
11 collection of the excise tax.

12 (6) On or before December 1, 2003, and each December  
13 1 thereafter, the Department of Revenue and the Nebraska Ethanol  
14 Board shall jointly submit a report to the Legislature which shall  
15 project the anticipated revenue and expenditures from the Ethanol  
16 Production Incentive Cash Fund through the termination of the  
17 ethanol production incentive programs pursuant to section 66-1344.  
18 The initial report shall include a projection of the amount  
19 of ethanol production for which the Department of Revenue has  
20 entered agreements to provide ethanol production credits pursuant  
21 to section 66-1344.01 and any additional ethanol production which  
22 the Department of Revenue and the Nebraska Ethanol Board reasonably  
23 anticipate may qualify for credits pursuant to section 66-1344.

24 Sec. 2. Section 84-612, Revised Statutes Cumulative  
25 Supplement, 2010, is amended to read:

26 84-612 (1) There is hereby created within the state  
27 treasury a fund known as the Cash Reserve Fund which shall be under

1 the direction of the State Treasurer. The fund shall only be used  
2 pursuant to this section.

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

11 ~~(3) The State Treasurer, at the direction of the~~  
12 ~~budget administrator of the budget division of the Department~~  
13 ~~of Administrative Services, shall transfer such amounts not to~~  
14 ~~exceed seven million seven hundred fifty-three thousand two hundred~~  
15 ~~sixty-three dollars in total from the Cash Reserve Fund to the~~  
16 ~~Nebraska Capital Construction Fund between July 1, 2003, and June~~  
17 ~~30, 2007.~~

18 ~~(4) The State Treasurer, at the direction of the budget~~  
19 ~~administrator, shall transfer an amount equal to the total amount~~  
20 ~~transferred pursuant to subsection (3) of this section from the~~  
21 ~~General Fund to the Cash Reserve Fund on or before June 30, 2008.~~

22 ~~(5) (3) In addition to receiving transfers from other~~  
23 ~~funds, the Cash Reserve Fund shall receive federal funds received~~  
24 ~~by the State of Nebraska for undesignated general government~~  
25 ~~purposes, federal revenue sharing, or general fiscal relief of the~~  
26 ~~state.~~

27 ~~(6) On June 15, 2009, the State Treasurer shall transfer~~

1 ~~four million nine hundred ninety thousand five hundred five dollars~~  
2 ~~from the Cash Reserve Fund to the General Fund.~~

3 ~~(7) On or before June 16, 2009, the State Treasurer, at~~  
4 ~~the direction of the budget administrator, shall transfer fifty~~  
5 ~~million dollars from the Cash Reserve Fund to the General Fund.~~

6 ~~(8) (4) The State Treasurer, at the direction of the~~  
7 ~~budget administrator, shall transfer such amounts, as certified~~  
8 ~~by the Director of Administrative Services, for employee health~~  
9 ~~insurance claims and expenses, not to exceed twelve million dollars~~  
10 ~~in total from the Cash Reserve Fund to the State Employees~~  
11 ~~Insurance Fund between May 1, 2007, and June 30, 2011.~~

12 ~~(9) (5) On July 9, 2007, the State Treasurer shall~~  
13 ~~transfer five million dollars from the Cash Reserve Fund to the~~  
14 ~~Job Training Cash Fund. The State Treasurer shall transfer from the~~  
15 ~~Job Training Cash Fund to the Cash Reserve Fund such amounts as~~  
16 ~~directed in section 81-1201.21.~~

17 ~~(10) (6) On July 7, 2008, the State Treasurer shall~~  
18 ~~transfer five million dollars from the Cash Reserve Fund to the~~  
19 ~~Job Training Cash Fund. The State Treasurer shall transfer from the~~  
20 ~~Job Training Cash Fund to the Cash Reserve Fund such amounts as~~  
21 ~~directed in section 81-1201.21.~~

22 ~~(11) On or before June 30, 2009, the State Treasurer~~  
23 ~~shall transfer nine million five hundred ninety thousand dollars~~  
24 ~~from the Cash Reserve Fund to the Nebraska Capital Construction~~  
25 ~~Fund.~~

26 ~~(12) (7) The State Treasurer, at the direction of the~~  
27 ~~budget administrator, shall transfer an amount equal to the total~~

1 amount transferred pursuant to subsection ~~(8)~~ (4) of this section  
2 from the appropriate health insurance accounts of the State  
3 Employees Insurance Fund in such amounts as certified by the  
4 Director of Administrative Services to the Cash Reserve Fund on or  
5 before June 30, 2011.

6 ~~(13)~~ (8) On July 7, 2009, the State Treasurer shall  
7 transfer five million dollars from the Cash Reserve Fund to the  
8 Roads Operations Cash Fund. The Department of Roads shall use such  
9 funds to provide the required state match for federal funding made  
10 available to the state through congressional earmarks.

11 ~~(14)~~ (9) Within five days after the budget division  
12 of the Department of Administrative Services notifies the State  
13 Treasurer that matching fund requirements under section 82-331 have  
14 been met, the State Treasurer shall transfer one million dollars  
15 from the Cash Reserve Fund to the Nebraska Cultural Preservation  
16 Endowment Fund.

17 ~~(15)~~ On or before June 15, 2010, the State Treasurer,  
18 at the direction of the budget administrator, shall transfer one  
19 hundred five million dollars from the Cash Reserve Fund to the  
20 General Fund.

21 ~~(16)~~ (10) On or before June 15, 2011, the State  
22 Treasurer, at the direction of the budget administrator, shall  
23 transfer one hundred fifty-one million dollars from the Cash  
24 Reserve Fund to the General Fund.

25 ~~(17)~~ On June 15, 2009, the State Treasurer shall transfer  
26 seven million five hundred thousand dollars from the Cash Reserve  
27 Fund to the Governor's Emergency Cash Fund.

1           ~~(18)~~ On July 7, 2009, the State Treasurer shall  
2 transfer one million dollars from the Cash Reserve Fund to the  
3 State Visitors Promotion Cash Fund. The Department of Economic  
4 Development shall use such funds to provide funding for the  
5 promotion and support of the hosting of a Special Olympics national  
6 event by a city of the primary class.

7           ~~(19)~~ (11) On or before June 30, 2011, the State  
8 Treasurer, at the direction of the budget administrator, shall  
9 transfer three million dollars from the Cash Reserve Fund to the  
10 General Fund.

11           (12) The State Treasurer shall transfer a total of one  
12 hundred twenty-eight million dollars from the Cash Reserve Fund to  
13 the General Fund on or before June 30, 2012, on such dates and in  
14 such amounts as directed by the budget administrator.

15           (13) The State Treasurer shall transfer a total of one  
16 hundred twenty-eight million dollars from the Cash Reserve Fund to  
17 the General Fund on or before June 30, 2013, on such dates and in  
18 such amounts as directed by the budget administrator.

19           (14) The State Treasurer, at the direction of the budget  
20 administrator, shall transfer not to exceed twelve million dollars  
21 in total between July 1, 2011, and November 30, 2012, from the  
22 Cash Reserve Fund to the Ethanol Production Incentive Cash Fund,  
23 for ethanol production incentive credits, on such dates and in such  
24 amounts as certified by the Tax Commissioner.

25           (15) The State Treasurer, at the direction of the budget  
26 administrator, shall transfer an amount equal to the total amount  
27 transferred pursuant to subsection (14) of this section from the



1 Ethanol Production Incentive Cash Fund to the Cash Reserve Fund  
2 in such amounts as certified by the Tax Commissioner on or before  
3 November 30, 2012.

4           Sec. 3. Original sections 66-1345 and 84-612, Revised  
5 Statutes Cumulative Supplement, 2010, are repealed.

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