

LEGISLATIVE BILL 378

Approved by the Governor May 17, 2011

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

FOR AN ACT relating to state funds; to amend sections 47-632, 48-1,103, 48-622.01, 66-1345.04, 81-8,239.02, 81-1120.02, 81-1120.22, 85-122, 85-125, 85-192, and 85-1,123, Reissue Revised Statutes of Nebraska, sections 24-205, 24-227.01, 25-2921, 29-2259.02, 29-2262.07, 81-1120.23, and 82-331, Revised Statutes Cumulative Supplement, 2010, and section 9-531, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2010; to provide for, change, and eliminate provisions relating to the use and transfer of funds; to create a fund; to eliminate funds; to harmonize provisions; to repeal the original sections; to outright repeal section 81-3606, Reissue Revised Statutes of Nebraska, and section 77-3,111, Revised Statutes Cumulative Supplement, 2010; and to declare an emergency.

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

Section 1. The State Treasurer shall transfer \$234,954 from the Uniform Commercial Code Cash Fund to the Election Administration Fund on or before July 5, 2011.

Sec. 2. The State Treasurer shall transfer \$234,954 from the Uniform Commercial Code Cash Fund to the Election Administration Fund on or before July 5, 2012.

Sec. 3. The State Treasurer shall transfer \$110,000,000 from the General Fund to the Property Tax Credit Cash Fund on or before December 15, 2011, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services.

Sec. 4. The State Treasurer shall transfer \$110,000,000 from the General Fund to the Property Tax Credit Cash Fund on or before December 15, 2012, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services.

Sec. 5. The State Treasurer shall transfer \$42,900 from the Local Civic, Cultural, and Convention Center Financing Fund to the Department of Revenue Enforcement Fund on July 1, 2011, or as soon thereafter as administratively possible, pursuant to section 77-5601.

Sec. 6. The State Treasurer shall transfer \$43,900 from the Civic and Community Center Financing Fund to the Department of Revenue Enforcement Fund on July 1, 2012, or as soon thereafter as administratively possible, pursuant to section 77-5601.

Sec. 7. The State Treasurer shall transfer \$50,000 from the Stem Cell Research Cash Fund to the Health and Human Services Cash Fund on or before June 30, 2012, as directed by the budget administrator of the budget division of the Department of Administrative Services.

Sec. 8. The State Treasurer shall transfer \$50,000 from the Stem Cell Research Cash Fund to the Health and Human Services Cash Fund on or before June 30, 2013, as directed by the budget administrator of the budget division of the Department of Administrative Services.

Sec. 9. The State Treasurer shall transfer \$485,700 from the Tobacco Prevention and Control Cash Fund to the Health and Human Services Cash Fund on or before June 30, 2012, as directed by the budget administrator of the budget division of the Department of Administrative Services.

Sec. 10. The State Treasurer shall transfer \$485,700 from the Tobacco Prevention and Control Cash Fund to the Health and Human Services Cash Fund on or before June 30, 2013, as directed by the budget administrator of the budget division of the Department of Administrative Services.

Sec. 11. The State Treasurer shall transfer \$2,700,000 from the General Fund to the Water Resources Cash Fund on or before June 30, 2012, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services, pursuant to section 61-218.

Sec. 12. The State Treasurer shall transfer \$2,700,000 from the General Fund to the Water Resources Cash Fund on or before June 30, 2013, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services, pursuant to section 61-218.

Sec. 13. The State Treasurer shall transfer \$2,500,000 from the General Fund to the Ethanol Production Incentive Cash Fund on or before June 30, 2012, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services, pursuant to subdivision (2)(g) of section 66-1345.04.

Sec. 14. The State Treasurer shall transfer \$3,800,000 from the

General Fund to the Ethanol Production Incentive Cash Fund on or before June 30, 2012, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services, pursuant to subdivision (2) (1) of section 66-1345.04.

Sec. 15. The State Treasurer shall transfer \$25,000,000 from the General Fund to the Nebraska Capital Construction Fund on or before June 30, 2012, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services.

Sec. 16. Section 24-205, Revised Statutes Cumulative Supplement, 2010, is amended to read:

24-205 The Supreme Court Education Fund is created. The State Court Administrator shall administer the fund. The fund shall consist of money remitted pursuant to section 33-154. Except as otherwise directed by the Supreme Court during the period from November 21, 2009, until June 30, ~~2011~~, 2013, the fund shall only be used to aid in supporting the mandatory training and education program for judges and employees of the Supreme Court, Court of Appeals, district courts, separate juvenile courts, county courts, and Nebraska Probation System as enacted by rule of the Supreme Court. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 17. Section 24-227.01, Revised Statutes Cumulative Supplement, 2010, is amended to read:

24-227.01 The Supreme Court Automation Cash Fund is created. The State Court Administrator shall administer the fund. Except as otherwise directed by the Supreme Court during the period from November 21, 2009, until June 30, ~~2011~~, 2013, the fund shall only be used to support automation expenses of the Supreme Court, Court of Appeals, district courts, separate juvenile courts, county courts, and Nebraska Probation System from the computer automation budget program, except that the State Treasurer shall, on or before June 30, 2011, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services, transfer the amount set forth in Laws 2009, LB1, One Hundred First Legislature, First Special Session. Any money in the Supreme Court Automation Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 18. Section 25-2921, Revised Statutes Cumulative Supplement, 2010, is amended to read:

25-2921 The Dispute Resolution Cash Fund is created. The State Court Administrator shall administer the fund. The fund shall consist of proceeds received pursuant to subdivision (10) of section 25-2908 and section 33-155. Except as otherwise directed by the Supreme Court during the period from November 21, 2009, until June 30, ~~2011~~, 2013, the fund shall be used to supplement the administration of the office and the support of the approved centers. It is the intent of the Legislature that any General Fund money supplanted by the Dispute Resolution Cash Fund may be used for the support and maintenance of the State Library. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 19. Section 29-2259.02, Revised Statutes Cumulative Supplement, 2010, is amended to read:

29-2259.02 The State Probation Contractual Services Cash Fund is created. The fund shall consist only of payments received by the state pursuant to contractual agreements with local political subdivisions for probation services provided by the Office of Probation Administration. Except as otherwise directed by the Supreme Court during the period from November 21, 2009, until June 30, ~~2011~~, 2013, the fund shall only be used to pay for probation services provided by the Office of Probation Administration to local political subdivisions which enter into contractual agreements with the Office of Probation Administration. The fund shall be administered by the probation administrator. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 20. Section 29-2262.07, Revised Statutes Cumulative Supplement, 2010, is amended to read:

29-2262.07 The Probation Program Cash Fund is created. All funds collected pursuant to section 29-2262.06 shall be remitted to the State Treasurer for credit to the fund. Except as otherwise directed by the Supreme Court during the period from November 21, 2009, until June 30, ~~2011~~, 2013, the fund shall be utilized by the administrator, in consultation with the Community Corrections Council, for the purposes stated in subdivision (14)

of section 29-2252, except that the State Treasurer shall, on or before June 30, 2011, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services, transfer the amount set forth in Laws 2009, LB1, One Hundred First Legislature, First Special Session. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

On July 15, 2010, the State Treasurer shall transfer three hundred fifty thousand dollars from the Probation Program Cash Fund to the Violence Prevention Cash Fund. The Office of Violence Prevention shall distribute such funds as soon as practicable after July 15, 2010, to organizations or governmental entities that have submitted violence prevention plans and that best meet the intent of reducing street and gang violence and reducing homicides and injuries caused by firearms.

Sec. 21. Section 47-632, Reissue Revised Statutes of Nebraska, is amended to read:

47-632 (1) The Community Corrections Uniform Data Analysis Cash Fund is created. Except as provided in ~~subsection~~ subsections (2) and (3) of this section, the fund shall be established for administrative purposes only within the Nebraska Commission on Law Enforcement and Criminal Justice, shall be administered by the executive director of the Community Corrections Council, and shall only be used to support operations costs and analysis relating to the implementation and coordination of the uniform analysis of crime data pursuant to the Community Corrections Act, including associated information technology projects, as specifically approved by the executive director of the Community Corrections Council. The fund shall consist of money collected pursuant to section 47-633.

(2) Transfers may be made from the fund to the General Fund at the direction of the Legislature.

(3) The State Treasurer shall transfer the following amounts from the Community Corrections Uniform Data Analysis Cash Fund to the Violence Prevention Cash Fund:

(a) Two hundred thousand dollars on July 1, 2011, or as soon thereafter as administratively possible; and

(b) Two hundred thousand dollars on July 1, 2012, or as soon thereafter as administratively possible.

~~(3)~~ (4) Any money in the Community Corrections Uniform Data Analysis Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 22. Section 48-1,103, Reissue Revised Statutes of Nebraska, is amended to read:

48-1,103 There is hereby established in the state treasury a Workers' Compensation Claims Revolving Fund, to be administered by the Risk Manager, from which all workers' compensation costs, including prevention and administration, shall be paid. The fund may also be used to pay the costs of administering the Risk Management Program. The fund shall receive deposits from assessments against state agencies charged by the Risk Manager to pay for workers' compensation costs. When the amount of money in the Workers' Compensation Claims Revolving Fund is not sufficient to pay any awards or judgments under sections 48-192 to 48-1,109, the Risk Manager shall immediately advise the Legislature and request an emergency appropriation to satisfy such awards and judgments. Any money in the Workers' Compensation Claims Revolving Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 23. Section 48-622.01, Reissue Revised Statutes of Nebraska, is amended to read:

48-622.01 (1) There is hereby created in the state treasury a special fund to be known as the State Unemployment Insurance Trust Fund. All state unemployment insurance tax collected under sections 48-648 to 48-661, less refunds, shall be paid into the fund. Such money shall be held in trust for ~~the sole and exclusive use of~~ payment of unemployment insurance benefits. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act, except that interest earned on money in the fund shall be credited to the Nebraska Training and Support Trust Fund at the end of each calendar quarter.

(2) The commissioner shall have authority to determine when and in what amounts withdrawals from the State Unemployment Insurance Trust Fund for payment of benefits are necessary. Amounts withdrawn for payment of benefits shall be immediately forwarded to the Secretary of the Treasury of

the United States of America to the credit of the state's account in the Unemployment Trust Fund, provisions of law in this state relating to the deposit, administration, release, or disbursement of money in the possession or custody of this state to the contrary notwithstanding.

(3) If and when the state unemployment insurance tax ceases to exist as determined by the Governor, all money then in the State Unemployment Insurance Trust Fund less accrued interest shall be immediately transferred to the credit of the state's account in the Unemployment Trust Fund, provisions of law in this state relating to the deposit, administration, release, or disbursement of money in the possession or custody of this state to the contrary notwithstanding. The determination to eliminate the state unemployment insurance tax shall be based on the solvency of the state's account in the Unemployment Trust Fund and the need for training of Nebraska workers. Accrued interest in the State Unemployment Insurance Trust Fund shall be credited to the Nebraska Training and Support Trust Fund.

(4) Upon certification from the commissioner that disallowed costs by the United States Department of Labor for FY2007-08, FY2008-09, and FY2009-10, or any one of them, have been reduced to an amount certain by way of settlement or final judgment, the State Treasurer shall transfer the amount of such settlement or final judgment from the State Unemployment Insurance Trust Fund to the Employment Security Special Contingent Fund. The total amount of such transfers shall not exceed \$2,816,345. The amount of the reappropriation of Federal Funds appropriated in FY2004-05 under section 903(d) of the federal Social Security Act shall be reduced by the amount transferred.

Sec. 24. Section 66-1345.04, Reissue Revised Statutes of Nebraska, is amended to read:

66-1345.04 (1) The State Treasurer shall transfer from the General Fund to the Ethanol Production Incentive Cash Fund, on or before the end of each of fiscal years 1995-96 and 1996-97, \$8,000,000 per fiscal year.

(2) It is the intent of the Legislature that the following General Fund amounts be appropriated to the Ethanol Production Incentive Cash Fund in each of the following years:

(a) For each of fiscal years 1997-98 and 1998-99, \$7,000,000 per fiscal year;

(b) For fiscal year 1999-2000, \$6,000,000;

(c) For fiscal year 2000-01, \$5,000,000;

(d) For fiscal year 2001-02 and for each of fiscal years 2003-04 through 2006-07, \$1,500,000;

(e) For each of fiscal years 2005-06 and 2006-07, \$2,500,000 in addition to the amount in subdivision (2)(d) of this section;

(f) For fiscal year 2007-08, \$5,500,000;

(g) For each of fiscal years 2008-09 through 2011-12, \$2,500,000;

(h) For each of fiscal years 2005-06 and 2006-07, \$5,000,000 in addition to the other amounts in this section;

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

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

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

(l) For fiscal year 2011-12, \$3,800,000 in addition to the other amounts in this section.

Sec. 25. Section 81-8,239.02, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,239.02 The following separate permanent revolving funds are established in the state treasury for use under the Risk Management Program according to the purposes for which each fund is established:

(1) The State Insurance Fund is hereby created for the purpose of purchasing insurance to cover property, fidelity, and liability risks of the state and workers' compensation claims against the state and other risks to which the state or its agencies, officials, or employees are exposed and for paying related expenses, including the costs of administering the Risk Management Program. The fund may receive deposits from assessments against state agencies to provide insurance coverage as directed by the Risk Manager. The Risk Manager may retain in the fund sufficient money to pay for any deductibles, self-insured retentions, or copayments as may be required by such insurance policies and Risk Management Program expenses;

(2) The State Self-Insured Property Fund is hereby created for the purpose of replacing, repairing, or rebuilding state property which has incurred damage or is suffering other loss not fully covered by insurance and for paying related expenses. The fund may receive deposits from assessments

against state agencies to provide property coverage as directed by the Risk Manager. The Risk Manager may assess state agencies to provide self-insured property coverage;

(3) The State Self-Insured Indemnification Fund is hereby created for the purpose of paying indemnification claims under section 81-8,239.05. Indemnification claims shall include payments for awards, settlements, and associated costs, including appeal bonds and reasonable costs associated with a required appearance before any tribunal. The fund may receive deposits from assessments against state agencies to pay for the costs associated with providing and supporting indemnification claims. The creation of this fund shall not be interpreted as expanding the liability exposure of the state or its agencies, officials, or employees; and

(4) The State Self-Insured Liability Fund is hereby created for the purpose of paying compensable liability and fidelity claims against the state or its agencies, officials, or employees which are not fully covered by insurance and for which there is insufficient agency funding and for which a legislative appropriation is made under the provisions of section 81-8,239.11. The creation of this fund shall not be interpreted as expanding the liability exposure of the state or its agencies, officials, or employees. The Risk Manager shall report all claims and judgments paid from the State Self-Insured Liability Fund to the Clerk of the Legislature annually. The report shall include the name of the claimant, the amount claimed and paid, and a brief description of the claim, including any agency, program, and activity under which the claim arose. Any member of the Legislature may receive a copy of the report by making a request to the Risk Manager.

Sec. 26. Section 81-1120.02, Reissue Revised Statutes of Nebraska, is amended to read:

81-1120.02 As used in sections 81-1120.01 to 81-1120.28 and section 29 of this act, unless the context otherwise requires:

(1) Director means the Director of Communications;

(2) Division means the division of communications of the office of Chief Information Officer;

(3) Communications system means the total communications facilities and equipment owned, leased, or used by all departments, agencies, and subdivisions of state government; and

(4) Communications means any transmission, emission, or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, optical, or other electromagnetic systems.

Sec. 27. Section 81-1120.22, Reissue Revised Statutes of Nebraska, is amended to read:

81-1120.22 The Director of Communications shall develop a system of equitable billings and charges for communications services provided in any consolidated or joint-use system of communications. Such system of charges shall reflect, as nearly as may be practical, the actual share of costs incurred on behalf of or for services to each department, agency, or political subdivision provided communications services from the communications system. Using agencies shall pay for such services out of appropriated or available funds. All Prior to July 1, 2011, all payments shall be credited to the Communications Cash Fund. Beginning July 1, 2011, all payments shall be credited to the Communications Revolving Fund. Prior to July 1, 2011, all Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. All collections for payment of telephone expenses shall be credited to the Telephone Expense Revolving Fund which is hereby created. Expenditures shall be made from the Telephone Expense Revolving Fund for the payment of telephone expenses subject to appropriations by the Legislature. Such payment shall be made by the Director of Communications. Beginning July 1, 2011, all collections for payment of telephone expenses shall be credited to the Communications Revolving Fund. On July 1, 2011, or as soon thereafter as is administratively possible, the State Treasurer shall transfer any money in the Telephone Expense Revolving Fund to the Communications Revolving Fund. On July 31, 2011, the Telephone Expense Revolving Fund shall terminate.

Sec. 28. Section 81-1120.23, Revised Statutes Cumulative Supplement, 2010, is amended to read:

81-1120.23 There is hereby established a cash fund to be known as the Communications Cash Fund. Appropriations made to the division of communications of the office of Chief Information Officer for the purposes of sections 81-1120.01 to 81-1120.28 shall be credited to the fund. All funds received under such sections and all funds received for communications services provided to any agency, department, or other user shall be credited to the fund. The division shall, under policies and procedures established

by the director, expend funds from time to time credited to the fund for the communications purposes enumerated in such sections. Transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Communications Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. On July 1, 2011, or as soon thereafter as is administratively possible, the State Treasurer shall transfer any money in the Communications Cash Fund to the Communications Revolving Fund. On July 31, 2011, the Communications Cash Fund shall terminate.

Sec. 29. There is hereby established a revolving fund to be known as the Communications Revolving Fund. Beginning July 1, 2011, appropriations made to the division of communications of the office of Chief Information Officer for the purposes of sections 81-1120.01 to 81-1120.28 shall be credited to the fund. Beginning July 1, 2011, all funds received under such sections and all funds received for communications services provided to any agency, department, political subdivision, or other user shall be credited to the fund. The division shall, under policies and procedures established by the director, expend funds from time to time credited to the fund for the communications purposes enumerated in such sections. Any money in the Communications Revolving Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 30. Section 82-331, Revised Statutes Cumulative Supplement, 2010, is amended to read:

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

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

(3) Except as provided in subsection (4) of this section, it is the intent of the Legislature that the State Treasurer shall transfer (a) an amount not to exceed five hundred thousand dollars from the General Fund to the Nebraska Cultural Preservation Endowment Fund on December 31 of 2009 and 2010 and (b) an amount not to exceed five hundred thousand dollars from the General Fund to the Nebraska Cultural Preservation Endowment Fund on December 31 of ~~2011, 2012,~~ 2013, 2014, 2015, ~~and~~ 2016, 2017, and 2018.

(4) Prior to the transfer of funds from any state account into the Nebraska Cultural Preservation Endowment Fund, the Nebraska Arts Council shall provide documentation to the budget division of the Department of Administrative Services that qualified endowments have generated a dollar-for-dollar match of new money, up to the amount of state funds authorized by the Legislature to be transferred to the Nebraska Cultural Preservation Endowment Fund. The budget division of the Department of Administrative Services shall notify the State Treasurer to execute a transfer of state funds up to the amount specified by the Legislature, but only to the extent that the Nebraska Arts Council has provided documentation of a dollar-for-dollar match. Funds not transferred shall be carried forward to the succeeding year and be added to the funds authorized for a dollar-for-dollar match during that year.

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

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

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

Sec. 31. Section 85-122, Reissue Revised Statutes of Nebraska, is amended to read:

85-122 The several funds for the support of the university shall be constituted and designated as follows: (1) The Permanent Endowment Fund; (2) the Temporary University Fund; (3) the University Cash Fund; (4) the United States Morrill Fund; (5) the United States Experiment Station Fund; (6) the University Trust Fund; (7) the United States Agricultural Extension Fund; (8) the Veterinary School Fund; (9) the University of Nebraska at Omaha

Cash Fund; (10) the University of Nebraska at Omaha Trust Fund; (11) the University of Nebraska at Kearney Cash Fund; (12) the University of Nebraska at Kearney Trust Fund; (13) the Agricultural Field Laboratory Fund; (14) the Animal Research and Diagnosis Revolving Fund; (15) the University Buildings Renovation and Land Acquisition Fund; (16) the University Facility Improvement Fund; (17) the University of Nebraska Eppley Science Hall Construction Fund; and (18) the University Facilities Fund. No portion of the funds designated above derived from taxation shall be disbursed for mileage or other traveling expenses except as authorized by sections 81-1174 to 81-1177. No expenditures shall be made for or on behalf of the School of Veterinary Medicine and Surgery except from money appropriated to the Veterinary School Fund. Any money in the funds designated in this section available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act except as provided in sections 85-125, 85-192, and 85-1,123.

Sec. 32. Section 85-125, Reissue Revised Statutes of Nebraska, is amended to read:

85-125 The University Cash Fund shall consist of the matriculation and diploma fees, registration fees, laboratory fees, tuition fees, summer session or school fees, all other money or fees collected from students by the authority of the Board of Regents for university purposes, and receipts from all university activities collected by the board in connection with the operation of the university. A record shall be kept by the board separating such money into appropriate and convenient accounts. All money and funds accruing to the University Cash Fund shall ~~become available when appropriated by the Legislature for the use~~ be used for the maintenance and operation of the university and its activities and shall at all times be subject to the orders of the Board of Regents accordingly. The fund shall be in the custody of the State Treasurer, and any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act, except that there may be retained by the Board of Regents a sum not to exceed two percent of the fund, which shall be available to make settlement and equitable adjustments to students entitled thereto, to carry on university activities contributing to the fund, and to provide for contingencies. No warrant shall be issued against such fund unless there is money in the hands of the State Treasurer sufficient to pay the same. ~~The board shall cause all money belonging to this fund, which is received by its authority at the university, to be paid over from time to time, as the same is received, to the State Treasurer, to be placed to the credit of this fund, except that the board may retain in its possession a sum, not to exceed four hundred seventy-five thousand dollars, out of which money at least fifty thousand dollars shall be available during the first two weeks of each term to make advances to students who have financial aid in excess of tuition and fees, and the remainder of which money shall be available to make settlement and equitable adjustments with students entitled thereto, to carry on university activities contributing to this fund, and to provide for contingencies. The board may require its secretary, in addition to his or her other duties, to perform all acts necessary to carry into effect the provisions of this section.~~

Sec. 33. Section 85-192, Reissue Revised Statutes of Nebraska, is amended to read:

85-192 There is hereby created a University of Nebraska at Omaha Cash Fund which shall consist of all fees and other money collected from students at the University of Nebraska at Omaha by authority of the Board of Regents of the University of Nebraska for university purposes, all receipts from all university activities at the University of Nebraska at Omaha collected in connection with the operation of such university, and the money and funds received at the time the University of Nebraska at Omaha was established. A record shall be kept separating such money and funds into appropriate and convenient accounts. All money and funds accruing to the cash fund ~~when appropriated by the Legislature~~ shall be used for the maintenance and operation of the University of Nebraska at Omaha and shall at all times be subject to the orders of the Board of Regents. The fund shall be in the custody of the State Treasurer, and any money in such fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act, except that there may be retained at the University of Nebraska at Omaha a sum not to exceed two percent of the fund, which shall be available to make settlement and equitable adjustments to students entitled thereto, to carry on university activities contributing to the fund, and to provide for contingencies. No warrant shall be issued against such fund unless there is money sufficient to pay the same. ~~There may be retained at the University~~

of Nebraska at Omaha a sum not to exceed one hundred seventy-five thousand dollars out of such money to make settlement and equitable adjustments to students entitled thereto, to carry on university activities contributing to the fund, and to provide for contingencies. The fund shall be in the custody of the State Treasurer. Any money in such fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

There is hereby created a University of Nebraska at Omaha Trust Fund which shall consist of all property, real or personal, now or hereafter acquired by or for the municipal University of Omaha by donation or bequest to it, which property shall be held and applied in the manner and according with the provisions of the will, deed, or instrument making such donation or bequest. All future donations or bequests to or for the University of Nebraska at Omaha shall be a part of such trust fund. Such trust fund shall be held and managed in such manner as the Board of Regents shall determine. Such holdings and management shall be in strict accordance with all terms of the donation or bequest, but in the absence of any investment instructions the funds may be invested by or at the direction of the Board of Regents in such investments as are authorized for trustees, guardians, personal representatives, or administrators under the laws of Nebraska. Any money in such fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 34. Section 85-1,123, Reissue Revised Statutes of Nebraska, is amended to read:

85-1,123 (1) There is hereby created the University of Nebraska at Kearney Cash Fund. The fund shall consist of all fees and other money collected from students at the University of Nebraska at Kearney by authority of the Board of Regents of the University of Nebraska for university purposes, all receipts from all university activities at the University of Nebraska at Kearney collected in connection with the operation of such university, and the money and funds received at the time the University of Nebraska at Kearney was established. A record shall be kept separating the money and funds into appropriate and convenient accounts. All money and funds accruing to the fund when appropriated by the Legislature shall be used for the maintenance and operation of the University of Nebraska at Kearney and shall at all times be subject to the orders of the Board of Regents. The fund shall be in the custody of the State Treasurer, and any money in such fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act, except that there may be retained at the University of Nebraska at Kearney a sum not to exceed two percent of the fund, which shall be available to make settlement and equitable adjustments to students entitled thereto, to carry on university activities contributing to the fund, and to provide for contingencies. No warrant shall be issued against the fund unless there is money sufficient to pay the same. ~~There may be retained at the University of Nebraska at Kearney a sum not to exceed one hundred seventy-five thousand dollars out of the fund to make settlement and equitable adjustments to students entitled thereto, to carry on university activities contributing to the fund, and to provide for contingencies. The University of Nebraska at Kearney Cash Fund shall be in the custody of the State Treasurer.~~

(2) There is hereby created the University of Nebraska at Kearney Trust Fund, which fund shall consist of all property, real or personal, acquired as of July 1, 1991, or at any time thereafter by or for Kearney State College by donation or bequest to it, which property shall be held and applied in the manner and according with the provisions of the will, deed, or instrument making such donation or bequest. All future donations or bequests to the University of Nebraska at Kearney shall be a part of such fund. The fund shall be held and managed in such manner as the Board of Regents shall determine. The holdings and management shall be in strict accordance with all terms of the donation or bequest, except that in the absence of any investment instructions, the funds may be invested by or at the direction of the Board of Regents in such investments as are authorized for trustees, guardians, personal representatives, or administrators under the laws of Nebraska.

Sec. 35. Section 9-531, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2010, is amended to read:

9-531 Uniform Commercial Code Cash Fund; created; use; Secretary of State; duties; fees.

(a) There is created the Uniform Commercial Code Cash Fund. Except as otherwise specifically provided, all funds received pursuant to this part and sections 52-1312, 52-1313, 52-1316, and 52-1602, Reissue Revised Statutes of Nebraska, shall be placed in the fund and used by the Secretary of State

to carry out this part, sections 52-1301 to 52-1322, Reissue Revised Statutes of Nebraska, and sections 52-1601 to 52-1605, Reissue Revised Statutes of Nebraska, except that transfers from the Uniform Commercial Code Cash Fund to the General Fund, the Election Administration Fund, and the Records Management Cash Fund may be made at the direction of the Legislature.

(b)(1) The Secretary of State shall furnish each county clerk with computer terminal hardware, including a printer, compatible with the centralized computer system implemented and maintained pursuant to section 9-529, for inquiries and searches of information in such centralized computer system. The terminals shall be readily and reasonably available and accessible to members of the public for such inquiries and searches.

(2) The fees charged by county clerks for inquiries and other services regarding information in the centralized computer system shall be the same as set forth for filing offices in this part.

Sec. 36. Original sections 47-632, 48-1,103, 48-622.01, 66-1345.04, 81-8,239.02, 81-1120.02, 81-1120.22, 85-122, 85-125, 85-192, and 85-1,123, Reissue Revised Statutes of Nebraska, sections 24-205, 24-227.01, 25-2921, 29-2259.02, 29-2262.07, 81-1120.23, and 82-331, Revised Statutes Cumulative Supplement, 2010, and section 9-531, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2010, are repealed.

Sec. 37. The following sections are outright repealed: Section 81-3606, Reissue Revised Statutes of Nebraska, and section 77-3,111, Revised Statutes Cumulative Supplement, 2010.

Sec. 38. Since an emergency exists, this act takes effect when passed and approved according to law.