

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1061

FINAL READING

Introduced by Speaker Brashear, 4; at the request of the Governor

Read first time January 12, 2006

Committee: Appropriations

A BILL

1 FOR AN ACT relating to funds; to amend sections 13-2041,  
2 59-1623, and 60-1513, Reissue Revised Statutes of  
3 Nebraska, sections 71-7607, 81-15,174, 84-221, 90-267,  
4 90-268, 90-269, and 90-270, Revised Statutes Cumulative  
5 Supplement, 2004, and sections 60-101, 60-154, 72-816,  
6 86-401, and 86-418.01, Revised Statutes Supplement, 2005;  
7 to create and provide for the use of certain funds; to  
8 transfer funds; to change termination dates; to eliminate  
9 funds and provisions relating to the use of certain  
10 funds; to harmonize provisions; to provide operative  
11 dates; to repeal the original sections; to outright  
12 repeal sections 59-1608.02 and 84-220, Reissue Revised  
13 Statutes of Nebraska, and sections 84-619 and 86-417,

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1                    Revised Statutes Supplement, 2005; and to declare an

2                    emergency.

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

1           Section 1. Section 13-2041, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           13-2041 There is hereby created the Integrated Solid  
4 Waste Management Cash Fund. All fees collected by the department  
5 pursuant to this section or fees designated pursuant to section  
6 13-2042 or money forfeited under subsection (21) of section 81-1505  
7 shall be remitted to the State Treasurer for credit to the fund.  
8 Forfeited funds may only be used for purposes specified in the  
9 underlying financial assurance instrument. Any money in the fund  
10 available for investment shall be invested by the state investment  
11 officer pursuant to the Nebraska Capital Expansion Act and the  
12 Nebraska State Funds Investment Act.

13           The council shall adopt and promulgate rules and  
14 regulations establishing a fee schedule to be paid to the  
15 department by persons applying for a permit to operate a facility  
16 pursuant to the Integrated Solid Waste Management Act or the  
17 Environmental Protection Act. Payment shall be made in full to the  
18 department before the application is processed.

19           By October 1 of each year, any person holding a permit  
20 under the Integrated Solid Waste Management Act or to operate a  
21 solid waste management facility under the Environmental Protection  
22 Act shall pay an annual fee in an amount to be determined by  
23 the council. The annual fee shall be sufficient to cover the  
24 costs of ongoing permit considerations. The fees collected pursuant  
25 to this section shall not exceed the amount necessary to pay

1 reasonable costs of administering the permit program pursuant to  
2 the Integrated Solid Waste Management Act or the Environmental  
3 Protection Act.

4 The State Treasurer shall transfer one million three  
5 hundred eighty-four thousand four hundred eighty-four dollars from  
6 the Integrated Solid Waste Management Cash Fund to the Superfund  
7 Cost Share Cash Fund on or before June 1, 2006.

8 Sec. 2. Section 59-1623, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 59-1623 Sections 59-1601 to 59-1622 and sections 3 to  
11 5 of this act shall be known and may be cited as the Consumer  
12 Protection Act.

13 Sec. 3. When the Attorney General, on behalf of a state  
14 agency or political subdivision, is authorized to investigate, file  
15 suit, or otherwise take action in connection with violations under  
16 the Consumer Protection Act, any recovery of damages or costs by  
17 judgment, court decree, settlement in or out of court, or other  
18 final result shall be subject to the following:

19 (1) Upon recovery of damages or any monetary payment,  
20 except criminal penalties, the costs, expenses, or billings  
21 incurred by any state agency or political subdivision in any  
22 investigation or other action arising out of a violation under the  
23 act shall be sought out in any judgment, court decree, settlement  
24 in or out of court, or other final result. Any recovered costs  
25 shall be deposited by the Attorney General in the fund from which

1 such costs were expended;

2 (2) When the Attorney General makes recovery pursuant to  
3 the act on behalf of a state agency or political subdivision of any  
4 money, funds, securities, or other things of value in the nature  
5 of civil damages or other payment, except criminal penalties,  
6 whether such recovery is by way of verdict, judgment, compromise,  
7 or settlement in or out of court, or other final disposition of any  
8 case or controversy, such money, funds, securities, or other things  
9 of value shall be deposited by the Attorney General in the fund  
10 from which the funds which are being recovered were expended;

11 (3) Except as otherwise provided by law, the State  
12 Settlement Cash Fund shall consist of all recoveries received  
13 pursuant to the act, including any money, funds, securities, or  
14 other things of value in the nature of civil damages or other  
15 payment, except criminal penalties, whether such recovery is by way  
16 of verdict, judgment, compromise, or settlement in or out of court,  
17 or other final disposition of any case or controversy, or any  
18 other payments received on behalf of the state by the Department of  
19 Justice and administered by the Attorney General for the benefit of  
20 the state or the general welfare of its citizens, but excluding all  
21 funds held in a trust capacity where specific benefits accrue to  
22 specific individuals, organizations, or governments; and

23 (4) Except as otherwise provided by law, the State  
24 Settlement Trust Fund shall consist of all recoveries received  
25 pursuant to the act, including any money, funds, securities, or

1 other things of value in the nature of civil damages or other  
2 payment, except criminal penalties, whether such recovery is by way  
3 of verdict, judgment, compromise, or settlement in or out of court,  
4 or other final disposition of any case or controversy, or any  
5 other payments received on behalf of the state by the Department  
6 of Justice and administered by the Attorney General, but to include  
7 only those funds held in a trust capacity where specific benefits  
8 accrue to specific individuals, organizations, or governments.

9           Sec. 4. The State Settlement Cash Fund is created.  
10 The fund shall be maintained by the Department of Justice and  
11 administered by the Attorney General. Except as otherwise provided  
12 by law, the fund shall consist of all recoveries received pursuant  
13 to the Consumer Protection Act, including any money, funds,  
14 securities, or other things of value in the nature of civil  
15 damages or other payment, except criminal penalties, whether such  
16 recovery is by way of verdict, judgment, compromise, or settlement  
17 in or out of court, or other final disposition of any case or  
18 controversy, or any other payments received on behalf of the state  
19 by the Department of Justice and administered by the Attorney  
20 General for the benefit of the state or the general welfare of its  
21 citizens, but excluding all funds held in a trust capacity where  
22 specific benefits accrue to specific individuals, organizations, or  
23 governments. All money in the fund shall be subject to legislative  
24 review and shall be appropriated and expended for any allowable  
25 legal purposes as determined by the Legislature. The fund shall

1 only be appropriated to a separate and distinct budget program  
2 and such appropriations shall only be expended from a separate  
3 and distinct budget subprogram and shall not be commingled with  
4 any other revenue or expenditure. To provide necessary financial  
5 accountability and management oversight, revenue from individual  
6 settlement agreements or other separate sources credited to the  
7 fund may be tracked and accounted for within the state accounting  
8 system through the use of separate and distinct funds, subfunds, or  
9 any other available accounting mechanism specifically approved by  
10 the Accounting Administrator for use by the Department of Justice.  
11 Any money in the fund available for investment shall be invested  
12 by the state investment officer pursuant to the Nebraska Capital  
13 Expansion Act and the Nebraska State Funds Investment Act.

14           Sec. 5. The State Settlement Trust Fund is created.  
15 The fund shall be maintained by the Department of Justice  
16 and administered by the Attorney General. Except as otherwise  
17 provided by law, the fund shall consist of all recoveries received  
18 pursuant to the Consumer Protection Act, including any money,  
19 funds, securities, or other things of value in the nature of  
20 civil damages or other payment, except criminal penalties, whether  
21 such recovery shall be by way of verdict, judgment, compromise,  
22 or settlement in or out of court, or other final disposition  
23 of any case or controversy, or any other payments received on  
24 behalf of the state by the Department of Justice and administered  
25 by the Attorney General, but to include only those funds held

1 in a trust capacity where specific benefits accrue to specific  
2 individuals, organizations, or governments. All money in the State  
3 Settlement Trust Fund shall be subject to legislative review, but  
4 shall not be subject to legislative appropriation. The fund shall  
5 be expended consistent with any legal restrictions placed on the  
6 funds. The fund shall be paid from the same budget program used  
7 to record revenue and expenditures of the State Settlement Cash  
8 Fund, except that the fund shall only be expended from a separate  
9 and distinct budget subprogram and shall not be commingled with  
10 any other revenue or expenditure. To provide necessary financial  
11 accountability and management oversight, revenue from individual  
12 settlement agreements or other separate sources credited to the  
13 fund may be tracked and accounted for within the state accounting  
14 system through the use of separate and distinct funds, subfunds, or  
15 any other available accounting mechanism specifically approved by  
16 the Accounting Administrator for use by the Department of Justice.  
17 Any money in the fund available for investment shall be invested  
18 by the state investment officer pursuant to the Nebraska Capital  
19 Expansion Act and the Nebraska State Funds Investment Act.

20           Sec. 6. Section 60-101, Revised Statutes Supplement,  
21 2005, is amended to read:

22           60-101 Sections 60-101 to 60-197 and section 8 of  
23 this act shall be known and may be cited as the Motor Vehicle  
24 Certificate of Title Act.

25           Sec. 7. Section 60-154, Revised Statutes Supplement,

1 2005, is amended to read:

2           60-154 (1)(a) For each original certificate of title  
3 issued by a county for a motor vehicle or trailer, the fee shall  
4 be ten dollars. Three dollars and twenty-five cents shall be  
5 retained by the county. Four dollars shall be remitted to the State  
6 Treasurer for credit to the Department of Motor Vehicles Cash Fund.  
7 Two dollars shall be remitted to the State Treasurer for credit  
8 to the General Fund. Seventy-five cents shall be remitted to the  
9 State Treasurer for credit as follows: Twenty cents to a fund to be  
10 administered by the Consumer Protection Division of the Department  
11 of Justice at the direction of the Attorney General for the  
12 purposes of the investigation and prosecution of odometer and motor  
13 vehicle fraud and motor vehicle licensing violations which may be  
14 referred by the Nebraska Motor Vehicle Industry Licensing Board the  
15 Motor Vehicle Fraud Cash Fund; forty-five cents to the Nebraska  
16 State Patrol Cash Fund; and ten cents to the Nebraska Motor Vehicle  
17 Industry Licensing Fund. ~~for the purpose of conducting preliminary~~  
18 ~~investigations of motor vehicle licensing violations relating to~~  
19 ~~odometer and motor vehicle fraud.~~

20           (b) For each original certificate of title issued by a  
21 county for an all-terrain vehicle or a minibike, the fee shall  
22 be ten dollars. Three dollars and twenty-five cents shall be  
23 retained by the county. Four dollars shall be remitted to the  
24 State Treasurer for credit to the Department of Motor Vehicles Cash  
25 Fund. Two dollars shall be remitted to the State Treasurer for

1 credit to the General Fund. Seventy-five cents shall be remitted  
2 to the State Treasurer for credit as follows: Twenty cents to a  
3 fund to be administered by the Consumer Protection Division of  
4 the Department of Justice at the direction of the Attorney General  
5 for the purposes of the investigation and prosecution of fraud and  
6 theft of all-terrain vehicles and minibikes the Motor Vehicle Fraud  
7 Cash Fund; and fifty-five cents to the Nebraska State Patrol Cash  
8 Fund.

9 (2) For each original certificate of title issued by the  
10 department for a vehicle, the fee shall be ten dollars, which shall  
11 be remitted to the State Treasurer for credit to the Motor Carrier  
12 Division Cash Fund.

13 Sec. 8. The Motor Vehicle Fraud Cash Fund is created.  
14 The fund shall be maintained by the Department of Justice and  
15 administered by the Attorney General. The fund shall consist of  
16 revenue credited pursuant to section 60-154. The fund shall only be  
17 used by the Department of Justice for expenses incurred and related  
18 to (1) the investigation and prosecution of odometer and motor  
19 vehicle fraud and motor vehicle licensing violations which may be  
20 referred by the Nebraska Motor Vehicle Industry Licensing Board  
21 and (2) the investigation and prosecution of fraud relating to  
22 and theft of all-terrain vehicles and minibikes. Expenditures from  
23 the fund shall be approved by the Attorney General as authorized  
24 by law. Any money in the fund available for investment shall be  
25 invested by the state investment officer pursuant to the Nebraska

1 Capital Expansion Act and the Nebraska State Funds Investment Act.

2           Sec. 9. Section 60-1513, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           60-1513 The Department of Motor Vehicles Cash Fund is  
5 hereby created. The fund shall be administered by the Director  
6 of Motor Vehicles. The fund shall be used by the Department of  
7 Motor Vehicles to carry out its duties as deemed necessary by the  
8 Director of Motor Vehicles, except that transfers from the fund to  
9 the General Fund may be made at the direction of the Legislature.  
10 ~~The State Treasurer shall transfer forty thousand dollars from~~  
11 ~~the Department of Motor Vehicles Cash Fund to the Administrative~~  
12 ~~License Revocation Cash Fund as soon as possible on or after July~~  
13 ~~1, 2003.~~ Any money in the Department of Motor Vehicles Cash Fund  
14 available for investment shall be invested by the state investment  
15 officer pursuant to the Nebraska Capital Expansion Act and the  
16 Nebraska State Funds Investment Act.

17           The State Treasurer shall transfer eighty-two thousand  
18 five hundred ninety-five dollars from the Department of Motor  
19 Vehicles Cash Fund to the Administrative License Revocation Cash  
20 Fund as soon as possible on or after July 1, 2006.

21           Sec. 10. Section 71-7607, Revised Statutes Cumulative  
22 Supplement, 2004, is amended to read:

23           71-7607 (1) The Nebraska Medicaid Intergovernmental Trust  
24 Fund is created. The fund shall include revenue received from  
25 governmental nursing facilities receiving payments for nursing

1 facility services under the medical assistance program established  
2 pursuant to section 68-1018. The Department of Health and Human  
3 Services Finance and Support shall remit such revenue to the  
4 State Treasurer for credit to the fund. The department shall  
5 adopt and promulgate rules and regulations to establish procedures  
6 for participation by governmental nursing facilities and for the  
7 receipt of such revenue under this section. Money from the Nebraska  
8 Medicaid Intergovernmental Trust Fund shall be transferred to the  
9 Nebraska Health Care Cash Fund as provided in section 71-7611.

10 (2) The department may use revenue in the Nebraska  
11 Medicaid Intergovernmental Trust Fund to offset any unanticipated  
12 reductions in medicaid funds received under this section.

13 ~~(3) For FY2003-04 and FY2004-05, transfers may be made~~  
14 ~~from the fund to the Department of Health and Human Services Cash~~  
15 ~~Fund, the Behavioral Health Services Fund, and the Attorney General~~  
16 ~~Child Protection Cash Fund at the direction of the Legislature~~  
17 ~~to fund child welfare and protection activities and emergency~~  
18 ~~protective services. The Department of Administrative Services~~  
19 ~~shall administratively create the Attorney General Child Protection~~  
20 ~~Cash Fund to be administered by the office of the Attorney General~~  
21 ~~for the purpose of receiving fund transfers to assist with the~~  
22 ~~prosecution of crimes against children.~~

23 (4) The State Treasurer shall transfer two million  
24 two hundred twenty thousand dollars from the Nebraska Medicaid  
25 Intergovernmental Trust Fund to the Department of Health and Human

1 ~~Services Cash Fund on or before May 1, 2004. The State Treasurer~~  
2 ~~shall transfer five million four hundred twenty thousand dollars~~  
3 ~~from the Nebraska Medicaid Intergovernmental Trust Fund to the~~  
4 ~~Department of Health and Human Services Cash Fund on or before~~  
5 ~~July 15, 2004. The State Treasurer shall transfer eighty thousand~~  
6 ~~dollars from the Nebraska Medicaid Intergovernmental Trust Fund to~~  
7 ~~the Attorney General Child Protection Cash Fund on or before May~~  
8 ~~1, 2004. The State Treasurer shall transfer eighty thousand dollars~~  
9 ~~from the Nebraska Medicaid Intergovernmental Trust Fund to the~~  
10 ~~Attorney General Child Protection Cash Fund on or before July 15,~~  
11 ~~2004.~~

12 ~~(5)~~ (3) Any money in the Nebraska Medicaid  
13 Intergovernmental Trust Fund available for investment shall  
14 be invested by the state investment officer pursuant to the  
15 Nebraska Capital Expansion Act and the Nebraska State Funds  
16 Investment Act.

17 Sec. 11. Section 72-816, Revised Statutes Supplement,  
18 2005, is amended to read:

19 72-816 (1) The Vacant Building and Excess Land Cash Fund  
20 is created. The fund shall consist of proceeds credited to the  
21 fund pursuant to sections 72-815 and 90-268. Except as provided  
22 in sections 90-268 and 90-269, the fund shall be used to pay for  
23 the maintenance of vacant state buildings and excess state land  
24 and for expenses related to the disposal of state buildings and  
25 land referred to the Department of Administrative Services by the

1 committee pursuant to sections 72-811 to 72-818. The fund shall  
2 be administered by the state building division of the Department  
3 of Administrative Services. Any money in the fund available for  
4 investment shall be invested by the state investment officer  
5 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
6 State Funds Investment Act.

7 Funds may be transferred from the Vacant Building and  
8 Excess Land Cash Fund to the General Fund at the direction of the  
9 Legislature.

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

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

22 ~~(4) The State Treasurer shall transfer one million four~~  
23 ~~hundred three thousand dollars from the Vacant Building and Excess~~  
24 ~~Land Cash Fund to the Nebraska Capital Construction Fund within~~  
25 ~~five days after July 1, 2005.~~

1           ~~(5) The State Treasurer shall transfer seven hundred~~  
2 ~~eighty-one thousand dollars from the Vacant Building and Excess~~  
3 ~~Land Cash Fund to the Nebraska Capital Construction Fund within~~  
4 ~~five days after July 1, 2006.~~

5           Sec. 12. Section 81-15,174, Revised Statutes Cumulative  
6 Supplement, 2004, is amended to read:

7           81-15,174 The Nebraska Environmental Trust Fund is  
8 created. The fund shall be maintained in the state accounting  
9 system as a cash fund. Except as otherwise provided in this  
10 section, the fund shall be used to carry out the purposes of  
11 the Nebraska Environmental Trust Act, including the payment of  
12 administrative costs. Money in the fund shall include proceeds  
13 credited pursuant to section 9-812 and proceeds designated by  
14 the board pursuant to section 81-15,173. Any money in the fund  
15 available for investment shall be invested by the state investment  
16 officer pursuant to the Nebraska Capital Expansion Act and the  
17 Nebraska State Funds Investment Act.

18           The State Treasurer shall transfer nine hundred  
19 twenty-five thousand dollars from the Nebraska Environmental Trust  
20 Fund to the Department of Natural Resources Water Issues Cash Fund,  
21 as administratively created pursuant to section 81-1111.04, on or  
22 after July 1, 2003, but no later than July 10, 2003.

23           The State Treasurer shall transfer one million dollars  
24 from the Nebraska Environmental Trust Fund to the Water Resources  
25 Trust Fund on July 1, 2004.

1           The State Treasurer shall transfer two million seven  
2 hundred sixty thousand seven hundred sixty dollars from the  
3 Nebraska Environmental Trust Fund to the University of Nebraska  
4 Central Administration Designated Cash Fund on March 1, 2007,  
5 unless LR 259CA is approved by the voters in the November 2006  
6 general election, then the transfer shall occur on November 15,  
7 2006.

8           Sec. 13. Section 84-221, Revised Statutes Cumulative  
9 Supplement, 2004, is amended to read:

10           84-221 The Administrative License Revocation Cash Fund is  
11 created. The fund shall be maintained by the Department of Justice  
12 and administered by the Attorney General. The fund shall consist  
13 of any transfers made from the Department of Motor Vehicles Cash  
14 Fund as authorized directed by the Legislature and eligible federal  
15 cost reimbursements received from the Department of Motor Vehicles.  
16 The Administrative License Revocation Cash Fund shall only be used  
17 to pay any administrative license revocation costs approved by  
18 the Attorney General as authorized by law. Any money in the fund  
19 available for investment shall be invested by the state investment  
20 officer pursuant to the Nebraska Capital Expansion Act and the  
21 Nebraska State Funds Investment Act.

22           The State Treasurer shall transfer the entire unobligated  
23 balance in the Administrative License Revocation Cash Fund as of  
24 June 30, 2007, including any investment income credited to the  
25 fund, to the Department of Motor Vehicles Cash Fund, as soon as

1 possible on or after July 1, 2007.

2           Sec. 14. Section 86-401, Revised Statutes Supplement,  
3 2005, is amended to read:

4           86-401 Sections 86-401 to 86-418.01 and sections 15 and  
5 16 of this act shall be known and may be cited as the Nebraska  
6 Public Safety Communication System Act.

7           Sec. 15. The Nebraska Public Safety Communication System  
8 Cash Fund is created. The fund shall be administered by the  
9 division. The fund shall consist of all revenue credited pursuant  
10 to law, including any fund transfers authorized by the Legislature.  
11 The fund shall only be used to pay centralized state infrastructure  
12 costs related to acquisition, maintenance, and replacement of state  
13 communication towers and necessary tower equipment, including lease  
14 financing of such costs, and costs related to the operation of the  
15 communication system established under the Nebraska Public Safety  
16 Communication System Act, but excluding radios and communication  
17 equipment costs billed by the division to participating state  
18 agencies. At the direction of the Legislature, any available  
19 unobligated balance in the fund may be transferred to participating  
20 state agencies to reduce the ongoing cost impact to the General  
21 Fund. Any money in the fund available for investment shall be  
22 invested by the state investment officer pursuant to the Nebraska  
23 Capital Expansion Act and the Nebraska State Funds Investment Act.

24           Sec. 16. The Nebraska Public Safety Communication System  
25 Revolving Fund is created. The fund shall be administered by the

1 division. The fund shall consist of revenue received from billings  
2 to state agencies for radios and other associated communication  
3 equipment necessary to access the communication system established  
4 under the Nebraska Public Safety Communication System Act. The fund  
5 shall only be used to pay for acquisition, replacement, or lease  
6 financing costs of state agency radios and communication equipment  
7 associated with accessing the communication system. Any money in  
8 the fund available for investment shall be invested by the state  
9 investment officer pursuant to the Nebraska Capital Expansion Act  
10 and the Nebraska State Funds Investment Act.

11           Sec. 17. Section 86-418.01, Revised Statutes Supplement,  
12 2005, is amended to read:

13           86-418.01 (1) The Regional Interoperability Advisory  
14 Board is created. The board shall provide advice to the  
15 division regarding the formation, expansion, and enhancement of  
16 regional communication systems to achieve interoperability. For  
17 administrative and budgetary purposes, the board shall be within  
18 the division. The division shall provide office space, equipment,  
19 technical assistance, and staff support for the board.

20           (2) The advisory board shall consist of the following  
21 members, all of whom shall be individuals with knowledge of the  
22 communications needs of their represented constituency:

23           (a) A representative of the division;

24           (b) A representative of the Nebraska Emergency Management  
25 Agency; and

1                   (c) Four representatives of regional communication  
2 systems.

3                   (3) The members of the advisory board shall be appointed  
4 by the Governor. Each member's term shall be for two years from the  
5 date of appointment. Members shall be reimbursed ~~from the Public~~  
6 ~~Safety Communications Fund~~ for their actual and necessary expenses  
7 incurred in the performance of their duties as provided in sections  
8 81-1174 to 81-1177.

9                   (4) The advisory board shall terminate on January 1,  
10 2009.

11                   Sec. 18. Section 90-267, Revised Statutes Cumulative  
12 Supplement, 2004, is amended to read:

13                   90-267 (1) Notwithstanding sections 72-811 to 72-818 or  
14 any other provision of law, the State Building Administrator or  
15 his or her designee, in consultation with the Adjutant General,  
16 is authorized to sell land and six buildings located at 1300  
17 Military Road, 1234 Military Road, 1237 Military Road, Cold Storage  
18 Building, and the Engagement Skills Trainer in Lincoln, Nebraska,  
19 by such method as is to the best advantage of the State of  
20 Nebraska, including auction, sealed bid, or public sale, and if  
21 necessary, by private sale, but in all situations only after  
22 notice of the property sale is publicly advertised on at least two  
23 separate occasions in the newspaper with the largest circulation  
24 in Lancaster County and not less than thirty days prior to the  
25 sale of the property. The properties are all in the Nebraska Army

1 National Guard complex along Military Road between 10th Street and  
2 14th Street in Lincoln, Nebraska. The tracts include Tracts A, B,  
3 C, and D. The larger tracts have been split to provide a general  
4 legal description for each of the six parcels. The following of the  
5 subject properties are in Tract A and legally described as follows:

6 (a) TAG. The southeast part of Tract A in the area of the  
7 TAG Building, the lot would then extend northwest into the north  
8 part of Lot A. The site would generally include the south 200 feet  
9 of the east 300 feet of Tract A plus a tract about 100 feet in  
10 width that extends north from the west part of the 300 feet. The  
11 total size is estimated to be 82,764 square feet;

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

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

22 (2) The other three tracts are located in the east  
23 300-plus feet of Tract B. Such tracts are located south of Military  
24 Road, and the east line of the tracts is about 160 feet west of  
25 14th Street. The tracts have a depth of about 352 feet. These

1 properties are legally described as follows:

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

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

7 (c) Cold Storage Building. Generally the east 122 feet of  
8 the tracts.

9 (3) The land and buildings described in this section may  
10 be sold either as a combined package or in such individual parcels  
11 as mutually agreed upon by the State Building Administrator and the  
12 Adjutant General.

13 (4) This section terminates on July 1, ~~2008~~ 2015.

14 Sec. 19. Section 90-268, Revised Statutes Cumulative  
15 Supplement, 2004, is amended to read:

16 90-268 All proceeds from the sale of any land or  
17 buildings described in section 90-267, including investment income  
18 on the sale proceeds of the property, shall be separately accounted  
19 for and credited to a separate optional cash account within the  
20 Vacant Building and Excess Land Cash Fund and shall be designated  
21 for the Military Department Joint Operations Center project.

22 This section terminates on July 1, ~~2008~~ 2015.

23 Sec. 20. Section 90-269, Revised Statutes Cumulative  
24 Supplement, 2004, is amended to read:

25 90-269 After paying any maintenance expenses pending

1 the sale and selling expenses associated with the sale of land  
2 and buildings described in section 90-267, the State Building  
3 Administrator shall administratively transfer any money available  
4 in the separate optional cash account within the Vacant Building  
5 and Excess Land Cash Fund designated for the Military Department  
6 Joint Operations Center project as authorized pursuant to section  
7 90-268, in the following priority manner:

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

13 (2) Second, after completing the transfer of the total  
14 amount specified in subdivision (1) of this section, an amount  
15 ~~not to exceed \$100,000~~ shall be administratively transferred from  
16 the Vacant Building and Excess Land Cash Fund to the Military  
17 Department Cash Fund, in the exact amount equal to or less than one  
18 hundred thousand dollars as certified in writing by the Adjutant  
19 General to the budget administrator of the budget division of the  
20 Department of Administrative Services and to the State Building  
21 Administrator, but only as required to fully reimburse the federal  
22 government for certain previous renovation expenses; and

23 (3) Third, after completing the full transfer amounts  
24 required pursuant to subdivisions (1) and (2) of this section, any  
25 remaining fund balance in the separate optional cash account within

1 the Vacant Building and Excess Land Cash Fund as designated for the  
2 Military Department Joint Operations Center project, including any  
3 investment income credited to the fund, shall be administratively  
4 transferred to the General Fund.

5 This section terminates on July 1, ~~2008~~ 2015.

6 Sec. 21. Section 90-270, Revised Statutes Cumulative  
7 Supplement, 2004, is amended to read:

8 90-270 The Joint Operations Center Capital Construction  
9 Fund is created. The fund shall consist of revenue administratively  
10 transferred from the Vacant Building and Excess Land Cash Fund  
11 pursuant to section 90-269 and may also include administrative  
12 interfund transfers from the Governor's Emergency Cash Fund and  
13 the Military Department Cash Fund, which are hereby authorized,  
14 except that any administrative interfund transfers made pursuant  
15 to this section from the Governor's Emergency Cash Fund and the  
16 Military Department Cash Fund shall be reversed on or before June  
17 30, ~~2008~~ 2015. The Joint Operations Center Capital Construction  
18 Fund shall be used to construct and furnish combined office space  
19 for the Nebraska Emergency Management Agency and the Nebraska State  
20 Patrol Communications Operations Center, including any necessary  
21 relocation expenses of the offices and the Nebraska State Patrol  
22 communications switcher. The fund shall be administered by the  
23 State Administrator of the Nebraska Emergency Management Agency.  
24 Any money in the fund available for investment shall be invested  
25 by the state investment officer pursuant to the Nebraska Capital

1 Expansion Act and the Nebraska State Funds Investment Act. The  
2 fund balance in the Joint Operations Center Capital Construction  
3 Fund existing as of June 30, ~~2008~~ 2015, plus any investment income  
4 credited to the fund after June 30, ~~2008~~ 2015, shall be transferred  
5 to the General Fund.

6 This section terminates on July 1, ~~2008~~ 2015.

7 Sec. 22. The State Treasurer shall transfer the entire  
8 balance in the Department of Justice Cash Fund, including any  
9 investment income credited to the fund, to the Administrative  
10 License Revocation Cash Fund, as soon as possible on or after July  
11 1, 2006.

12 Sec. 23. The State Treasurer shall transfer the entire  
13 balance in the Attorney General Child Protection Cash Fund,  
14 including any investment income credited to the fund, to the  
15 Administrative License Revocation Cash Fund, as soon as possible on  
16 or after July 1, 2006.

17 Sec. 24. The State Treasurer shall transfer the entire  
18 balance in the Low-Level Radioactive Waste Settlement Fund,  
19 including any investment income credited to the fund, to the  
20 General Fund, as soon as possible after the operative date of this  
21 section.

22 Sec. 25. Sections 9, 10, 22, 23, 26, and 28 of this act  
23 become operative on July 1, 2006. The other sections of this act  
24 become operative on their effective date.

25 Sec. 26. Original section 60-1513, Reissue Revised

1 Statutes of Nebraska, and section 71-7607, Revised Statutes  
2 Cumulative Supplement, 2004, are repealed.

3           Sec. 27. Original sections 13-2041 and 59-1623, Reissue  
4 Revised Statutes of Nebraska, sections 81-15,174, 84-221, 90-267,  
5 90-268, 90-269, and 90-270, Revised Statutes Cumulative Supplement,  
6 2004, and sections 60-101, 60-154, 72-816, 86-401, and 86-418.01,  
7 Revised Statutes Supplement, 2005, are repealed.

8           Sec. 28. The following section is outright repealed:  
9 Section 84-220, Reissue Revised Statutes of Nebraska.

10           Sec. 29. The following sections are outright repealed:  
11 Section 59-1608.02, Reissue Revised Statutes of Nebraska, and  
12 sections 84-619 and 86-417, Revised Statutes Supplement, 2005.

13           Sec. 30. Since an emergency exists, this act takes effect  
14 when passed and approved according to law.