

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 408

Introduced by Speaker Bromm, 23; at the request of the Governor

Read first time January 15, 2003

Committee: Appropriations

A BILL

1 FOR AN ACT relating to state government; to amend sections 60-1303
2 and 81-15,174, Revised Statutes Supplement, 2002; to
3 authorize fund transfers as prescribed; to eliminate
4 obsolete provisions; to repeal the original sections; and
5 to declare an emergency.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-1303, Revised Statutes Supplement,
2 2002, is amended to read:

3 60-1303. (1) The Nebraska State Patrol is hereby
4 designated as the agency to operate the weighing stations and
5 portable scales and to perform carrier enforcement duties.

6 (2) (a) On and after July 20, 2002, officers of the
7 Nebraska State Patrol appointed to operate the weighing stations
8 and portable scales and to perform carrier enforcement duties shall
9 be known as the carrier enforcement division. The Superintendent
10 of Law Enforcement and Public Safety shall appoint officers of the
11 Nebraska State Patrol to the carrier enforcement division,
12 including officers as prescribed in sections 81-2001 to 81-2009,
13 and carrier enforcement officers as prescribed in sections 60-1301
14 to 60-1309.

15 (b) The employees within the Nebraska State Patrol
16 designated to operate the weighing stations and portable scales and
17 to perform carrier enforcement duties before July 20, 2002, and not
18 authorized to act under subsections (1) through (8) of section
19 81-2005 shall be known as carrier enforcement officers.

20 (3) All carrier enforcement officers shall be bonded
21 under the blanket surety bond required by section 11-201. Premiums
22 on the bond shall be paid from the money appropriated for the
23 construction, maintenance, and operation of the state weighing
24 stations.

25 (4) All employees of the Nebraska State Patrol who are
26 carrier enforcement officers and who are not officers of the
27 Nebraska State Patrol with the powers and duties prescribed in
28 sections 81-2001 to 81-2009 shall be members of the State Employees

1 Retirement System of the State of Nebraska. Officers of the
2 Nebraska State Patrol who are carrier enforcement officers on July
3 20, 2002, who subsequently become officers of the Nebraska State
4 Patrol with the powers and duties prescribed in sections 81-2001 to
5 81-2009, and who elect to remain members of the State Employees
6 Retirement System of the State of Nebraska shall continue to
7 participate in the State Employees Retirement System of the State
8 of Nebraska. Carrier enforcement officers shall not receive any
9 expense allowance as provided for by section 81-2002.

10 (5) The Nebraska State Patrol and the Department of Roads
11 shall have the duty, power, and authority to contract with one
12 another for the staffing and operation of weighing stations and
13 portable scales and the performance of carrier enforcement duties
14 to ensure that there is adequate personnel in the carrier
15 enforcement division to carry out the duties specified in sections
16 60-1301 to 60-1309. Through June 30, 2005, the number of full-time
17 equivalent positions funded pursuant to such contract shall be
18 limited to eighty-eight officers, including carrier enforcement
19 officers as prescribed in sections 60-1301 to 60-1309 and officers
20 of the Nebraska State Patrol as prescribed in sections 81-2001 to
21 81-2009 assigned to the carrier enforcement division. Pursuant to
22 such contract, command of the personnel involved in such carrier
23 enforcement operations shall be with the Nebraska State Patrol.
24 The Department of Roads may use any funds at its disposal for its
25 financing of such carrier enforcement activity in accordance with
26 such contract as long as such funds are used only to finance those
27 activities directly involved with the duties specified in sections
28 60-1301 to 60-1309. The Nebraska State Patrol shall account for all

1 appropriations and expenditures related to the staffing and
2 operation of weighing stations and portable scales and the
3 performance of carrier enforcement duties in a budget program that
4 is distinct and separate from budget programs used for
5 non-carrier-enforcement-division-related activities.

6 (6) The Nebraska State Patrol may adopt, promulgate, and
7 enforce rules and regulations consistent with statutory provisions
8 related to carrier enforcement necessary for (a) the collection of
9 fees, as outlined in sections 60-305.03 and 66-492 and the
10 International Fuel Tax Agreement Act, (b) the inspection of
11 licenses and permits required under the motor fuel laws, and (c)
12 weighing and inspection of buses, motor trucks, truck-tractors,
13 semitrailers, trailers, and towed vehicles.

14 (7) There is hereby created the Carrier Enforcement Cash
15 Fund which shall be administered by the Nebraska State Patrol and
16 used for the operation of the carrier enforcement division. Any
17 money in the Carrier Enforcement Cash Fund available for investment
18 shall be invested by the state investment officer pursuant to the
19 Nebraska Capital Expansion Act and the Nebraska State Funds
20 Investment Act.

21 (8) The State Treasurer shall transfer nine hundred
22 ninety-three thousand two hundred eighty-one dollars from the
23 Carrier Enforcement Cash Fund to the Nebraska State Patrol Cash
24 Fund within five days after the effective date of this act.

25 Sec. 2. Section 81-15,174, Revised Statutes Supplement,
26 2002, is amended to read:

27 81-15,174. The Nebraska Environmental Trust Fund is
28 created. The fund shall be maintained in the state accounting

1 system as a cash fund. Except as otherwise provided in this
2 section, the fund shall be used to carry out the purposes of the
3 Nebraska Environmental Trust Act, including the payment of
4 administrative costs. Money in the fund shall include proceeds
5 credited pursuant to section 9-812 and proceeds designated by the
6 board pursuant to section 81-15,173. Any money in the fund
7 available for investment shall be invested by the state investment
8 officer pursuant to the Nebraska Capital Expansion Act and the
9 Nebraska State Funds Investment Act.

10 The State Treasurer shall transfer four million
11 twenty-eight thousand four hundred fifty dollars from the Nebraska
12 Environmental Trust Fund to the Department of Natural Resources
13 Water Issues Cash Fund, as administratively created pursuant to
14 section 81-1111.04, on or after July 1, 2003, but no later than
15 July 10, 2003.

16 The State Treasurer shall transfer two hundred twenty-six
17 thousand one hundred four dollars from the Nebraska Environmental
18 Trust Fund to the Department of Environmental Quality Superfund
19 Cash Fund, as administratively created pursuant to section
20 81-1111.04, on or after July 1, 2003, but no later than July 10,
21 2003.

22 ~~The State Treasurer shall transfer two million five~~
23 ~~hundred eighty-five thousand dollars from the Nebraska~~
24 ~~Environmental Trust Fund to the Department of Natural Resources~~
25 ~~Interstate Water Rights Cash Fund within five days after August 16,~~
26 ~~2002.~~

27 ~~The State Treasurer shall transfer two hundred~~
28 ~~twenty-five thousand nine hundred twenty-nine dollars from the~~

1 ~~Nebraska Environmental Trust Fund to the Low-Level Radioactive~~
2 ~~Waste Cash Fund within five days after August 16, 2002.~~

3 Sec. 3. Original sections 60-1303 and 81-15,174, Revised
4 Statutes Supplement, 2002, are repealed.

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