

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 960**

Introduced by Smith, 14; at the request of the Governor.

Read first time January 14, 2016

Committee: Appropriations

1 A BILL FOR AN ACT relating to transportation; to amend sections 39-1365  
2 and 73-101, Reissue Revised Statutes of Nebraska, sections  
3 39-1365.02 and 73-307, Revised Statutes Cumulative Supplement, 2014,  
4 and sections 39-1348, 81-1701, and 84-612, Revised Statutes  
5 Supplement, 2015; to adopt the Transportation Innovation Act; to  
6 change legislative findings and a report relating to the state  
7 highway system; to provide for transfers from the Cash Reserve Fund;  
8 to harmonize provisions; to repeal the original sections; and to  
9 declare an emergency.  
10 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 24 of this act shall be known and may be  
2 cited as the Transportation Innovation Act.

3           Sec. 2. For purposes of the Transportation Innovation Act:

4           (1) Best value-based selection process means a process of selecting  
5 a design-builder using price, schedule, and qualification for evaluation  
6 factors;

7           (2) Construction manager means the legal entity which proposes to  
8 enter into a construction manager-general contractor contract pursuant to  
9 the act;

10          (3) Construction manager-general contractor contract means a  
11 contract which is subject to a qualification-based selection process  
12 between the department and a construction manager to furnish  
13 preconstruction services during the design development phase of the  
14 project and, if an agreement can be reached which is satisfactory to the  
15 department, construction services for the construction phase of the  
16 project;

17          (4) Construction services means activities associated with building  
18 the project;

19          (5) Department means the Department of Roads;

20          (6) Design-build contract means a contract between the department  
21 and a design-builder which is subject to a best value-based selection  
22 process to furnish (a) architectural, engineering, and related design  
23 services and (b) labor, materials, supplies, equipment, and construction  
24 services;

25          (7) Design-builder means the legal entity which proposes to enter  
26 into a design-build contract;

27          (8) Letter of interest means a statement indicating interest to  
28 enter into a design-build contract or a construction manager-general  
29 contractor contract and may include qualifications, price, and other  
30 factors as determined by the department;

31          (9) Multimodal transportation network means the interconnected

1 system of highways, roads, streets, rail lines, river ports, and transit  
2 systems which facilitates the movement of people and freight to enhance  
3 Nebraska's economy;

4 (10) Preconstruction services means all nonconstruction-related  
5 services that a construction manager performs in relation to the design  
6 of the project before execution of a contract for construction services;

7 (11) Project performance criteria means the performance requirements  
8 of the project suitable to allow the design-builder to make a proposal.  
9 Performance requirements may include, but are not limited to, the  
10 following, if required by the project: Capacity, durability, standards,  
11 ingress and egress requirements, description of the site, surveys, soil  
12 and environmental information concerning the site, material quality  
13 standards, design and milestone dates, site development requirements,  
14 compliance with applicable law, and other criteria for the intended use  
15 of the project;

16 (12) Proposal means an offer in response to a request for proposals  
17 (a) by a design-builder to enter into a design-build contract or (b) by a  
18 construction manager to enter into a construction manager-general  
19 contractor contract;

20 (13) Qualification-based selection process means a process of  
21 selecting a construction manager based on qualifications;

22 (14) Request for letters of interest means the documentation or  
23 publication by which the department solicits letters of interest; and

24 (15) Request for proposals means the documentation by which the  
25 department solicits proposals.

26 Sec. 3. (1) The Transportation Infrastructure Bank Fund is created.  
27 The fund shall be administered by the department and shall be used for  
28 purposes of sections 3 to 7 of this act. Any money in the fund available  
29 for investment shall be invested by the state investment officer pursuant  
30 to the Nebraska Capital Expansion Act and the Nebraska State Funds  
31 Investment Act. Investment earnings from investment of money in the fund

1 shall be credited to the fund.

2 (2) The Transportation Infrastructure Bank Fund shall consist of  
3 money transferred from the Cash Reserve Fund pursuant to subsection (15)  
4 of section 84-612 and any other money as determined by the Legislature.

5 (3) It is the intent of the Legislature that up to one hundred fifty  
6 million dollars of state motor fuel tax revenue be pledged by the  
7 department and utilized for the purposes stated in the act during the  
8 period beginning July 1, 2016, through June 30, 2023.

9 Sec. 4. The Accelerated State Highway Capital Improvement Program  
10 is created. The department shall administer the program using funds from  
11 the Transportation Infrastructure Bank Fund. The purpose of the program  
12 is to accelerate capital improvement projects to provide the earliest  
13 possible mobility, freight, and safety benefits to the state, thereby  
14 accelerating enhancements to the state's economy and the quality of life  
15 of the general public. The department shall develop the program. The  
16 projects eligible for funding under the program include construction of  
17 the expressway system and federally designated high priority corridors  
18 and needs-driven capacity improvements across the state.

19 Sec. 5. (1) The County Bridge Match Program is created. The  
20 department shall administer the program using funds from the  
21 Transportation Infrastructure Bank Fund. The purpose of the program is to  
22 promote innovative solutions and provide additional funding to accelerate  
23 the repair and replacement of deficient bridges on the county road  
24 system. The department shall develop the program, including participation  
25 criteria and matching fund requirements for counties, in consultation  
26 with a statewide association representing county officials. Participation  
27 by counties in the program shall be voluntary. The details of the program  
28 shall be published by the department by October 1, 2016.

29 (2) The County Bridge Match Program terminates on June 30, 2019.

30 Sec. 6. The Economic Opportunity Program is created. The Department  
31 of Roads shall administer the program in consultation with the Department

1 of Economic Development using funds from the Transportation  
2 Infrastructure Bank Fund. The purpose of the program is to finance  
3 transportation improvements to attract and support new businesses and  
4 business expansions by successfully connecting such businesses to  
5 Nebraska's multimodal transportation network. The Department of Roads  
6 shall develop the program, including the application process, criteria  
7 for providing funding, matching requirements, and provisions for  
8 recapturing funds awarded for projects with unmet obligations, in  
9 consultation with statewide associations representing municipal and  
10 county officials, economic developers, and the Department of Economic  
11 Development. The details of the program shall be published by the  
12 department by January 1, 2017.

13       Sec. 7. Sections 3 to 7 of this act terminate on June 30, 2033. The  
14 State Treasurer shall transfer any funds remaining in the Transportation  
15 Infrastructure Bank Fund on such date to the Roads Operations Cash Fund.

16       Sec. 8. The purpose of sections 8 to 23 of this act is to provide  
17 the Department of Roads alternative methods of contracting for  
18 transportation projects.

19       Sec. 9. The department, in accordance with sections 8 to 23 of this  
20 act, may solicit and execute a design-build contract or a construction  
21 manager-general contractor contract for a public project.

22       Sec. 10. The department may hire an engineering or architectural  
23 consultant to assist the department with the development of project  
24 performance criteria and request for proposals, with evaluation of  
25 proposals, with evaluation of the construction to determine adherence to  
26 the project performance criteria, and with any additional services  
27 requested by the department to represent its interests in relation to a  
28 project. The procedures used to hire such person or organization shall  
29 comply with the Nebraska Consultants' Competitive Negotiation Act and  
30 shall provide that the person or entity hired (a) is ineligible to be  
31 included as a provider of other services in a proposal for the project

1 for which he or she has been hired, and (b) shall not be employed by or  
2 have a financial or other interest in a design-builder or construction  
3 manager who will submit a proposal.

4       Sec. 11. The department may adopt guidelines for entering into a  
5 design-build contract or construction manager-general contractor  
6 contract. The guidelines shall include the following:

7       (1) Preparation and content of requests for letters of interest;

8       (2) Preparation and content of requests for proposals;

9       (3) Prequalification of design-builders and construction managers.

10 The policies and procedures shall provide that the department will  
11 evaluate prospective design-builders and construction managers based on  
12 the information submitted to the department in response to a request for  
13 letters of interest and will select design-builders or construction  
14 managers who are prequalified and consequently eligible to respond to the  
15 request for proposals;

16       (4) Preparation and submittal of proposals;

17       (5) Procedures for evaluating proposals;

18       (6) Procedures for negotiations between the department and the  
19 design-builders or construction managers submitting proposals prior to  
20 the acceptance of a proposal if any such negotiations are contemplated;  
21 and

22       (7) Procedures for the evaluation of construction under a design-  
23 build contract to determine adherence to the project performance  
24 criteria.

25       Sec. 12. The process for selecting a design-builder and entering  
26 into a design-build contract shall be in accordance with sections 13, 14,  
27 15, and 16 of this act.

28       Sec. 13. (1) The department shall prepare a request for letters of  
29 interest for design-build proposals and shall prequalify design-builders.  
30 The request for letters of interest shall describe the project in  
31 sufficient detail to permit a design-builder to submit a letter of

1 interest.

2 (2) The request for letters of interest shall be (a) published in a  
3 newspaper of statewide circulation at least thirty days prior to the  
4 deadline for receiving letters of interest and (b) sent by first-class  
5 mail to any design-builder upon request.

6 (3) The department shall select prospective design-builders in  
7 accordance with the guidelines adopted pursuant to section 11 of this  
8 act. The department shall select at least two prospective design-  
9 builders, except that if only one design-builder has submitted a letter  
10 of interest, the department may, in its discretion, proceed or cancel the  
11 procurement. The selected design-builders shall then be considered  
12 prequalified and eligible to receive requests for proposals. The request  
13 for proposals shall only be sent to the prequalified and eligible design-  
14 builders.

15 Sec. 14. The department shall prepare a request for proposals for  
16 each design-build contract. The request for proposals shall contain, at a  
17 minimum, the following elements:

18 (1) The guidelines adopted by the department in accordance with  
19 section 11 of this act. The identification of a publicly accessible  
20 location, either physically or electronically, of the guidelines shall be  
21 considered compliance with this subdivision;

22 (2) The proposed terms and conditions of the design-build contract,  
23 including any terms and conditions which are subject to further  
24 negotiation;

25 (3) A project statement which contains information about the scope  
26 and nature of the project;

27 (4) A statement as to whether alternate technical concepts are  
28 allowed;

29 (5) Project performance criteria;

30 (6) Budget parameters for the project;

31 (7) Any bonding and insurance required by law or as may be

1 additionally required by the department;

2 (8) The criteria for evaluation of proposals and the relative weight  
3 of each criterion;

4 (9) A requirement that the design-builder provide a written  
5 statement of the design-builder's proposed approach to the design and  
6 construction of the project, which may include graphic materials  
7 illustrating the proposed approach to design and construction and shall  
8 include price proposals;

9 (10) A requirement that the design-builder agree to the following  
10 conditions:

11 (a) At the time of the design-build proposal, the design-builder  
12 must furnish to the department a written statement identifying the  
13 architect or engineer who will perform the architectural or engineering  
14 work for the project;

15 (b) The architect or engineer engaged by the design-builder to  
16 perform the architectural or engineering work with respect to the project  
17 must have direct supervision of such work and may not be removed by the  
18 design-builder prior to the completion of the project without the written  
19 consent of the department;

20 (c) A design-builder offering design-build services with its own  
21 employees who are design professionals licensed to practice in Nebraska  
22 must (i) comply with the Engineers and Architects Regulation Act by  
23 procuring a certificate of authorization to practice architecture or  
24 engineering and (ii) submit proof of sufficient professional liability  
25 insurance; and

26 (d) The rendering of architectural or engineering services by a  
27 licensed architect or engineer employed by the design-builder must  
28 conform to the Engineers and Architects Regulation Act; and

29 (11) Other information or requirements which the department, in its  
30 discretion, chooses to include in the request for proposals.

31 Sec. 15. The department may, in its discretion, pay a stipend to

1 qualified design-builders that submit responsive proposals but are not  
2 selected. Payment of the stipend shall give the department ownership of  
3 the intellectual property contained in the proposals and alternate  
4 technical concepts.

5       Sec. 16. (1) Design-builders shall submit proposals as required by  
6 the request for proposals.

7       (2) Proposals shall be sealed and shall not be opened until  
8 expiration of the time established for making the proposals as set forth  
9 in the request for proposals.

10       (3) Proposals may be withdrawn at any time prior to acceptance in  
11 which case no stipend shall be paid. The department shall have the right  
12 to reject any and all proposals at no cost to the department other than  
13 any stipend for design-builders who have submitted responsive proposals.  
14 The department may thereafter solicit new proposals using the same or  
15 different project performance criteria or may cancel the design-build  
16 solicitation.

17       (4) The department shall rank the design-builders in order of best  
18 value pursuant to the criteria in the request for proposals. The  
19 department may meet with design-builders prior to ranking.

20       (5) The department may attempt to negotiate a design-build contract  
21 with the highest ranked design-builder selected by the department and may  
22 enter into a design-build contract after negotiations. If the department  
23 is unable to negotiate a satisfactory design-build contract with the  
24 highest ranked design-builder, the department may terminate negotiations  
25 with that design-builder. The department may then undertake negotiations  
26 with the second highest ranked design-builder and may enter into a  
27 design-build contract after negotiations. If the department is unable to  
28 negotiate a satisfactory contract with the second highest ranked design-  
29 builder, the department may undertake negotiations with the third highest  
30 ranked design-builder, if any, and may enter into a design-build contract  
31 after negotiations.

1       (6) If the department is unable to negotiate a satisfactory contract  
2 with any of the ranked design-builders, the department may either revise  
3 the request for proposals and solicit new proposals or cancel the design-  
4 build process under sections 8 to 23 of this act.

5       Sec. 17. (1) The process for selecting a construction manager and  
6 entering into a construction manager-general contractor contract shall be  
7 in accordance with this section and sections 18 and 19 of this act.

8       (2) The department shall prepare a request for letters of interest  
9 for construction manager-general contractor contract proposals and shall  
10 prequalify construction managers. The request for letters of interest  
11 shall describe the project in sufficient detail to permit a construction  
12 manager to submit a letter of interest.

13       (3) The request for letters of interest shall be (a) published in a  
14 newspaper of statewide circulation at least thirty days prior to the  
15 deadline for receiving letters of interest and (b) sent by first-class  
16 mail to any construction manager upon request.

17       (4) The department shall select prospective construction managers in  
18 accordance with the guidelines adopted pursuant to section 11 of this  
19 act. The department shall select at least two prospective construction  
20 managers, except that if only one construction manager has submitted a  
21 letter of interest, the department may, in its discretion proceed or  
22 reject the proposal. The selected construction managers shall then be  
23 considered prequalified and eligible to receive requests for proposals.  
24 The request for proposals shall only be sent to the prequalified and  
25 eligible construction managers.

26       Sec. 18. The department shall prepare a request for proposals for  
27 each construction manager-general contractor contract. The request for  
28 proposals shall contain, at a minimum, the following elements:

29       (1) The guidelines adopted by the department in accordance with  
30 section 11 of this act. The identification of a publicly accessible  
31 location, either physically or electronically, of the guidelines shall be

1 considered compliance with this subdivision;

2 (2) The proposed terms and conditions of the contract, including any  
3 terms and conditions which are subject to further negotiation;

4 (3) Any bonding and insurance required by law or as may be  
5 additionally required by the department;

6 (4) General information about the project which will assist the  
7 department in its selection of the construction manager, including a  
8 project statement which contains information about the scope and nature  
9 of the project, the project site, the schedule, and the estimated budget;

10 (5) The criteria for evaluation of proposals and the relative weight  
11 of each criterion; and

12 (6) Other information or requirements which the department, in its  
13 discretion, chooses to include in the request for proposals.

14 Sec. 19. (1) Construction managers shall submit proposals as  
15 required by the request for proposals;

16 (2) Proposals shall be sealed and shall not be opened until  
17 expiration of the time established for making the proposals as set forth  
18 in the request for proposals;

19 (3) Proposals may be withdrawn at any time prior to acceptance. The  
20 department shall have the right to reject any and all proposals at no  
21 cost to the department. The department may thereafter solicit new  
22 proposals or may cancel the construction manager-general contractor  
23 contract process;

24 (4) The department shall rank the construction managers in  
25 accordance with the qualification-based selection process and pursuant to  
26 the criteria in the request for proposals. The department may meet with  
27 the construction manager prior to the ranking;

28 (5) The department may attempt to negotiate a contract for  
29 preconstruction services with the highest ranked construction manager and  
30 may enter into a contract for preconstruction services after  
31 negotiations. If the department is unable to negotiate a satisfactory

1 contract for preconstruction services with the highest ranked  
2 construction manager, the department may terminate negotiations with that  
3 construction manager. The department may then undertake negotiations with  
4 the second highest ranked construction manager and may enter into a  
5 contract for preconstruction services after negotiations. If the  
6 department is unable to negotiate a satisfactory contract with the second  
7 highest ranked construction manager, the department may undertake  
8 negotiations with the third highest ranked construction manager, if any,  
9 and may enter into a contract for preconstruction services after  
10 negotiations.

11 (6) If the department is unable to negotiate a satisfactory contract  
12 for preconstruction services with any of the ranked construction  
13 managers, the department may either revise the request for proposals and  
14 solicit new proposals or cancel the construction manager-general  
15 contractor contract process under sections 8 to 23 of this act.

16 Sec. 20. (1) Before the construction manager begins any  
17 construction services, the department shall:

18 (a) Conduct an independent cost estimate for the project; and

19 (b) Conduct contract negotiations with the construction manager to  
20 develop a construction manager-general contractor contract for  
21 construction services.

22 (2) If the construction manager and the department are unable to  
23 negotiate a contract, the department may use other contract procurement  
24 processes.

25 Sec. 21. A design-build contract and a construction manager-general  
26 contractor contract may be conditioned upon later refinements in scope  
27 and price and may permit the department in agreement with the design-  
28 builder or construction manager to make changes in the project without  
29 invalidating the contract.

30 Sec. 22. The department may enter into agreements under sections 8  
31 to 23 of this act to let, design, and construct projects for political

1 subdivisions when any of the funding for such projects is provided by or  
2 through the department. In such instances, the department may enter into  
3 contracts with the design-builder or construction manager. The provisions  
4 of the Political Subdivisions Construction Alternatives Act shall not  
5 apply to projects let, designed, and constructed under the supervision of  
6 the department pursuant to agreements with political subdivisions under  
7 sections 8 to 23 of this act.

8       Sec. 23. Nothing in sections 8 to 23 of this act shall limit or  
9 reduce statutory or regulatory requirements regarding insurance.

10       Sec. 24. The department may adopt and promulgate rules and  
11 regulations to carry out the Transportation Innovation Act.

12       Sec. 25. Section 39-1348, Revised Statutes Supplement, 2015, is  
13 amended to read:

14       39-1348 Except as otherwise provided in sections 8 to 23 of this  
15 act, when ~~Before~~ letting contracts for the construction, reconstruction,  
16 improvement, maintenance, or repair of roads, bridges, and their  
17 appurtenances, the department shall solicit bids as follows:

18       (1) For contracts with an estimated cost, as determined by the  
19 department, of greater than one hundred thousand dollars, the department  
20 shall advertise for sealed bids for not less than twenty days by  
21 publication of a notice thereof once a week for three consecutive weeks  
22 in the official county newspaper designated by the county board in the  
23 county where the work is to be done and in such additional newspaper or  
24 newspapers as may appear necessary to the department in order to give  
25 notice of the receiving of bids. Such advertisement shall state the place  
26 where the plans and specifications for the work may be inspected and  
27 shall designate the time when the bids shall be filed and opened. If  
28 through no fault of the department publication of such notice fails to  
29 appear in any newspaper or newspapers in the manner provided in this  
30 subdivision, the department shall be deemed to have fulfilled the  
31 requirements of this subdivision; and

1 (2) For contracts with an estimated cost, as determined by the  
2 department, of one hundred thousand dollars or less, the department, in  
3 its sole discretion, shall either:

4 (a) Follow the procedures given in subdivision (1) of this section;  
5 or

6 (b) Request bids from at least three potential bidders for such  
7 work. If the department requests bids under this subdivision, it shall  
8 designate a time when the bids shall be opened. The department may award  
9 a contract pursuant to this subdivision if it receives at least one  
10 responsive bid.

11 Sec. 26. Section 39-1365, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 39-1365 The Legislature finds and declares that the highways of the  
14 state are of the utmost importance to future development within the state  
15 and that the following actions are necessary for such development: (1)  
16 The accelerated completion of all improvement and expansion projects on  
17 the Nebraska segments of the National System of Interstate and Defense  
18 Highways; (2) the accelerated completion of improvement projects on state  
19 highways with geometric and capacity deficiencies; (3) the resurfacing of  
20 highways to protect pavement integrity; (4) the accelerated completion of  
21 the expressway system, as such system is designated on January 1, 2016,  
22 prior to June 30, 2033 ~~development of a system of expressways, which~~  
23 ~~shall include, but not be limited to, a north-south expressway;~~ and (5)  
24 the general upgrading of the state highway system concerning driving  
25 surfaces and surfaced shoulders.

26 Sec. 27. Section 39-1365.02, Revised Statutes Cumulative Supplement,  
27 2014, is amended to read:

28 39-1365.02 (1) The Department of Roads shall apply for and make  
29 maximum use of available federal funding, including discretionary  
30 funding, on all highway construction projects which are eligible for such  
31 assistance.

1           (2) The Department of Roads shall transmit electronically to the  
2 Legislature, by December 1 of each year, a report on the needs of the  
3 state highway system, ~~and the department's planning procedures, and the~~  
4 progress being made on the expressway system. Such report shall include:

5           (a) The criteria by which highway needs are determined;

6           (b) The standards established for each classification of highways;

7           (c) An assessment of current and projected needs of the state  
8 highway system, such needs to be defined by category of improvement  
9 required to bring each segment up to standards. Projected fund  
10 availability shall not be a consideration by which needs are determined;

11           (d) Criteria and data, including factors enumerated in section  
12 39-1365.01, upon which decisions may be made on possible special priority  
13 highways for commercial growth; ~~and~~

14           (e) A review of the department's procedure for selection of projects  
15 for the annual construction program, the five-year planning program, and  
16 extended planning programs; ~~-~~

17           (f) A review of the progress being made toward completion of the  
18 expressway system, as such system is designated on January 1, 2016, and  
19 whether such work is on pace for completion prior to June 30, 2033; and

20           (g) A review of the Transportation Infrastructure Bank Fund and the  
21 fund's component programs under sections 3 to 7 of this act, including  
22 information on funds pledged by the department under subsection (3) of  
23 section 3 of this act.

24           Sec. 28. Section 73-101, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26           73-101 Whenever the State of Nebraska, or any department or any  
27 agency thereof, any county board, county clerk, county highway  
28 superintendent, the mayor and city council or commissioner of any  
29 municipality, any entity created pursuant to the Interlocal Cooperation  
30 Act or the Joint Public Agency Act, or the officers of any school  
31 district, township, or other governmental subdivision, shall advertise

1 for bids in pursuance of any statutes of the State of Nebraska, on any  
2 road contract work or any public improvements work, or for supplies,  
3 construction, repairs, and improvements, and in all other cases where  
4 bids for supplies or work, of any character whatsoever, are received for  
5 the various departments and agencies of the state, and other subdivisions  
6 and agencies enumerated in this section, they shall fix not only the day  
7 upon which such bids shall be returned, received, or opened, as provided  
8 by other statutes, but shall also fix the hour at which such bids shall  
9 close, or be received or opened, and they shall also provide that such  
10 bids shall be immediately and simultaneously opened in the presence of  
11 the bidders, or representatives of the bidders, when the hour is reached  
12 for the bids to close. If bids are being opened on more than one  
13 contract, the officials having in charge the opening of such bids may, if  
14 they deem it advisable, award each contract as the bids are opened.  
15 Sections 73-101 to 73-106 shall not apply to sections 8 to 23 of this  
16 act.

17 Sec. 29. Section 73-307, Revised Statutes Cumulative Supplement,  
18 2014, is amended to read:

19 73-307 Sections 73-301 to 73-306 shall not apply to the Nebraska  
20 Consultants' Competitive Negotiation Act, sections 8 to 23 of this act,  
21 or section 57-1503.

22 Sections 73-301 to 73-306 shall not be construed to apply to  
23 renewals of contracts already approved pursuant to or not subject to such  
24 sections, to amendments to such contracts, or to renewals of such  
25 amendments unless the amendments would directly cause or result in the  
26 replacement by the private entity of additional permanent state employees  
27 or positions greater than the replacement caused by the original  
28 contract.

29 Sec. 30. Section 81-1701, Revised Statutes Supplement, 2015, is  
30 amended to read:

31 81-1701 The purpose of the Nebraska Consultants' Competitive

1 Negotiation Act is to provide managerial control over competitive  
2 negotiations by the state for acquisition of professional architectural,  
3 engineering, landscape architecture, or land surveying services. The act  
4 does not apply to contracts under section 57-1503, ~~or~~ contracts under  
5 subsection (4) of section 39-1349, or contracts under sections 8 to 23 of  
6 this act.

7 Sec. 31. Section 84-612, Revised Statutes Supplement, 2015, is  
8 amended to read:

9 84-612 (1) There is hereby created within the state treasury a fund  
10 known as the Cash Reserve Fund which shall be under the direction of the  
11 State Treasurer. The fund shall only be used pursuant to this section.

12 (2) The State Treasurer shall transfer funds from the Cash Reserve  
13 Fund to the General Fund upon certification by the Director of  
14 Administrative Services that the current cash balance in the General Fund  
15 is inadequate to meet current obligations. Such certification shall  
16 include the dollar amount to be transferred. Any transfers made pursuant  
17 to this subsection shall be reversed upon notification by the Director of  
18 Administrative Services that sufficient funds are available.

19 (3) In addition to receiving transfers from other funds, the Cash  
20 Reserve Fund shall receive federal funds received by the State of  
21 Nebraska for undesignated general government purposes, federal revenue  
22 sharing, or general fiscal relief of the state.

23 (4) On July 7, 2009, the State Treasurer shall transfer five million  
24 dollars from the Cash Reserve Fund to the Roads Operations Cash Fund. The  
25 Department of Roads shall use such funds to provide the required state  
26 match for federal funding made available to the state through  
27 congressional earmarks.

28 (5) The State Treasurer shall transfer a total of sixty-eight  
29 million dollars from the Cash Reserve Fund to the General Fund on or  
30 before June 30, 2013, on such dates and in such amounts as directed by  
31 the budget administrator of the budget division of the Department of

1 Administrative Services.

2 (6) The State Treasurer shall transfer ten million dollars from the  
3 Cash Reserve Fund to the General Fund on or before June 30, 2013, on such  
4 date as directed by the budget administrator of the budget division of  
5 the Department of Administrative Services.

6 (7) The State Treasurer, at the direction of the budget  
7 administrator of the budget division of the Department of Administrative  
8 Services, shall transfer not to exceed forty-three million fifteen  
9 thousand four hundred fifty-nine dollars in total from the Cash Reserve  
10 Fund to the Nebraska Capital Construction Fund between July 1, 2013, and  
11 June 30, 2017.

12 (8) The State Treasurer shall transfer fourteen million five hundred  
13 thousand dollars from the Cash Reserve Fund to the Nebraska Capital  
14 Construction Fund on or before June 30, 2015, on such date as directed by  
15 the budget administrator of the budget division of the Department of  
16 Administrative Services.

17 (9) The State Treasurer shall transfer fifty million five hundred  
18 thousand dollars from the Cash Reserve Fund to the General Fund on or  
19 before December 31, 2014, on such date as directed by the budget  
20 administrator of the budget division of the Department of Administrative  
21 Services.

22 (10) The State Treasurer shall transfer up to five million five  
23 hundred thousand dollars from the Cash Reserve Fund to the Republican  
24 River Compact Litigation Contingency Cash Fund on or before June 30,  
25 2015, on such dates and in such amounts as directed by the budget  
26 administrator of the budget division of the Department of Administrative  
27 Services.

28 (11) The State Treasurer shall transfer up to seventeen million two  
29 hundred one thousand one hundred twelve dollars from the Cash Reserve  
30 Fund to the General Fund on or before June 30, 2015, on such date and in  
31 such amount as directed by the budget administrator of the budget

1 division of the Department of Administrative Services.

2 (12) The State Treasurer shall transfer twenty-five million dollars  
3 from the Cash Reserve Fund to the Nebraska Capital Construction Fund on  
4 or after July 1, 2015, but before July 15, 2015, on such date as directed  
5 by the budget administrator of the budget division of the Department of  
6 Administrative Services for the Global Center for Advanced  
7 Interprofessional Learning.

8 (13) The State Treasurer shall transfer eight million dollars from  
9 the Cash Reserve Fund to the Oral Health Training and Services Fund, on  
10 or after July 1, 2015, but before July 15, 2015, on such date as directed  
11 by the budget administrator of the budget division of the Department of  
12 Administrative Services.

13 (14) The State Treasurer shall transfer the following amounts from  
14 the Cash Reserve Fund to the Nebraska Capital Construction Fund on such  
15 dates as directed by the budget administrator of the budget division of  
16 the Department of Administrative Services:

17 (a) Seven million eight hundred four thousand two hundred ninety-two  
18 dollars on or after June 15, 2016, but before June 30, 2016;

19 (b) Seven million one hundred sixty thousand four hundred twelve  
20 dollars on or after June 15, 2019, but before June 30, 2019;

21 (c) Nine million four hundred ninety-two thousand five hundred  
22 sixty-eight dollars on or after June 15, 2021, but before June 30, 2021;  
23 and

24 (d) Three million seven hundred eighty-three thousand seven hundred  
25 thirty-four dollars after June 15, 2023, but before June 30, 2023.

26 (15) The State Treasurer, at the direction of the budget  
27 administrator of the budget division of the Department of Administrative  
28 Services, shall transfer not to exceed one hundred fifty million dollars  
29 in total from the Cash Reserve Fund to the Transportation Infrastructure  
30 Bank Fund between July 1, 2016, and June 30, 2023. The Director-State  
31 Engineer shall certify to the budget administrator the amount or amounts

1 needed under this subsection for expenditures authorized by sections 3 to  
2 7 of this act.

3       Sec. 32.   Original sections 39-1365 and 73-101, Reissue Revised  
4 Statutes of Nebraska, sections 39-1365.02 and 73-307, Revised Statutes  
5 Cumulative Supplement, 2014, and sections 39-1348, 81-1701, and 84-612,  
6 Revised Statutes Supplement, 2015, are repealed.

7       Sec. 33.   Since an emergency exists, this act takes effect when  
8 passed and approved according to law.