

LEGISLATURE OF NEBRASKA
 ONE HUNDRED THIRD LEGISLATURE
 FIRST SESSION
LEGISLATIVE BILL 199

Final Reading

Introduced by Speaker Adams, 24; at the request of the Governor.

Read first time January 15, 2013

Committee: Appropriations

A BILL

1 FOR AN ACT relating to state government; to amend sections 8-1120,
 2 45-621, 53-117.03, 53-117.06, 68-1604, 81-2004.02,
 3 81-2004.05, and 81-2004.08, Reissue Revised Statutes of
 4 Nebraska, and sections 43-3718, 43-3719, 43-3720, 58-703,
 5 58-706, 59-1608.04, 60-6,211.05, 71-7611, 72-815,
 6 81-2509, 81-2510, 81-2511, 81-2513, 81-3119, 82-331,
 7 82-332, and 84-510, Revised Statutes Cumulative
 8 Supplement, 2012; to provide fund transfers; to create
 9 funds; to provide, change, and eliminate the source and
 10 use of certain funds; to change provisions relating to
 11 grants for court appointed special advocate programs,
 12 fees for liquor enforcement training, and housing
 13 assistance; to authorize the sale and disposition of
 14 proceeds of certain land; to change provisions relating
 15 to applications to the Commission on Indian Affairs for
 16 state assistance; to harmonize provisions; to repeal the

1 original sections; to outright repeal section 81-2512,
2 Revised Statutes Cumulative Supplement, 2012; and to
3 declare an emergency.
4 Be it enacted by the people of the State of Nebraska,

1 Section 1. The State Treasurer shall transfer \$134,954
2 from the Corporation Cash Fund and \$300,000 from the Uniform
3 Commercial Code Cash Fund to the Election Administration Fund on or
4 before July 5, 2013, or as soon thereafter as administratively
5 possible.

6 Sec. 2. The State Treasurer shall transfer \$34,954 from
7 the Corporation Cash Fund and \$200,000 from the Uniform Commercial
8 Code Cash Fund to the Election Administration Fund on or before July
9 5, 2014, or as soon thereafter as administratively possible.

10 Sec. 3. The State Treasurer shall transfer \$500,000 from
11 the Nebraska Public Safety Communication System Cash Fund to the
12 Nebraska Capital Construction Fund on July 1, 2013, or as soon
13 thereafter as administratively possible.

14 Sec. 4. The State Treasurer shall transfer \$1,000,000
15 from the Public Safety Cash Fund to the Nebraska Capital Construction
16 Fund on July 1, 2013, or as soon thereafter as administratively
17 possible.

18 Sec. 5. The State Treasurer shall transfer \$250,000 from
19 the Nebraska State Patrol Cash Fund to the Nebraska Capital
20 Construction Fund on July 1, 2013, or as soon thereafter as
21 administratively possible.

22 Sec. 6. The State Treasurer shall transfer \$113,000,000
23 from the General Fund to the Property Tax Credit Cash Fund on or
24 before December 15, 2013, on such date as directed by the budget
25 administrator of the budget division of the Department of

1 Administrative Services.

2 Sec. 7. The State Treasurer shall transfer \$113,000,000
3 from the General Fund to the Property Tax Credit Cash Fund on or
4 before December 15, 2014, on such date as directed by the budget
5 administrator of the budget division of the Department of
6 Administrative Services.

7 Sec. 8. The State Treasurer shall transfer \$3,300,000
8 from the General Fund to the Water Resources Cash Fund on or before
9 June 30, 2014, on such dates and in such amounts as directed by the
10 budget administrator of the budget division of the Department of
11 Administrative Services.

12 Sec. 9. The State Treasurer shall transfer \$3,300,000
13 from the General Fund to the Water Resources Cash Fund on or before
14 June 30, 2015, on such dates and in such amounts as directed by the
15 budget administrator of the budget division of the Department of
16 Administrative Services.

17 Sec. 10. The State Treasurer shall transfer \$4,000,000
18 from the General Fund to the Nebraska Capital Construction Fund on or
19 before June 30, 2014, on such dates and in such amounts as directed
20 by the budget administrator of the budget division of the Department
21 of Administrative Services.

22 Sec. 11. The State Treasurer shall transfer an amount as
23 directed by the budget administrator of the budget division of the
24 Department of Administrative Services, pursuant to subsections (3)
25 and (4) of section 82-331, not to exceed \$1,000,000, from the General

1 Fund to the Nebraska Cultural Preservation Endowment Fund on December
2 31, 2013, or as soon thereafter as administratively possible.

3 Sec. 12. The State Treasurer shall transfer an amount as
4 directed by the budget administrator of the budget division of the
5 Department of Administrative Services, pursuant to subsections (3)
6 and (4) of section 82-331, not to exceed \$500,000, plus an amount
7 equal to unused transfer authority from the prior fiscal year, from
8 the General Fund to the Nebraska Cultural Preservation Endowment Fund
9 on December 31, 2014, or as soon thereafter as administratively
10 possible.

11 Sec. 13. The State Treasurer shall transfer \$200,000 from
12 the Department of Motor Vehicles Ignition Interlock Fund to the
13 General Fund on July 1, 2013, or as soon thereafter as
14 administratively possible. The State Treasurer shall transfer
15 \$200,000 from the Department of Motor Vehicles Ignition Interlock
16 Fund to the General Fund on July 1, 2014, or as soon thereafter as
17 administratively possible.

18 Sec. 14. The Department of Banking and Finance Settlement
19 Cash Fund is created. The fund shall be administered by the
20 Department of Banking and Finance. The fund shall consist of money
21 received by the state in settlements resulting from regulatory or
22 judicial resolution of financial, securities, or consumer issues in
23 which the department is designated as a recipient and any investment
24 income earned on the fund. The Department of Administrative Services
25 may for accounting purposes create subfunds of the fund to segregate

1 awards or allocations received pursuant to different orders or
2 settlements. The fund may be used by the Department of Banking and
3 Finance for any allowable legal purposes as determined by the
4 Director of Banking and Finance. Any money in the fund available for
5 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.

8 Sec. 15. The Commission on Indian Affairs Cash Fund is
9 created. The fund shall be administered by the Commission on Indian
10 Affairs. The fund shall consist of money received by the state in the
11 form of grants or gifts from nonfederal sources and any investment
12 income earned on the fund. The fund may be used to support the
13 commission's operations pursuant to sections 81-2501 to 81-2508. The
14 Department of Administrative Services may for accounting purposes
15 create subfunds of the fund to segregate awards or allocations
16 received. Any money in the fund available for investment shall be
17 invested by the state investment officer pursuant to the Nebraska
18 Capital Expansion Act and the Nebraska State Funds Investment Act.

19 Sec. 16. The State Treasurer shall transfer \$53,000,000
20 from the General Fund to the Cash Reserve Fund on or before December
21 31, 2013, on such date as directed by the budget administrator of the
22 budget division of the Department of Administrative Services.

23 Sec. 17. Section 8-1120, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 8-1120 (1) Except as otherwise provided in this section,

1 the Securities Act of Nebraska shall be administered by the Director
2 of Banking and Finance who may employ such assistants or counsel as
3 may be reasonably necessary for the purpose thereof and who may
4 designate one of such assistants as an assistant director. The
5 director may delegate to such assistant director or counsel any
6 powers, authority, and duties imposed upon or granted to the director
7 under the act, such as may be lawfully delegated under the common law
8 or the statutes of this state. The director may also employ special
9 counsel with respect to any investigation conducted by him or her
10 under the act or with respect to any litigation to which the director
11 is a party under the act, except that security issued by and
12 representing an interest in or a debt of, or guaranteed by, any
13 insurance company shall be registered, pursuant to the provisions of
14 sections 8-1104 to 8-1109, with the Director of Insurance who shall
15 as to such registrations administer and enforce the act, and as
16 pertains to the administration and enforcement of such registration
17 of such securities all references in the act to director shall mean
18 the Director of Insurance.

19 (2) It shall be unlawful for the director or any of his
20 or her officers or employees to use for personal benefit any
21 information which is filed with or obtained by the director and which
22 is not made public. No provision of the act shall authorize the
23 director or any of his or her officers or employees to disclose any
24 such information except among themselves or when necessary or
25 appropriate in a proceeding or investigation under the act. No

1 provision of the act shall either create or derogate from any
2 privilege which exists at common law or otherwise when documentary or
3 other evidence is sought under a subpoena directed to the director or
4 any of his or her officers or employees.

5 (3) The director may from time to time make, amend, and
6 rescind such rules and forms as are necessary to carry out the act.
7 No rule or form may be made unless the director finds that the action
8 is necessary or appropriate in the public interest or for the
9 protection of investors and consistent with the purposes fairly
10 intended by the policy and provisions of the act.

11 In prescribing rules and forms the director may cooperate
12 with the securities administrators of the other states and the
13 Securities and Exchange Commission with a view to effectuating the
14 policy of the Securities Act of Nebraska to achieve maximum
15 uniformity in the form and content of registration statements,
16 applications, and reports wherever practicable. All rules and forms
17 of the director shall be published and made available to any person
18 upon request.

19 (4) No provision of the act imposing any liability shall
20 apply to any act done or omitted in good faith in conformity with any
21 rule, form, or order of the director, notwithstanding that the rule
22 or form may later be amended or rescinded or be determined by
23 judicial or other authority to be invalid for any reason.

24 (5) Every hearing in an administrative proceeding shall
25 be public unless the director in his or her discretion grants a

1 request joined in by all the respondents that the hearing be
2 conducted privately.

3 (6) The Securities Act Cash Fund is created. All filing
4 fees, registration fees, and all other fees and all money collected
5 by or paid to the director under any of the provisions of the act
6 shall be remitted to the State Treasurer for credit to the fund,
7 except that registration fees collected by or paid to the Director of
8 Insurance pursuant to the provisions of the act shall be credited to
9 the Department of Insurance Cash Fund. The Securities Act Cash Fund
10 shall be used for the purpose of administering and enforcing the
11 provisions of the act, except that transfers may be made to the
12 General Fund at the direction of the Legislature, ~~and, for the~~
13 ~~calendar years of 2000 and 2001, two million dollars shall be~~
14 ~~transferred in each year to the Affordable Housing Trust Fund.~~ All of
15 such money is appropriated and shall be appropriated for such
16 purposes. Any money in the Securities Act Cash Fund available for
17 investment shall be invested by the state investment officer pursuant
18 to the Nebraska Capital Expansion Act and the Nebraska State Funds
19 Investment Act.

20 (7)(a) The State Treasurer, at the direction of the
21 budget administrator of the budget division of the Department of
22 Administrative Services, shall transfer one million two hundred fifty
23 thousand dollars from the Securities Act Cash Fund to the Affordable
24 Housing Trust Fund on or before September 1, 2013, and the State
25 Treasurer, at the direction of the budget administrator of the budget

1 division of the Department of Administrative Services, shall transfer
2 one million two hundred fifty thousand dollars from the Securities
3 Act Cash Fund to the Affordable Housing Trust Fund on or before
4 September 1, 2014.

5 (b) The State Treasurer, at the direction of the budget
6 administrator of the budget division of the Department of
7 Administrative Services, shall transfer two hundred fifty thousand
8 dollars from the Securities Act Cash Fund to the Homeless Shelter
9 Assistance Trust Fund on or before September 1, 2013, and the State
10 Treasurer, at the direction of the budget administrator of the budget
11 division of the Department of Administrative Services, shall transfer
12 two hundred fifty thousand dollars from the Securities Act Cash Fund
13 to the Homeless Shelter Assistance Trust Fund on or before September
14 1, 2014.

15 (c) The State Treasurer, at the direction of the budget
16 administrator of the budget division of the Department of
17 Administrative Services, shall transfer five hundred thousand dollars
18 from the Securities Act Cash Fund to the Legal Aid and Services Fund
19 on or before September 1, 2013, and the State Treasurer, at the
20 direction of the budget administrator of the budget division of the
21 Department of Administrative Services, shall transfer five hundred
22 thousand dollars from the Securities Act Cash Fund to the Legal Aid
23 and Services Fund on or before September 1, 2014.

24 (7)-(8) A document is filed when it is received by the
25 director. The director shall keep a register of all applications for

1 registration and registration statements which are or have ever been
2 effective under the Securities Act of Nebraska and all denial,
3 suspension, or revocation orders which have ever been entered under
4 the act. The register shall be open for public inspection. The
5 information contained in or filed with any registration statement,
6 application, or report may be made available to the public under such
7 conditions as the director may prescribe.

8 ~~(8)~~(9) Upon request and at such reasonable charges as he
9 or she shall prescribe, the director shall furnish to any person
10 photostatic or other copies, certified under his or her seal of
11 office if requested, of any entry in the register or any document
12 which is a matter of public record. In any proceeding or prosecution
13 under the act, any copy so certified shall be prima facie evidence of
14 the contents of the entry or document certified.

15 ~~(9)~~(10) The director in his or her discretion may honor
16 requests from interested persons for interpretative opinions.

17 Sec. 18. Section 43-3718, Revised Statutes Cumulative
18 Supplement, 2012, is amended to read:

19 43-3718 The Court Appointed Special Advocate Fund is
20 created. The fund shall be under the control of the Supreme Court and
21 administered by the State Court Administrator. The fund shall be used
22 for grants as provided in section 43-3719. The fund shall consist of
23 transfers, grants, donations, gifts, devises, and bequests.
24 ~~authorized under section 29-3921.~~ Any money in the fund available for
25 investment shall be invested by the state investment officer pursuant

1 to the Nebraska Capital Expansion Act and the Nebraska State Funds
2 Investment Act. Interest earned shall be credited back to the fund.

3 Sec. 19. Section 43-3719, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 43-3719 (1) The Supreme Court shall award grants from the
6 Court Appointed Special Advocate Fund as provided in subsection (2)
7 of this section to any court appointed special advocate program that
8 applies for the grant and:

9 (a) Is a nonprofit organization organized under section
10 501(c)(3) of the Internal Revenue Code;

11 (b) Has the ability to operate statewide; and

12 (c) Has an affiliation agreement with local programs that
13 meet the requirements of section 43-3706.

14 (2) The Supreme Court shall award grants up to the amount
15 credited to the fund per fiscal year as follows:

16 (a) Up to ten thousand dollars may be used by the court
17 to administer this section;

18 (b) Of the remaining amount, eighty percent, ~~but no more~~
19 ~~than three hundred thousand dollars,~~ shall be awarded as grants used
20 to recruit new court appointed special advocate volunteers and to
21 defray the cost of training court appointed special advocate
22 volunteers;

23 (c) Of the remaining amount, ten percent, ~~but no more~~
24 ~~than fifty thousand dollars,~~ shall be awarded as grants used to
25 create innovative programming to implement the Court Appointed

1 Special Advocate Act; and

2 (d) Of the remaining amount, ten percent, ~~but no more~~
3 ~~than fifty thousand dollars~~, shall be awarded as grants used to
4 expand court appointed special advocate programs into counties that
5 have no programs or limited programs.

6 Sec. 20. Section 43-3720, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 43-3720 (1) Each applicant who is awarded a grant under
9 section 43-3719 shall provide the Supreme Court, Clerk of the
10 Legislature, and Governor prior to December 31 of each year a report
11 regarding the grant detailing:

12 ~~(1)~~-(a) The number of court appointed special advocate
13 volunteers trained during the previous fiscal year;

14 ~~(2)~~-(b) The cost of training the court appointed special
15 advocate volunteers trained during the previous fiscal year;

16 ~~(3)~~-(c) The number of court appointed special advocate
17 volunteers recruited during the previous fiscal year;

18 ~~(4)~~-(d) A description of any programs described in
19 subdivision (2)(d) of section 43-3719;

20 ~~(5)~~-(e) The total number of courts being served by court
21 appointed special advocate programs during the previous fiscal year;
22 and

23 ~~(6)~~-(f) The total number of children being served by
24 court appointed special advocate volunteers during the previous
25 fiscal year.

1 The report submitted to the Clerk of the Legislature
2 shall be submitted electronically.

3 (2) The Supreme Court, as part of any application process
4 required for a grant pursuant to section 43-3719, may require the
5 applicant to report the information required pursuant to subsection
6 (1) of this section.

7 Sec. 21. Section 45-621, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 45-621 (1) All fees collected under the Collection Agency
10 Act shall be remitted to the State Treasurer for credit to a special
11 fund to be known as the Nebraska Collection Agency Fund. The board
12 may use the fund as may be necessary for the proper administration
13 and enforcement of the act. The fund shall be paid out only on proper
14 vouchers approved by the board and upon warrants issued by the
15 Director of Administrative Services and countersigned by the State
16 Treasurer as provided by law. All fees and expenses of the Attorney
17 General in representing the board pursuant to the act shall be paid
18 out of such fund. Transfers from the fund to the Election
19 Administration Fund or the General Fund may be made at the direction
20 of the Legislature. Any money in the Nebraska Collection Agency Fund
21 available for investment shall be invested by the state investment
22 officer pursuant to the Nebraska Capital Expansion Act and the
23 Nebraska State Funds Investment Act.

24 ~~(2) On or before July 5, 2001, the State Treasurer shall~~
25 ~~transfer four hundred thousand dollars from the Nebraska Collection~~

1 ~~Agency Fund to the General Fund.~~

2 (2) On or before July 5, 2013, the State Treasurer shall
3 transfer one hundred thousand dollars from the Nebraska Collection
4 Agency Fund to the Election Administration Fund.

5 Sec. 22. Section 53-117.03, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 53-117.03 (1) On or before January 1, 2007, the
8 commission shall adopt and promulgate rules and regulations governing
9 programs which provide training for persons employed in the sale and
10 service of alcoholic liquor and management of licensed premises. Such
11 rules and regulations may include, but need not be limited to:

12 (a) Minimum standards governing training of beverage
13 servers, including standards and requirements governing curriculum,
14 program trainers, and certification requirements;

15 (b) Minimum standards governing training in management of
16 licensed premises, including standards and requirements governing
17 curriculum, program trainers, and certification requirements;

18 (c) Minimum standards governing the methods allowed for
19 training programs which may include the Internet, interactive video,
20 live training in various locations across the state, and other means
21 deemed appropriate by the commission;

22 (d) Methods for approving beverage-server training
23 organizations and programs. All beverage-server training programs
24 approved by the commission shall issue a certificate of completion to
25 all persons who successfully complete the program and shall provide

1 the names of all persons completing the program to the commission;

2 (e) Enrollment fees in an amount determined by the
3 commission to be necessary to cover the ~~expense~~ administrative costs,
4 including salary and benefits, of enrolling in a training program
5 offered by the commission pursuant to subsection (2) of this section,
6 but not to exceed thirty dollars; and

7 (f) Procedures and fees for certification, which fees
8 shall be in an amount determined by the commission to be sufficient
9 to defray the ~~expenses~~ administrative costs, including salary and
10 benefits, associated with maintaining a list of persons certified
11 under this section and issuing proof of certification to eligible
12 individuals but shall not exceed twenty dollars.

13 (2) The commission may create a program to provide
14 training for persons employed in the sale and service of alcoholic
15 liquor and management of licensed premises. The program shall include
16 training on the issues of sales and service of alcoholic liquor to
17 minors and to visibly inebriated purchasers. The commission may
18 charge each person enrolling in the program an enrollment fee as
19 provided in the rules and regulations, but such fee shall not exceed
20 thirty dollars. All such fees shall be collected by the commission
21 and remitted to the State Treasurer for credit to the Nebraska Liquor
22 Control Commission Rule and Regulation Cash Fund.

23 (3) A person who has completed a training program which
24 complies with the rules and regulations, whether such program is
25 offered by the commission or by another organization, may become

1 certified by the commission upon the commission receiving evidence
2 that he or she has completed such program and the person seeking
3 certification paying the certification fee established under this
4 section.

5 Sec. 23. Section 53-117.06, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 53-117.06 Any money collected by the commission pursuant
8 to section 53-117.05 or 53-167.02 shall be credited to the Nebraska
9 Liquor Control Commission Rule and Regulation Cash Fund, which fund
10 is hereby created. The purpose of the fund shall be to cover any
11 administrative costs, including salary and benefits, incurred by the
12 commission in producing or distributing the material referred to in
13 such sections and to defray the costs associated with electronic
14 regulatory transactions, industry education events, enforcement
15 training, and equipment for regulatory work. Transfers may be made
16 from the fund to the General Fund at the direction of the
17 Legislature. Any money in the Nebraska Liquor Control Commission Rule
18 and Regulation Cash 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.

21 Sec. 24. Section 58-703, Revised Statutes Cumulative
22 Supplement, 2012, is amended to read:

23 58-703 The Affordable Housing Trust Fund is created. The
24 fund shall receive money pursuant to sections 8-1120 and 76-903 and
25 may include revenue from sources recommended by the housing advisory

1 committee established in section 58-704, appropriations from the
2 Legislature, transfers authorized by the Legislature, grants, private
3 contributions, repayment of loans, and all other sources, ~~except~~
4 ~~that appropriations from the General Fund and transfers from the~~
5 ~~General Fund or the Cash Reserve Fund may not be used as a revenue~~
6 ~~source for the Affordable Housing Trust Fund after June 30, 2013.~~ The
7 Department of Economic Development as part of its comprehensive
8 housing affordability strategy shall administer the Affordable
9 Housing Trust Fund.

10 Transfers may be made from the Affordable Housing Trust
11 Fund to the General Fund, the Behavioral Health Services Fund, and
12 the Site and Building Development Fund at the direction of the
13 Legislature.

14 Sec. 25. Section 58-706, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

16 58-706 The following activities are eligible for
17 assistance from the Affordable Housing Trust Fund:

18 (1) New construction, rehabilitation, or acquisition of
19 housing to assist low-income and very low-income families;

20 (2) Matching funds for new construction, rehabilitation,
21 or acquisition of housing units to assist low-income and very low-
22 income families;

23 (3) Technical assistance, design and finance services,
24 and consultation for eligible nonprofit community or neighborhood-
25 based organizations involved in the creation of affordable housing;

1 (4) Matching funds for operating costs for housing
2 assistance groups or organizations when such grant or loan will
3 substantially increase the recipient's ability to produce affordable
4 housing;

5 (5) Mortgage insurance guarantees for eligible projects;

6 (6) Acquisition of housing units for the purpose of
7 preservation of housing to assist low-income or very low-income
8 families;

9 (7) Projects making affordable housing more accessible to
10 families with elderly members or members who have disabilities;

11 (8) Projects providing housing in areas determined by the
12 Department of Economic Development to be of critical importance for
13 the continued economic development and economic well-being of the
14 community and where, as determined by the department, a shortage of
15 affordable housing exists;

16 (9) Infrastructure projects necessary for the development
17 of affordable housing;

18 (10) Downpayment and closing cost assistance;

19 (11) Demolition of existing vacant, condemned, or
20 obsolete housing or industrial buildings or infrastructure;

21 (12) Housing education programs developed in conjunction
22 with affordable housing projects. The education programs must be
23 directed toward:

24 (a) Preparing potential home buyers to purchase
25 affordable housing and postpurchase education;

1 (b) Target audiences eligible to utilize the services of
2 housing assistance groups or organizations; and

3 (c) Developers interested in the rehabilitation,
4 acquisition, or construction of affordable housing; ~~and~~

5 (13) Support for efforts to improve programs benefiting
6 homeless youth; and -

7 (14) Vocational training in the housing and construction
8 trades industries by nonprofit groups.

9 Sec. 26. Section 59-1608.04, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 59-1608.04 (1) The State Settlement Cash Fund is created.
12 The fund shall be maintained by the Department of Justice and
13 administered by the Attorney General. Except as otherwise provided by
14 law, the fund shall consist of all recoveries received pursuant to
15 the Consumer Protection Act, including any money, funds, securities,
16 or other things of value in the nature of civil damages or other
17 payment, except criminal penalties, whether such recovery is by way
18 of verdict, judgment, compromise, or settlement in or out of court,
19 or other final disposition of any case or controversy, or any other
20 payments received on behalf of the state by the Department of Justice
21 and administered by the Attorney General for the benefit of the state
22 or the general welfare of its citizens, but excluding all funds held
23 in a trust capacity where specific benefits accrue to specific
24 individuals, organizations, or governments. The fund may be expended
25 for any allowable legal purposes as determined by the Attorney

1 General. Transfers from the State Settlement Cash Fund may be made at
2 the direction of the Legislature to the Nebraska Capital Construction
3 Fund. To provide necessary financial accountability and management
4 oversight, revenue from individual settlement agreements or other
5 separate sources credited to the State Settlement Cash Fund may be
6 tracked and accounted for within the state accounting system through
7 the use of separate and distinct funds, subfunds, or any other
8 available accounting mechanism specifically approved by the
9 Accounting Administrator for use by the Department of Justice. Any
10 money in the fund available for investment shall be invested by the
11 state investment officer pursuant to the Nebraska Capital Expansion
12 Act and the Nebraska State Funds Investment Act.

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

17 Sec. 27. Section 60-6,211.05, Revised Statutes Cumulative
18 Supplement, 2012, is amended to read:

19 60-6,211.05 (1) If an order is granted under section
20 60-6,196 or 60-6,197 and sections 60-6,197.02 and 60-6,197.03, the
21 court may order that the defendant install an ignition interlock
22 device of a type approved by the Director of Motor Vehicles on each
23 motor vehicle operated by the defendant during the period of
24 revocation. Upon sufficient evidence of installation, the defendant
25 may apply to the director for an ignition interlock permit pursuant

1 to section 60-4,118.06. The device shall, without tampering or the
2 intervention of another person, prevent the defendant from operating
3 the motor vehicle when the defendant has an alcohol concentration
4 greater than three-hundredths of one gram or more by weight of
5 alcohol per one hundred milliliters of his or her blood or three-
6 hundredths of one gram or more by weight of alcohol per two hundred
7 ten liters of his or her breath. The Department of Motor Vehicles
8 shall issue an ignition interlock permit to the defendant under
9 section 60-4,118.06 only upon sufficient proof that a defendant has
10 installed an ignition interlock device on any motor vehicle that the
11 defendant will operate during his or her release.

12 (2) If the court orders installation of an ignition
13 interlock device and issuance of an ignition interlock permit
14 pursuant to subsection (1) of this section, the court may also order
15 the use of a continuous alcohol monitoring device and abstention from
16 alcohol use at all times. The device shall, without tampering or the
17 intervention of another person, test and record the alcohol
18 consumption level of the defendant on a periodic basis and transmit
19 such information to probation authorities.

20 (3) Any order issued by the court pursuant to this
21 section shall not take effect until the defendant is eligible to
22 operate a motor vehicle pursuant to subsection (8) of section
23 60-498.01. A person shall be eligible to be issued an ignition
24 interlock permit allowing operation of a motor vehicle equipped with
25 an ignition interlock device if he or she is not subject to any other

1 suspension, cancellation, required no-driving period, or period of
2 revocation and has successfully completed the ignition interlock
3 permit application process. The Department of Motor Vehicles shall
4 review its records and the driving record abstract of any person who
5 applies for an ignition interlock permit allowing operation of a
6 motor vehicle equipped with an ignition interlock device to determine
7 (a) the applicant's eligibility for an ignition interlock permit, (b)
8 the applicant's previous convictions under section 60-6,196,
9 60-6,197, or 60-6,197.06 or any previous administrative license
10 revocation, if any, (c) if the applicant is subject to any required
11 no-drive periods before the ignition interlock permit may be issued,
12 and (d) the permitted driving uses to be allowed to that person on
13 his or her ignition interlock permit.

14 (4)(a) If the court orders an ignition interlock device
15 or the Board of Pardons orders an ignition interlock device under
16 section 83-1,127.02, the court or the Board of Pardons shall order
17 the defendant to apply for an ignition interlock permit as provided
18 in section 60-4,118.06 which indicates that the defendant is only
19 allowed to operate a motor vehicle equipped with an ignition
20 interlock device.

21 (b) Such court order shall remain in effect for a period
22 of time as determined by the court not to exceed the maximum term of
23 revocation which the court could have imposed according to the nature
24 of the violation and shall allow operation by the defendant of an
25 ignition-interlock-equipped motor vehicle only (i) if the defendant

1 has no previous conviction under section 60-6,196, 60-6,197, or
2 60-6,197.06 and no previous administrative license revocation, to and
3 from his or her residence for purposes of his or her employment, his
4 or her school, a substance abuse treatment program, his or her
5 probation officer, his or her continuing health care or the
6 continuing health care of another person who is dependent upon the
7 person, his or her court-ordered community service responsibilities,
8 or an ignition interlock service facility or (ii) if the defendant
9 has a previous conviction under section 60-6,196, 60-6,197, or
10 60-6,197.06 or a previous administrative license revocation, to and
11 from his or her residence, his or her place of employment, his or her
12 school, a substance abuse treatment program, or an ignition interlock
13 service facility.

14 (c) Such Board of Pardons order shall remain in effect
15 for a period of time not to exceed any period of revocation the
16 applicant is subject to at the time the application for a reprieve is
17 made.

18 (5) Any person restricted to operating a motor vehicle
19 equipped with an ignition interlock device, pursuant to a Board of
20 Pardons order, who operates upon the highways of this state a motor
21 vehicle without such device or if the device has been disabled,
22 bypassed, or altered in any way, shall be punished as provided in
23 subsection (3) of section 83-1,127.02.

24 (6) If a person ordered to use a continuous alcohol
25 monitoring device and abstain from alcohol use pursuant to a court

1 order as provided in subsection (2) of this section violates the
2 provisions of such court order by removing, tampering with, or
3 otherwise bypassing the continuous alcohol monitoring device or by
4 consuming alcohol while required to use such device, he or she shall
5 have his or her ignition interlock permit revoked and be unable to
6 apply for reinstatement for the duration of the revocation period
7 imposed by the court.

8 (7) The director shall adopt and promulgate rules and
9 regulations regarding the approval of ignition interlock devices, the
10 means of installing ignition interlock devices, and the means of
11 administering the ignition interlock permit program.

12 (8)(a) The costs incurred in order to comply with the
13 ignition interlock requirements of this section shall be paid
14 directly to the ignition interlock provider by the person complying
15 with an order for an ignition interlock permit and installation of an
16 ignition interlock device.

17 (b) If the Department of Motor Vehicles has determined
18 the person to be indigent and incapable of paying for the cost of
19 installation, removal, or maintenance of the ignition interlock
20 device in accordance with this section, such costs shall be paid out
21 of the Department of Motor Vehicles Ignition Interlock Fund if such
22 funds are available, according to rules and regulations adopted and
23 promulgated by the department. Such costs shall also be paid out of
24 the Department of Motor Vehicles Ignition Interlock Fund if such
25 funds are available and if the court or the Board of Pardons,

1 whichever is applicable, has determined the person to be indigent and
2 incapable of paying for the cost of installation, removal, or
3 maintenance of the ignition interlock device in accordance with this
4 section. The Department of Motor Vehicles Ignition Interlock Fund is
5 created. Money in the Department of Motor Vehicles Ignition Interlock
6 Fund may be used for transfers to the General Fund at the direction
7 of the Legislature. Any money in the fund—Department of Motor
8 Vehicles Ignition Interlock Fund available for investment shall be
9 invested by the state investment officer pursuant to the Nebraska
10 Capital Expansion Act and the Nebraska State Funds Investment Act.

11 (9)(a)(i) An ignition interlock service facility shall
12 notify the appropriate district probation office or the appropriate
13 court, as applicable, of any evidence of tampering with or
14 circumvention of an ignition interlock device, or any attempts to do
15 so, when the facility becomes aware of such evidence. Failure of the
16 facility to provide notification as provided in this subdivision is a
17 Class V misdemeanor.

18 (ii) An ignition interlock service facility shall notify
19 the Department of Motor Vehicles, if the ignition interlock permit is
20 issued pursuant to sections 60-498.01 to 60-498.04, of any evidence
21 of tampering with or circumvention of an ignition interlock device,
22 or any attempts to do so, when the facility becomes aware of such
23 evidence. Failure of the facility to provide notification as provided
24 in this subdivision is a Class V misdemeanor.

25 (b) If a district probation office receives evidence of

1 tampering with or circumvention of an ignition interlock device, or
2 any attempts to do so, from an ignition interlock service facility,
3 the district probation office shall notify the appropriate court of
4 such violation. The court shall immediately schedule an evidentiary
5 hearing to be held within fourteen days after receiving such
6 evidence, either from the district probation office or an ignition
7 interlock service facility, and the court shall cause notice of the
8 hearing to be given to the person operating a motor vehicle pursuant
9 to an order under subsection (1) of this section. If the person who
10 is the subject of such evidence does not appear at the hearing and
11 show cause why the order made pursuant to subsection (1) of this
12 section should remain in effect, the court shall rescind the original
13 order. Nothing in this subsection shall apply to an order made by the
14 Board of Pardons pursuant to section 83-1,127.02.

15 (10) Notwithstanding any other provision of law, the
16 issuance of an ignition interlock permit by the Department of Motor
17 Vehicles under section 60-498.01 or an order for the installation of
18 an ignition interlock device and ignition interlock permit made
19 pursuant to subsection (1) of this section as part of a conviction,
20 as well as the administration of such court order by the Office of
21 Probation Administration for the installation, maintenance, and
22 removal of such device, as applicable, shall not be construed to
23 create an order of probation when an order of probation has not been
24 issued.

25 Sec. 28. Section 68-1604, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 68-1604 The Homeless Shelter Assistance Trust Fund is
3 hereby created. The fund shall include the proceeds raised from the
4 documentary stamp tax and remitted for such fund pursuant to section
5 76-903 and transfers authorized by the Legislature. Money remitted to
6 such fund shall be used by the department (1) for grants to eligible
7 shelter providers as set out in section 68-1605 for the purpose of
8 assisting in the alleviation of homelessness, to provide temporary
9 and permanent shelters for homeless persons, to encourage the
10 development of projects which link housing assistance to programs
11 promoting the concept of self-sufficiency, and to address the needs
12 of the migrant farmworker and (2) to aid in defraying the expenses of
13 administering the Homeless Shelter Assistance Trust Fund Act, which
14 shall not exceed seventy-five thousand dollars in any fiscal year.

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

18 Sec. 29. Section 71-7611, Revised Statutes Cumulative
19 Supplement, 2012, is amended to read:

20 71-7611 (1) The Nebraska Health Care Cash Fund is
21 created. The State Treasurer shall transfer (a) fifty-six million one
22 hundred thousand dollars no later than July 15, 2009, and (b) fifty-
23 nine million one hundred thousand dollars on or before July 15, 2010,
24 July 15, 2011, and July 15, 2012, ~~(c) fifty-six million one hundred~~
25 ~~forty-five thousand dollars no later than July 15, 2013, (d) fifty-~~

1 ~~three million one hundred ninety thousand dollars no later than July~~
2 ~~15, 2014, and (e) fifty million two hundred thirty five thousand~~
3 ~~dollars beginning July 15, 2015, and annually thereafter no later~~
4 ~~than July 15 and on or before every July 15 thereafter~~ from the
5 Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska
6 Tobacco Settlement Trust Fund to the Nebraska Health Care Cash Fund,
7 except that such amount shall be reduced by the amount of the
8 unobligated balance in the Nebraska Health Care Cash Fund at the time
9 the transfer is made. The state investment officer upon consultation
10 with the Nebraska Investment Council shall advise the State Treasurer
11 on the amounts to be transferred from the Nebraska Medicaid
12 Intergovernmental Trust Fund and from the Nebraska Tobacco Settlement
13 Trust Fund under this section in order to sustain such transfers in
14 perpetuity. The state investment officer shall report electronically
15 to the Legislature on or before October 1 of every even-numbered year
16 on the sustainability of such transfers. Except as otherwise provided
17 by law, no more than the amount specified in this subsection may be
18 appropriated or transferred from the Nebraska Health Care Cash Fund
19 in any fiscal year.

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

24 (2) Any money in the Nebraska Health Care Cash Fund
25 available for investment shall be invested by the state investment

1 officer pursuant to the Nebraska Capital Expansion Act and the
2 Nebraska State Funds Investment Act.

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

9 Sec. 30. Section 72-815, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 72-815 (1) The state building division of the Department
12 of Administrative Services shall be responsible for the sale, lease,
13 or other disposal of a building or land, whichever action is ordered
14 by the committee.

15 (2) If a building is to be demolished, section 72-810
16 shall not apply, but the state building division shall notify the
17 State Historic Preservation Officer of such demolition at least
18 thirty days prior to the beginning of the demolition or disassembly
19 so that the officer may collect any photographic or other evidence he
20 or she may find of historic value.

21 (3)(a) If a building or land is to be sold or leased, the
22 state building division shall cause an appraisal to be made of the
23 building or land. The sale, lease, or other disposal of the building
24 or land shall comply with all relevant statutes pertaining to the
25 sale or lease of surplus state property, except that if the state

1 building division fails to receive an offer from a state agency in
2 which the agency certifies that it (i) intends to use the building
3 for the purposes for which it was designed, intended, or remodeled or
4 to remodel the building for uses which will serve the agency's
5 purposes or (ii) intends to use the land for the purposes for which
6 it was acquired or received, the state building division shall then
7 notify the Department of Economic Development that the building or
8 land is available for sale or lease so that the department may refer
9 to the state building division any potential buyers or lessees of
10 which the department may be aware. The state building division may
11 then sell or lease the building or land by such method as is to the
12 best advantage of the State of Nebraska, including auction, sealed
13 bid, or public sale and, if necessary, by private sale, but in all
14 situations only after notice of the property sale is publicly
15 advertised on at least two separate occasions in the newspaper with
16 the largest circulation in the county where the surplus property is
17 located and not less than thirty days prior to the sale of the
18 property. The state building division may use the services of a real
19 estate broker licensed under the Nebraska Real Estate License Act.
20 Priority shall be given to other political subdivisions of state
21 government, then to persons contracting with the state or political
22 subdivisions of the state who will use the building or land for
23 middle-income or low-income rental housing for at least fifteen
24 years, and finally to referrals from the Department of Economic
25 Development.

1 (b) When a building or land designated for sale is listed
2 in the National Register of Historic Places, the state building
3 division, in its discretion and based on the best interests of the
4 state, may follow the procedure outlined in subdivision (3)(a) of
5 this section or may sell the building or land by any method deemed in
6 the best interests of the state to a not-for-profit community
7 organization that intends to maintain the historic and cultural
8 integrity of the building or land.

9 (c) All sales and leases shall be in the name of the
10 State of Nebraska. The state building division may provide that a
11 deed of sale include restrictions on the building or land to ensure
12 that the use and appearance of the building or land remain compatible
13 with any adjacent state-owned property.

14 (d) Except as otherwise provided in subsection (4) of
15 this section, the proceeds of the sale or lease shall be remitted to
16 the State Treasurer for credit to the Vacant Building and Excess Land
17 Cash Fund unless the state agency formerly responsible for the
18 building or land certifies to the state building division that the
19 building or land was purchased in part or in total from cash,
20 federal, or revolving funds, in which event, after the costs of
21 selling or leasing the building or land are deducted from the
22 proceeds of the sale or lease and such amount is credited to the
23 fund, the remaining proceeds of the sale or lease shall be credited
24 to the cash, federal, or revolving fund in the percentage used in
25 originally purchasing the building or land.

1 (4) Any state-owned military property, including any
2 armories considered surplus property, shall be sold by such method as
3 is to the best advantage of the State of Nebraska, including auction,
4 sealed bid, or public sale, and if necessary, by private sale, but in
5 all situations only after notice of the property sale is publicly
6 advertised on at least two separate occasions in the newspaper with
7 the largest circulation in the county where the surplus property is
8 located and not less than thirty days prior to the sale of the
9 property, and pursuant to section 72-816, all proceeds from the sale
10 of the property, less maintenance expenses pending the sale and
11 selling expenses, but including investment income on the sale
12 proceeds of the property, shall be promptly transferred from the
13 Vacant Building and Excess Land Cash Fund to the General Fund by the
14 State Building Administrator.

15 (5) The state building division shall be responsible for
16 the maintenance of the building or land if maintenance is ordered by
17 the committee and shall be responsible for maintenance of the
18 building or land pending sale or lease of the building or land.

19 (6) Land at the Hastings Regional Center determined by
20 the committee to be excess shall be sold by such method as is to the
21 best advantage of the State of Nebraska, including auction, sealed
22 bid, or public sale and, if necessary, by private sale. The sale of
23 land shall only occur after notice of the sale is publicly advertised
24 on at least two separate occasions in the newspaper with the largest
25 circulation in the county where the land is located and not less than

1 thirty days prior to the sale of the land. The proceeds from the sale
2 of the land, less maintenance expenses pending the sale and selling
3 expenses, but including investment income on the sale proceeds, shall
4 be promptly transferred from the Vacant Building and Excess Land Cash
5 Fund by the State Treasurer as follows:

6 (a) First, not exceeding five million three hundred seven
7 thousand dollars to the General Fund; and

8 (b) Second, not exceeding three million dollars of
9 available proceeds remaining to the Nebraska Capital Construction
10 Fund.

11 Sec. 31. Section 81-2004.02, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 81-2004.02 There is hereby created the Nebraska State
14 Patrol Cash Fund. Money from this fund shall be used to defray
15 expenses incident to the administration of the Nebraska State Patrol.
16 All funds received by the Nebraska State Patrol for services rendered
17 shall be remitted to the State Treasurer for credit to the Nebraska
18 State Patrol Cash Fund. Such fund shall be administered by the
19 Superintendent of Law Enforcement and Public Safety.

20 Allowable uses of the fund shall include, but not be
21 limited to, defraying the cost of:

22 (1) The vehicle identification inspection program
23 established in sections 60-181 to 60-189;

24 (2) Investigations of odometer and motor vehicle fraud,
25 motor vehicle licensing violations, and motor vehicle theft; and

1 (3) Other investigative expenses when money is
2 specifically appropriated by the Legislature for such purposes.

3 For fiscal year 2013-14, transfers may be made from the
4 fund to the Nebraska Capital Construction Fund at the direction of
5 the Legislature. Any money in the fund Nebraska State Patrol Cash
6 Fund available for investment shall be invested by the state
7 investment officer pursuant to the Nebraska Capital Expansion Act and
8 the Nebraska State Funds Investment Act.

9 Sec. 32. Section 81-2004.05, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 81-2004.05 There is hereby created the Public Safety Cash
12 Fund. All forfeitures and proceeds received by the Nebraska State
13 Patrol under the federal Equitable Sharing Provisions or any other
14 federal agreement from any agency of the federal government on or
15 after July 10, 1990, shall be deposited in the fund. This section
16 shall not apply to funds otherwise subject to sections 28-431 and
17 28-1439.02. The fund shall be used only in accordance with the
18 applicable requirements of the federal government. The fund shall be
19 administered by the Superintendent of Law Enforcement and Public
20 Safety. For fiscal year 2013-14, transfers may be made from the fund
21 to the Nebraska Capital Construction Fund at the direction of the
22 Legislature to support capital projects related to Nebraska State
23 Patrol law enforcement efforts. Any money in the fund Public Safety
24 Cash Fund available for investment shall be invested by the state
25 investment officer pursuant to the Nebraska Capital Expansion Act and

1 the Nebraska State Funds Investment Act.

2 Sec. 33. Section 81-2004.08, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 81-2004.08 The Nebraska Public Safety Communication
5 System Cash Fund is created. The fund shall be established within the
6 Nebraska State Patrol and administered by the Superintendent of Law
7 Enforcement and Public Safety. The fund shall consist of all revenue
8 credited pursuant to law, including any fund transfers authorized by
9 the Legislature. The fund shall only be used to pay the patrol's
10 direct costs related to administering, operating, and maintaining the
11 Nebraska Public Safety Communication System, except that any
12 unobligated money in the fund may first be used to reduce the
13 patrol's General Fund costs to operate the Nebraska Public Safety
14 Communication System, and if additional unobligated money in the fund
15 exists, the Legislature may transfer money from the fund to the State
16 Fire Marshal and the Game and Parks Commission to reduce the General
17 Fund costs to operate the Nebraska Public Safety Communication
18 System. For fiscal year 2013-14, transfers may be made from the fund
19 to the Nebraska Capital Construction Fund at the direction of the
20 Legislature to support capital projects related to Nebraska State
21 Patrol law enforcement efforts. Any money in the fund-Nebraska Public
22 Safety Communication System Cash Fund available for investment shall
23 be invested by the state investment officer pursuant to the Nebraska
24 Capital Expansion Act and the Nebraska State Funds Investment Act.

25 Sec. 34. Section 81-2509, Revised Statutes Cumulative

1 Supplement, 2012, is amended to read:

2 81-2509 For purposes of sections 81-2509 to 81-2515:

3 ~~(1) Census designated place means a concentration of~~
4 ~~population identified by the United States Department of Commerce,~~
5 ~~Bureau of the Census, that lacks a separate municipal government but~~
6 ~~otherwise physically resembles an incorporated city or village, that~~
7 ~~is associated with an Indian reservation, and that is in a county~~
8 ~~with fewer than six thousand four hundred inhabitants according to~~
9 ~~the most recent federal decennial census;~~

10 ~~(2) (1) Commission~~ means the Commission on Indian
11 Affairs;

12 ~~(3) (2) Indian reservation~~ means a tract of land set
13 apart by the federal government for the use of the Native American
14 people; and

15 ~~(4) (3) Political subdivision~~ means a city, village, or
16 county within a ~~thirty-mile~~ sixty-mile radius of a ~~census designated~~
17 ~~place~~ an Indian reservation or a tribal government that owns land
18 within such ~~thirty-mile~~ sixty-mile radius.

19 Sec. 35. Section 81-2510, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 81-2510 Any political subdivision or nonprofit
22 corporation may annually apply to the commission for state assistance
23 under sections 81-2509 to 81-2515. The state assistance shall be used
24 by the applicant for economic development, education, health care,
25 and law enforcement needs in such political subdivision when the

1 applicant is a political subdivision and in the political subdivision
2 where the nonprofit corporation is located when the applicant is a
3 nonprofit corporation.

4 Sec. 36. Section 81-2511, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 81-2511 (1) All applications for state assistance under
7 sections 81-2509 to 81-2515 shall be in writing, ~~include a certified~~
8 ~~copy of the approving action of the governing body of the applicant~~
9 ~~describing~~ describe the proposed use for the state assistance, and be
10 of such form and contain the content as the commission shall
11 prescribe. An application from a political subdivision shall include
12 a certified copy of the action by the governing body of the political
13 subdivision approving the application. The commission shall ~~and~~
14 publish application forms for distribution to a political subdivision
15 or nonprofit corporation upon request.

16 (2) Upon receiving an application for state assistance,
17 the commission shall review the application and notify the applicant
18 of any additional information needed for a proper evaluation of the
19 application.

20 (3) Any state assistance received pursuant to sections
21 81-2509 to 81-2515 shall be used only for public purposes.

22 Sec. 37. Section 81-2513, Revised Statutes Cumulative
23 Supplement, 2012, is amended to read:

24 81-2513 (1) After consideration of the application, ~~and~~
25 ~~the evidence,~~ the commission shall issue a finding of whether the use

1 described in the application is eligible for state assistance.

2 (2) If the commission finds that the use described in the
3 application is a legitimate use and that state assistance is in the
4 best interest of the state, the application shall be approved.

5 (3) If no applications are approved, the commission may
6 use the funds in the Designated Collection Fund directly for the
7 needs listed in section 81-2510.

8 ~~(3)~~(4) A majority of the commission members constitutes
9 a quorum for the purpose of conducting business. All actions of the
10 commission shall be made by a majority vote of the voting members.

11 Sec. 38. Section 81-3119, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 81-3119 The Health and Human Services Cash Fund is
14 created and shall consist of funds from contracts, grants, gifts, or
15 fees. Transfers may be made from the fund to the General Fund at the
16 direction of the Legislature. The State Treasurer shall transfer one
17 million five hundred thousand dollars on or before July 15, 2013,
18 from the Health and Human Services Cash Fund to the Rural Health
19 Professional Incentive Fund. Any money in the Health and Human
20 Services Cash Fund available for investment shall be invested by the
21 state investment officer pursuant to the Nebraska Capital Expansion
22 Act and the Nebraska State Funds Investment Act.

23 Sec. 39. Section 82-331, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 82-331 (1) There is hereby established in the state

1 treasury a trust fund to be known as the Nebraska Cultural
2 Preservation Endowment Fund. The fund shall consist of funds
3 appropriated or transferred by the Legislature, and only the earnings
4 of the fund may be used as provided in this section.

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

8 (3) Except as provided in subsection (4) of this section,
9 it is the intent of the Legislature that the State Treasurer shall
10 transfer (a) an amount not to exceed ~~five hundred thousand~~ one
11 million dollars from the General Fund to the Nebraska Cultural
12 Preservation Endowment Fund on December 31, 2013, ~~of 2009 and 2010~~
13 ~~and~~ (b) an amount not to exceed five hundred thousand dollars from
14 the General Fund to the Nebraska Cultural Preservation Endowment Fund
15 on December 31, ~~of 2013, 2014,~~ and (c) an amount not to exceed seven
16 hundred fifty thousand dollars from the General Fund to the Nebraska
17 Cultural Preservation Endowment Fund on December 31 of 2015, and
18 2016, , 2017, and 2018.

19 (4) Prior to the transfer of funds from any state account
20 into the Nebraska Cultural Preservation Endowment Fund, the Nebraska
21 Arts Council shall provide documentation to the budget division of
22 the Department of Administrative Services that qualified endowments
23 have generated a dollar-for-dollar match of new money, up to the
24 amount of state funds authorized by the Legislature to be transferred
25 to the Nebraska Cultural Preservation Endowment Fund. For purposes of

1 this section, new money means a contribution to a qualified endowment
2 generated after July 1, 2011. Contributions not fully matched by
3 state funds shall be carried forward to succeeding years and remain
4 available to provide a dollar-for-dollar match for state funds. For
5 an endowment to be a qualified endowment (a) the endowment must meet
6 the standards set by the Nebraska Arts Council or Nebraska Humanities
7 Council, (b) the endowment must be intended for long-term
8 stabilization of the organization, and (c) the funds of the endowment
9 must be endowed and only the earnings thereon expended. The budget
10 division of the Department of Administrative Services shall notify
11 the State Treasurer to execute a transfer of state funds up to the
12 amount specified by the Legislature, but only to the extent that the
13 Nebraska Arts Council has provided documentation of a dollar-for-
14 dollar match. State funds not transferred shall be carried forward to
15 the succeeding year and be added to the funds authorized for a
16 dollar-for-dollar match during that year.

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

23 (6) Any money in the Nebraska Cultural Preservation
24 Endowment Fund available for investment shall be invested by the
25 state investment officer pursuant to the Nebraska Capital Expansion

1 Act and the Nebraska State Funds Investment Act.

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

5 Sec. 40. Section 82-332, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

7 82-332 (1) The Nebraska Arts and Humanities Cash Fund is
8 created. The fund shall consist of all funds credited from the
9 Nebraska Cultural Preservation Endowment Fund pursuant to section
10 82-331. The Nebraska Arts Council shall administer and distribute the
11 Nebraska Arts and Humanities Cash Fund and may use up to thirty
12 thousand dollars annually to defray costs directly related to the
13 administration of sections 82-330 to 82-333. Expenditures designated
14 as administrative costs shall not be subject to the private matching
15 fund requirements set forth in subsection (2) of this section.

16 (2) All disbursements from the Nebraska Arts and
17 Humanities Cash Fund that are to support arts and humanities
18 projects, endowments, or programs shall be matched dollar-for-dollar
19 by sources other than state funds. The match funds shall be new money
20 generated for endowments established by the Nebraska Arts Council or
21 Nebraska Humanities Council or qualified endowments of their
22 constituent organizations, new money generated as a result of seed
23 grants to recipients, or new money generated by the Nebraska Arts
24 Council or Nebraska Humanities Council for arts or humanities
25 education. Matching funds shall also include earnings generated by

1 qualified private endowments formed in accordance with this section.
2 For purposes of this section, new money means a contribution to a
3 qualified endowment generated after July 1, 2011. Contributions not
4 fully matched by state funds shall be carried forward to succeeding
5 years and remain available to provide a dollar-for-dollar match for
6 state funds. For an endowment to be a qualified endowment (a) the
7 endowment must meet the standards set by the Nebraska Arts Council or
8 Nebraska Humanities Council, (b) the endowment must be intended for
9 long-term stabilization of the organization, and (c) the funds of the
10 endowment must be endowed and only the earnings thereon expended. An
11 organization is a constituent organization if it receives funding
12 from the Nebraska Arts Council or Nebraska Humanities Council and is
13 tax exempt under section 501 of the Internal Revenue Code. The match
14 funds required by this section shall not include in-kind
15 contributions. The budget division of the Department of
16 Administrative Services shall approve allotment and disbursement of
17 funds from the Nebraska Arts and Humanities Cash Fund that are
18 governed by this subsection only to the extent the Nebraska Arts
19 Council has provided documentation of the dollar-for-dollar match
20 required by this section. Funds from the Nebraska Arts and Humanities
21 Cash Fund may be used for the purpose of obtaining challenge grants
22 from the National Endowment for the Humanities or the National
23 Endowment for the Arts.

24 ~~(2)~~ (3) Rules and regulations of the Nebraska Arts
25 Council shall provide that the ultimate use of disbursements from the

1 Nebraska Arts and Humanities Cash Fund authorized under subsection
2 (2) of this section shall be in a ratio of seventy percent to
3 projects, endowments, or programs designated by the Nebraska Arts
4 Council and thirty percent to projects, endowments, or programs
5 designated by the Nebraska Humanities Council.

6 ~~(3)~~(4) Any money in the fund available for investment
7 shall be invested by the state investment officer pursuant to the
8 Nebraska Capital Expansion Act and the Nebraska State Funds
9 Investment Act.

10 Sec. 41. Section 84-510, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 84-510 (1) The Corporation Cash Fund is created.
13 Transfers from the fund to the Election Administration Fund, the
14 Records Management Micrographics Services Revolving Fund, the
15 Secretary of State Administration Cash Fund, or the General Fund may
16 be made at the direction of the Legislature. Any money in the
17 Corporation Cash Fund available for investment shall be invested by
18 the state investment officer pursuant to the Nebraska Capital
19 Expansion Act and the Nebraska State Funds Investment Act.

20 (2) On or before July 5, 2013, the State Treasurer shall
21 transfer one hundred seventy thousand four hundred dollars from the
22 Corporation Cash Fund to the Secretary of State Administration Cash
23 Fund.

24 (3) On or before July 5, 2014, the State Treasurer shall
25 transfer sixty-five thousand eight hundred dollars from the

1 Corporation Cash Fund to the Secretary of State Administration Cash
2 Fund.

3 (4) On or before July 5, 2013, the State Treasurer shall
4 transfer thirty-nine thousand four hundred dollars from the
5 Corporation Cash Fund to the Records Management Micrographics
6 Services Revolving Fund.

7 (5) On or before July 5, 2014, the State Treasurer shall
8 transfer twenty-one thousand nine hundred dollars from the
9 Corporation Cash Fund to the Records Management Micrographics
10 Services Revolving Fund.

11 Sec. 42. Original sections 8-1120, 45-621, 53-117.03,
12 53-117.06, 68-1604, 81-2004.02, 81-2004.05, and 81-2004.08, Reissue
13 Revised Statutes of Nebraska, and sections 43-3718, 43-3719, 43-3720,
14 58-703, 58-706, 59-1608.04, 60-6,211.05, 71-7611, 72-815, 81-2509,
15 81-2510, 81-2511, 81-2513, 81-3119, 82-331, 82-332, and 84-510,
16 Revised Statutes Cumulative Supplement, 2012, are repealed.

17 Sec. 43. The following section is outright repealed:
18 Section 81-2512, Revised Statutes Cumulative Supplement, 2012.

19 Sec. 44. Since an emergency exists, this act takes effect
20 when passed and approved according to law.