

LEGISLATIVE BILL 1456

Approved by the Governor March 28, 1972

Introduced by Loran Schmit, 23rd District; Richard F. Proud, 12th District

AN ACT to amend section 84-205, Reissue Revised Statutes of Nebraska, 1943, and section 60-434, Revised Statutes Supplement, 1969, relating to state officers; to require the Superintendent of Law Enforcement and Public Safety and the Attorney General to provide special investigators and prosecutors for drug abuse control; to provide for other personnel; to create a cash fund and make an appropriation thereto; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 60-434, Revised Statutes Supplement, 1969, be amended to read as follows:

60-434. The Nebraska State Patrol, its subordinate officers such as lieutenant colonel, majors, captains, lieutenants, sergeants, corporals, patrolmen, and other employees shall be used primarily for the enforcement of the traffic and motor vehicle laws of the State of Nebraska and the handling of traffic within the state; Provided, the superintendent, with the approval of the Governor, may designate such personnel of the Nebraska State Patrol to qualify and act as his deputies or investigators to assist him in the enforcement of the laws of the state relating to felonies; and provided further, the superintendent shall designate and train ten special investigators in addition to those authorized on the effective date of this act to assist him and all other law enforcement agencies in this state with enforcement of drug control legislation. As an aid to such special investigators, the superintendent shall appoint two stenographers and one laboratory technician. The laboratory technician shall be stationed in the Department of Health for the purposes of drug analysis.

Sec. 2. There is hereby created in the state treasury a cash fund to be known as the Drug Control Cash Fund which shall be used for the purpose of obtaining evidence for enforcement of any state law relating to the control of drug abuse.

Sec. 3. There is hereby appropriated from the state General Fund to the Drug Control Cash Fund the sum

of fifty thousand dollars to be used as provided in section 2 of this act for the period ending June 30, 1972. The unexpended balance of the appropriation contained herein existing on June 30, 1972, is hereby reappropriated for the period July 1, 1972, to June 30, 1973.

Sec. 4. That section 84-205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-205. The duties of the Attorney General shall be:

(1) To appear and defend actions and claims against the state;

(2) To consult with and advise the county attorneys, when requested by them, in all criminal matters and in matters relating to the public revenue; and he shall have authority to require their aid and assistance in all matters pertaining to his duties in their respective counties, and may, in any case brought to the Supreme Court from their respective counties, demand and receive the assistance of the county attorney from whose county such case is brought;

(3) To give, when required, without fee, his opinion in writing upon all questions of law submitted to him by the Governor, the head of any executive department, the Secretary of State, State Treasurer, Auditor of Public Accounts, Board of Educational Lands and Funds, State Department of Education, the Nebraska State Railway Commission or the Legislature;

(4) At the request of the Governor, the head of any executive department, the Secretary of State, State Treasurer, Auditor of Public Accounts, Board of Educational Lands and Funds, State Department of Education or State Railway Commission, to prosecute any official bond or any contract in which the state is interested, deposited with any of them, and to prosecute or defend for the state all actions and proceedings, civil or criminal, relating to any matter connected with any of their departments; Provided, that, after investigation, he is convinced there is sufficient legal merit to justify the proceeding; and none of the above-named officers shall pay, or contract to pay, from the funds of the state any money for special attorneys or counselors at law, unless the employment of such special counsel shall be made upon the written authorization of the Governor or the Attorney General;

(5) To enforce the proper application of money appropriated by the Legislature to the various funds of the state, and prosecute breaches of trust in the administration of such funds;

(6) To prepare, whenever requested by the Governor, Secretary of State, State Treasurer, Auditor of Public Accounts, or other executive department, proper drafts for contracts, forms or other writings which may be wanted for the use of the state, and report to the Legislature, whenever requested, upon any business pertaining to the duties of his office;

(7) To pay all money received, belonging to the people of the state, immediately upon receipt thereof, into the state treasury;

(8) To keep a record in proper books provided for that purpose at the expense of the state, a register of all actions and demands prosecuted or defended by him in behalf of the state and all proceedings had in relation thereto, and deliver the same to his successor in office; and

(9) To appear for the state and prosecute and defend all actions and proceedings, civil or criminal, in the Supreme Court in which the state is interested or a party; and, when requested by the Governor or the Legislature, to appear for the state and prosecute or defend any action or conduct any investigation in which the state is interested or a party, before any court, officer, board, tribunal or commission; and

(10) To provide one or more special prosecutors stationed with the Nebraska State Patrol to assist county attorneys in the preparation and prosecution of cases involving drug abuse.

Sec. 5. That original sections 84-205, Reissue Revised Statutes of Nebraska, 1943, and section 60-434, Revised Statutes Supplement, 1969, are repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.