

AMENDMENTS TO LB 403

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

3 "Section 1. (1) Notwithstanding sections 72-811 to
4 72-818, or any other provision of law, the state building
5 administrator or his or her designee, in consultation with the
6 Adjutant General, is authorized to sell land and six buildings
7 located at 1300 Military Road, 1234 Military Road, 1237 Military
8 Road, Cold Storage Building, and the Engagement Skills Trainer in
9 Lincoln, Nebraska, by such method as is to the best advantage of
10 the State of Nebraska, including auction, sealed bid, or public
11 sale, and if necessary, by private sale, but in all situations only
12 after notice of the property sale is publicly advertised on at
13 least two separate occasions in the newspaper with the largest
14 circulation in Lancaster County and not less than thirty days prior
15 to the sale of the property. The properties are all in the
16 Nebraska Army National Guard complex along Military Road between
17 10th Street and 14th Street in Lincoln, Nebraska. The tracts
18 include Tracts A, B, C, and D. The larger tracts have been split
19 to provide a general legal description for each of the six parcels.
20 The following of the subject properties are in Tract A and legally
21 described as follows:

22 (a) TAG. The southeast part of Tract A in the area of
23 the TAG Building, the lot would then extend northwest into the
24 north part of Lot A. The site would generally include the south

1 200 feet of the east 300 feet of Tract A plus a tract about 100
2 feet in width that extends north from the west part of the 300
3 feet. The total size is estimated to be 82,764 square feet;

4 (b) NEMA. This tract is the northeast part of Tract A
5 extending north along 14th Street from the TAG tract to the north
6 property line. It would include the east 200 feet of Tract A
7 except the south 200 feet. The total size is estimated to be
8 80,150 square feet; and

9 (c) USPFO. This is the remainder of Tract A. It is
10 generally the west 368 feet of Tract A extending from Military Road
11 north of Salt Creek but excluding the part owned by the State of
12 Nebraska and leased to the city of Lincoln. The total size is
13 estimated to be 3.74 acres or 162,914 square feet.

14 (2) The other three tracts are located in the east 300
15 plus feet of Tract B. Such tracts are located south of Military
16 Road, and the east line of the tracts is about 160 feet west of
17 14th Street. The tracts have a depth of about 352 feet. These
18 properties are legally described as follows:

19 (a) DCSIM Building. Generally the east 178 feet of the
20 south 196 feet of the tracts;

21 (b) Trainer Building. Generally the west 192 feet of the
22 north 156 feet of the tracts and including an easement drive to the
23 DCSIM Tract; and

24 (c) Cold Storage Building. Generally the east 122 feet
25 of the tracts.

26 (3) The land and buildings described in this section may
27 be sold either as a combined package or in such individual parcels

1 as mutually agreed upon by the State Building Administrator and the
2 Adjutant General.

3 (4) This section terminates on July 1, 2008.

4 Sec. 2. All proceeds from the sale of any land or
5 buildings described in section 1 of this act, including investment
6 income on the sale proceeds of the property, shall be separately
7 accounted for and credited to a separate optional cash account
8 within the Vacant Building and Excess Land Cash Fund and shall be
9 designated for the Military Department Joint Operations Center
10 project.

11 This section terminates on July 1, 2008.

12 Sec. 3. After paying any maintenance expenses pending
13 the sale and selling expenses associated with the sale of land and
14 buildings described in section 1 of this act, the State Building
15 Administrator shall administratively transfer any money available
16 in the separate optional cash account within the Vacant Building
17 and Excess Land Cash Fund designated for the Military Department
18 Joint Operations Center project as authorized pursuant to section 2
19 of this act, in the following priority manner:

20 (1) First, \$975,000 shall be administratively transferred
21 from the Vacant Building and Excess Land Cash Fund to the Joint
22 Operations Center Capital Construction Fund in either a single full
23 transfer amount or in partial transfer amounts as the funds become
24 available;

25 (2) Second, after completing the transfer of the total
26 amount specified in subdivision (1) of this section, an amount not
27 to exceed \$100,000 shall be administratively transferred from the

1 Vacant Building and Excess Land Cash Fund to the Military
2 Department Cash Fund, in the exact amount certified in writing by
3 the Adjutant General to the state budget administrator and the
4 State Building Administrator, but only as required to fully
5 reimburse the federal government for certain previous renovation
6 expenses; and

7 (3) Third, after completing the full transfer amounts
8 required pursuant to subdivisions (1) and (2) of this section, any
9 remaining fund balance in the separate optional cash account within
10 the Vacant Building and Excess Land Cash Fund as designated for the
11 Military Department Joint Operations Center project, including any
12 investment income credited to the fund, shall be administratively
13 transferred to the General Fund.

14 This section terminates on July 1, 2008.

15 Sec. 4. The Joint Operations Center Capital Construction
16 Fund is created. The fund shall consist of revenue
17 administratively transferred from the Vacant Building and Excess
18 Land Cash Fund pursuant to section 3 of this act and may also
19 include administrative interfund transfers from the Governor's
20 Emergency Cash Fund and the Military Department Cash Fund, which
21 are hereby authorized, except that any administrative interfund
22 transfers made pursuant to this section from the Governor's
23 Emergency Cash Fund and the Military Department Cash Fund shall be
24 reversed on or before June 30, 2008. The fund shall be used to
25 construct and furnish combined office space for the Nebraska
26 Emergency Management Agency and the Nebraska State Patrol
27 Communications Operations Center, including any necessary

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1 relocation expenses of the offices and the Nebraska State Patrol
2 communications switcher. The fund shall be administered by the
3 State Administrator of the Nebraska Emergency Management Agency.
4 Any money in the fund available for investment shall be invested by
5 the state investment officer pursuant to the Nebraska Capital
6 Expansion Act and the Nebraska State Funds Investment Act. The
7 fund balance in the Joint Operations Center Capital Construction
8 Fund existing as of June 30, 2008, plus any investment income
9 credited to the fund after June 30, 2008, shall be transferred to
10 the General Fund.

11 This section terminates on July 1, 2008.

12 Sec. 5. The Governor's Emergency Cash Fund is created.
13 The fund shall consist of federal reimbursements received by the
14 state for eligible state administrative costs incurred by the
15 Nebraska Emergency Management Agency for administering federal
16 emergency disaster declarations and revenue from all other
17 nonfederal government sources. Except as provided in section 4 of
18 this act, the fund shall be used to pay eligible costs related to
19 state emergency disaster declarations. The fund shall be
20 administered by the State Administrator of the Nebraska Emergency
21 Management Agency. Any money in the fund available for investment
22 shall be invested by the state investment officer pursuant to the
23 Nebraska Capital Expansion Act and the Nebraska State Funds
24 Investment Act.

25 Sec. 6. Section 72-815, Revised Statutes Supplement,
26 2002, is amended to read:

27 72-815. (1) The state building division of the

1 Department of Administrative Services shall be responsible for the
2 sale, lease, or other disposal of a building or land, whichever
3 action is ordered by the committee.

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

10 (3) (a) If a building or land is to be sold or leased, the
11 state building division shall cause an appraisal to be made of the
12 building or land. The sale, lease, or other disposal of the
13 building or land shall comply with all relevant statutes pertaining
14 to the sale or lease of surplus state property, except that if the
15 state building division fails to receive an offer from a state
16 agency in which the agency certifies that it (i) intends to use the
17 building for the purposes for which it was designed, intended, or
18 remodeled or to remodel the building for uses which will serve the
19 agency's purposes or (ii) intends to use the land for the purposes
20 for which it was acquired or received, the state building division
21 shall then notify the Department of Economic Development that the
22 building or land is available for sale or lease so that the
23 department may refer to the state building division any potential
24 buyers or lessees of which the department may be aware. The state
25 building division may then sell or lease the building or land by
26 such method as is to the best advantage of the State of Nebraska,
27 including auction, sealed bid, ~~private sale~~, or public sale and, if

1 necessary, by private sale, but in all situations only after notice
2 of the property sale is publicly advertised on at least two
3 separate occasions in the newspaper with the largest circulation in
4 the county where the surplus property is located, and not less than
5 thirty days prior to the sale of the property. The state building
6 division may use the services of a real estate broker licensed
7 under the Nebraska Real Estate License Act. Priority shall be
8 given to other political subdivisions of state government, then to
9 persons contracting with the state or political subdivisions of the
10 state who will use the building or land for middle-income or
11 low-income rental housing for at least fifteen years, and finally
12 to referrals from the Department of Economic Development.

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

18 (c) ~~The~~ Except as otherwise provided in subsection (4) of
19 this section, the proceeds of the sale or lease shall be deposited
20 with the State Treasurer and credited to the Vacant Building and
21 Excess Land Cash Fund unless the state agency formerly responsible
22 for the building or land certifies to the state building division
23 that the building or land was purchased in part or in total from
24 cash, ~~or~~ federal, or revolving funds, in which event, after the
25 costs of selling or leasing the building or land are deducted from
26 the proceeds of the sale or lease and such amount is credited to
27 the fund, the remaining proceeds of the sale or lease shall be

1 credited to the cash, ~~or~~ federal, or revolving fund ~~account~~ in the
2 percentage used in originally purchasing the building or land.

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

17 ~~(4)~~ (5) The state building division shall be responsible
18 for the maintenance of the building or land if maintenance is
19 ordered by the committee and shall be responsible for maintenance
20 of the building or land pending sale or lease of the building or
21 land.

22 Sec. 7. Section 72-816, Revised Statutes Supplement,
23 2002, is amended to read:

24 72-816. (1) The Vacant Building and Excess Land Cash
25 Fund is created. The fund shall consist of proceeds credited to
26 the fund pursuant to section 72-815 and section 2 of this act. ~~The~~
27 Except as provided in sections 2 and 3 of this act, the fund shall

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1 be used to pay for the maintenance of vacant state buildings and
2 excess state land and for expenses related to the disposal of state
3 buildings and land referred to the Department of Administrative
4 Services by the committee pursuant to sections 72-811 to 72-818. ~~7~~
5 ~~except through July 14, 2003, funds shall only be used as provided~~
6 ~~in subsection (4) of this section.~~ The fund shall be administered
7 by the state building division of the Department of Administrative
8 Services. Any money in the 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 Funds may be transferred from the Vacant Building and
12 Excess Land Cash Fund to the General Fund at the direction of the
13 Legislature.

14 (2) If there are insufficient funds in the fund to enable
15 the division to fully implement the orders of the committee issued
16 pursuant to sections 72-811 to 72-818, the division shall implement
17 them in the order which most efficiently meets the purposes of such
18 sections.

19 (3) Funds appropriated to the Task Force for Building
20 Renewal shall not be used to carry out any of the purposes of such
21 sections (a) unless the building would otherwise qualify for the
22 use of such funds pursuant to the Deferred Building Renewal Act and
23 (b) except for any expenses incurred by the administrator of the
24 Task Force for Building Renewal in fulfilling his or her duties
25 under such sections.

26 ~~(4) Through July 14, 2003, the Vacant Building and Excess~~
27 ~~Land Cash Fund, subject to an available fund balance, shall only be~~

1 used in the following priority order:

2 (a) First, to address any immediate life safety concerns
3 of vacant state buildings and excess state land, including the
4 costs of daily maintenance, but excluding any renovation costs,

5 (b) Second, to complete any authorized transfers to the
6 General Fund at the direction of the Legislature,

7 (c) Third, to fully complete the maximum cumulative
8 transfers as authorized by Laws 1999, LB 873, section 2,

9 (d) Fourth, to complete the transfer amount as authorized
10 by Laws 2000, LB 1216, section 4,

11 (e) Fifth, to complete the transfer amount as authorized
12 by Laws 2000, LB 1216, section 5, and

13 (f) Sixth, after completing the purposes of subdivisions
14 (b) through (e) of this subsection, utilize the fund consistent
15 with existing provisions of law.

16 This subsection shall terminate on July 15, 2003.

17 Sec. 8. Section 81-829.42, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 81-829.42. (1) The Legislature recognizes that, while
20 appropriations are adequate to meet the normal needs, the necessity
21 exists for anticipating and making advance provision to care for
22 the unusual and extraordinary burdens imposed on the state and its
23 political subdivisions by disasters, emergencies, or civil defense
24 emergencies. To meet such situations, it is the intention of the
25 Legislature to confer emergency powers on the Governor, acting
26 through the Adjutant General and the Nebraska Emergency Management
27 Agency, and to vest him or her with adequate power and authority

1 within the limitation of available funds ~~in~~ appropriated to the
2 Governor's Emergency ~~Fund~~ Program to meet any disaster, emergency,
3 or civil defense emergency.

4 (2) There is hereby established the Governor's Emergency
5 ~~Fund~~ Program. ~~The fund~~ Funds appropriated to the program shall be
6 expended, upon direction of the Governor, for any state of
7 emergency. The state of emergency proclamation shall set forth the
8 emergency and shall state that it requires the expenditure of
9 public funds to furnish immediate aid and relief. The Adjutant
10 General shall administer the ~~fund~~ funds appropriated to the
11 program. ~~Any money in the fund available for investment shall be~~
12 ~~invested by the state investment officer pursuant to the Nebraska~~
13 ~~Capital Expansion Act and the Nebraska State Funds Investment Act.~~

14 (3) It is the intent of the Legislature that the first
15 recourse shall be to funds regularly appropriated to state and
16 local agencies. If the Governor finds that the demands placed upon
17 these funds are unreasonably great, he or she may make funds
18 available from the Governor's Emergency ~~Fund~~ Program. Expenditures
19 may be made upon the direction of the Governor for any or all
20 emergency management functions or to meet the intent of the state
21 emergency operations plans as outlined in section 81-829.41.
22 Expenditures may also be made to state and federal agencies to meet
23 the matching requirement of any applicable assistance programs.

24 (4) Assistance shall be provided from the funds
25 appropriated to the Governor's Emergency ~~Fund~~ Program to political
26 subdivisions of this state which have suffered from a disaster,
27 emergency, or civil defense emergency to such an extent as to

1 impose a severe financial burden exceeding the ordinary capacity of
2 the subdivision affected. Applications for aid under this section
3 shall be made to the Nebraska Emergency Management Agency on such
4 forms as shall be prescribed and furnished by the agency. The
5 forms shall require the furnishing of sufficient information to
6 determine eligibility for aid and the extent of the financial
7 burden incurred. The agency may call upon other agencies of the
8 state in evaluating such applications. The Adjutant General shall
9 review each application for aid under this section and recommend
10 its approval or disapproval, in whole or in part, to the Governor.
11 If the Governor approves, he or she shall determine and certify to
12 the Adjutant General the amount of aid to be furnished. The
13 Adjutant General shall thereupon issue his or her voucher to the
14 Director of Administrative Services who shall issue his or her
15 warrants therefor to the applicant.

16 (5) When a state of emergency has been proclaimed by the
17 Governor, the Adjutant General, upon order of the Governor, shall
18 have authority to expend funds for purposes including, but not
19 limited to:

20 (a) The purposes of the Emergency Management Act,
21 including emergency management functions and the responsibilities
22 of the Governor as outlined in the act;

23 (b) Employing for the duration of the state of emergency
24 additional personnel and contracting or otherwise procuring all
25 necessary appliances, supplies, and equipment;

26 (c) Performing services for and furnishing materials and
27 supplies to state government agencies and local governments with

1 respect to performance of any duties enjoined by law upon such
2 agencies and local governments which they are unable to perform
3 because of extreme climatic phenomena and receiving reimbursement
4 in whole or in part from such agencies and local governments able
5 to pay therefor under such terms and conditions as may be agreed
6 upon by the Adjutant General and any such agency or local
7 government;

8 (d) Performing services for and furnishing materials to
9 any individual in connection with alleviating hardship and distress
10 growing out of extreme climatic phenomena and receiving
11 reimbursement in whole or in part from such individual under such
12 terms as may be agreed upon by the Adjutant General and such
13 individual;

14 (e) Opening up, repairing, and restoring roads and
15 highways;

16 (f) Repairing and restoring bridges;

17 (g) Furnishing transportation for supplies to alleviate
18 suffering and distress;

19 (h) Restoring means of communication;

20 (i) Furnishing medical services and supplies to prevent
21 the spread of disease and epidemics;

22 (j) Quelling riots and civil disturbances;

23 (k) Training individuals or governmental agencies for the
24 purpose of perfecting the performance of emergency management
25 duties as provided in the Nebraska emergency operations plans;

26 (l) Procurement and storage of special emergency supplies
27 or equipment, determined by the Adjutant General to be required to

1 provide rapid response by state government to assist local
2 governments in impending or actual disasters, emergencies, or civil
3 defense emergencies;

4 (m) Clearing or removing debris and wreckage which may
5 threaten public health or safety from publicly owned or privately
6 owned land or water; and

7 (n) Such other measures as are customarily necessary to
8 furnish adequate relief in cases of disaster, emergency, or civil
9 defense emergency.

10 (6) If aerial fire suppression is immediately required,
11 the Adjutant General may make expenditures of up to ten thousand
12 dollars per event without a state of emergency proclamation issued
13 by the Governor.

14 (7) The Governor may receive such voluntary contributions
15 as may be made from any nonfederal source to aid in carrying out
16 the purposes of this section and shall credit the same to the
17 Governor's Emergency Cash Fund.

18 (8) All obligations and expenses incurred by the Governor
19 in the exercise of the powers and duties vested in the Governor by
20 this section shall be paid by the State Treasurer out of available
21 funds ~~in~~ appropriated to the Governor's Emergency Fund Program, and
22 the Director of Administrative Services shall draw his or her
23 warrants upon the State Treasurer for the payment of such sum, or
24 so much thereof as may be required, upon receipt by him or her of
25 proper vouchers duly approved by the Adjutant General.

26 (9) This section shall be liberally construed in order to
27 accomplish the purposes of the Emergency Management Act and to

1 permit the Governor to adequately cope with any disaster,
2 emergency, or civil defense emergency which may arise, and the
3 powers vested in the Governor by this section shall be construed as
4 being in addition to all other powers presently vested in him or
5 her and not in derogation of any existing powers.

6 (10) Such funds as may be made available by the
7 government of the United States for the purpose of alleviating
8 distress from disasters, emergencies, and civil defense emergencies
9 may be accepted by the State Treasurer and shall be credited to ~~the~~
10 a separate and distinct fund unless otherwise specifically provided
11 in the act of Congress making such funds available or as otherwise
12 allowed and provided by state law.

13 Sec. 9. Section 81-829.58, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 81-829.58. Whenever the federal government or any agency
16 or officer thereof offers to the state or, through the state, to
17 any political subdivision thereof services, equipment, supplies,
18 materials, or funds by way of gift, grant, or loan for purposes of
19 disaster response and emergency management, the state, acting
20 through the Governor, or such political subdivision, acting with
21 the consent of the Governor and through its principal executive
22 officer or governing body, may accept such offer. Upon such
23 acceptance the Governor of the state or principal executive officer
24 or governing body of such political subdivision may authorize any
25 officer of the state or such political subdivision to receive such
26 services, equipment, supplies, materials, or funds on behalf of the
27 state or such political subdivision, subject to the terms of the

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1 offer and the rules and regulations, if any, of the agency making
2 the offer. All such funds received on behalf of the state shall be
3 remitted to the State Treasurer for credit to ~~the Governor's~~
4 ~~Emergency Fund~~ a separate and distinct fund unless otherwise
5 specifically provided in the act of Congress making such funds
6 available, or as otherwise allowed and provided by state law.

7 Sec. 10. Section 81-829.59, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 81-829.59. Whenever any person, firm, or corporation
10 offers to the state or to any political subdivision thereof
11 services, equipment, supplies, materials, or funds by way of gift,
12 grant, or loan for purposes of disaster response and emergency
13 management, the state, acting through the Governor, or such
14 political subdivision, acting through its principal executive
15 officer or governing body, may accept such offer. Upon such
16 acceptance the Governor of the state or principal executive officer
17 or governing body of such political subdivision may authorize any
18 officer of the state or of the political subdivision to receive
19 such services, equipment, supplies, materials, or funds on behalf
20 of the state or such political subdivision, subject to the terms of
21 the offer. All such funds received on behalf of the state shall be
22 remitted to the State Treasurer for credit to the Governor's
23 Emergency Cash Fund.

24 Sec. 11. Section 81-829.72, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 81-829.72. (1) Whenever a state of emergency has been
27 declared to exist in this state, the Governor is authorized, upon

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1 his or her determination that financial assistance is essential to
2 meet related necessary expenses or serious needs of individuals or
3 families adversely affected by a disaster, emergency, or civil
4 defense emergency that may not be otherwise met from other means of
5 assistance, to (a) accept a grant by the federal government to
6 provide such financial assistance, subject to such terms and
7 conditions as may be imposed upon the grant, and (b) provide
8 assistance from funds appropriated to the Governor's Emergency Fund
9 Program to such individual assistance programs as may be required
10 by terms and conditions of the federal program.

11 (2) The Adjutant General shall establish such individual
12 assistance programs as shall be necessary to carry out the purposes
13 of subsection (1) of this section.

14 Sec. 12. Original sections 81-829.42, 81-829.58,
15 81-829.59, and 81-829.72, Reissue Revised Statutes of Nebraska,
16 and sections 72-815 and 72-816, Revised Statutes Supplement, 2002,
17 are repealed.

18 Sec. 13. Since an emergency exists, this act takes
19 effect when passed and approved according to law."