

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 199

Introduced by Speaker Adams, 24; at the request of the Governor.

Read first time January 15, 2013

Committee: Appropriations

A BILL

1 FOR AN ACT relating to state government; to amend sections 32-1610,
2 53-117.03, 53-117.06, 81-2004.02, 81-2004.05, and
3 81-2004.08, Reissue Revised Statutes of Nebraska, and
4 section 72-815, Revised Statutes Cumulative Supplement,
5 2012; to provide fund transfers; to create funds; to
6 change and provide uses of funds; to authorize sale of
7 land; to harmonize provisions; to repeal the original
8 sections; and to declare an emergency.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. The State Treasurer shall transfer \$34,954
2 from the Corporation Cash Fund and \$200,000 from the Uniform
3 Commercial Code Cash Fund to the Election Administration Fund on or
4 before July 5, 2013, or as soon thereafter as administratively
5 possible.

6 Sec. 2. The State Treasurer shall transfer \$34,954 from
7 the Corporation Cash Fund and \$200,000 from the Uniform Commercial
8 Code Cash Fund to the Election Administration Fund on or before July
9 5, 2014, or as soon thereafter as administratively possible.

10 Sec. 3. The State Treasurer shall transfer \$500,000 from
11 the Nebraska Public Safety Communication System Cash Fund to the
12 Nebraska Capital Construction Fund on July 1, 2013, or as soon
13 thereafter as administratively possible.

14 Sec. 4. The State Treasurer shall transfer \$1,000,000
15 from the Public Safety Cash Fund to the Nebraska Capital Construction
16 Fund on July 1, 2013, or as soon thereafter as administratively
17 possible.

18 Sec. 5. The State Treasurer shall transfer \$250,000 from
19 the Nebraska State Patrol Cash Fund to the Nebraska Capital
20 Construction Fund on July 1, 2013, or as soon thereafter as
21 administratively possible.

22 Sec. 6. The State Treasurer shall transfer \$113,000,000
23 from the General Fund to the Property Tax Credit Cash Fund on or
24 before December 15, 2013, on such date as directed by the budget
25 administrator of the budget division of the Department of

1 Administrative Services.

2 Sec. 7. The State Treasurer shall transfer \$113,000,000
3 from the General Fund to the Property Tax Credit Cash Fund on or
4 before December 15, 2014, on such date as directed by the budget
5 administrator of the budget division of the Department of
6 Administrative Services.

7 Sec. 8. The State Treasurer shall transfer \$3,300,000
8 from the General Fund to the Water Resources Cash Fund on or before
9 June 30, 2014, on such dates and in such amounts as directed by the
10 budget administrator of the budget division of the Department of
11 Administrative Services.

12 Sec. 9. The State Treasurer shall transfer \$3,300,000
13 from the General Fund to the Water Resources Cash Fund on or before
14 June 30, 2015, on such dates and in such amounts as directed by the
15 budget administrator of the budget division of the Department of
16 Administrative Services.

17 Sec. 10. The Department of Banking and Finance Settlement
18 Cash Fund is created. The fund shall be administered by the
19 Department of Banking and Finance. The fund shall consist of money
20 received by the state in settlements resulting from regulatory or
21 judicial resolution of financial, securities, or consumer issues in
22 which the department is designated as a recipient and any investment
23 income earned on the fund. The Department of Administrative Services
24 may for accounting purposes create subfunds of the fund to segregate
25 awards or allocations received pursuant to different orders or

1 settlements. The fund may be used by the Department of Banking and
2 Finance for any allowable legal purposes as determined by the
3 Director of Banking and Finance. Any money in the fund available for
4 investment shall be invested by the state investment officer pursuant
5 to the Nebraska Capital Expansion Act and the Nebraska State Funds
6 Investment Act.

7 Sec. 11. The Commission on Indian Affairs Cash Fund is
8 created. The fund shall be administered by the Commission on Indian
9 Affairs. The fund shall consist of money received by the state in the
10 form of grants or gifts from nonfederal sources and any investment
11 income earned on the fund. The fund may be used to support the
12 commission's operations pursuant to sections 81-2501 to 81-2508. The
13 Department of Administrative Services may for accounting purposes
14 create subfunds of the fund to segregate awards or allocations
15 received. Any money in the fund available for investment shall be
16 invested by the state investment officer pursuant to the Nebraska
17 Capital Expansion Act and the Nebraska State Funds Investment Act.

18 Sec. 12. Section 32-1610, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 32-1610 The Campaign Finance Limitation Cash Fund is
21 hereby created. The fund shall be used by the commission to provide
22 public financing of campaigns pursuant to the Campaign Finance
23 Limitation Act, except that transfers may be made to the General Fund
24 at the direction of the Legislature. The fund shall consist of money
25 appropriated to it by the Legislature, amounts repaid by candidates

1 pursuant to sections 32-1606 and 32-1607, and taxpayer contributions
2 to the fund pursuant to section 77-27,119.04. Any money in the fund
3 available for investment shall be invested by the state investment
4 officer pursuant to the Nebraska Capital Expansion Act and the
5 Nebraska State Funds Investment Act. The State Treasurer shall
6 transfer the balance of the Campaign Finance Limitation Cash Fund to
7 the Election Administration Fund on or before July 5, 2013, or as
8 soon thereafter as administratively possible.

9 Sec. 13. Section 53-117.03, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 53-117.03 (1) On or before January 1, 2007, the
12 commission shall adopt and promulgate rules and regulations governing
13 programs which provide training for persons employed in the sale and
14 service of alcoholic liquor and management of licensed premises. Such
15 rules and regulations may include, but need not be limited to:

16 (a) Minimum standards governing training of beverage
17 servers, including standards and requirements governing curriculum,
18 program trainers, and certification requirements;

19 (b) Minimum standards governing training in management of
20 licensed premises, including standards and requirements governing
21 curriculum, program trainers, and certification requirements;

22 (c) Minimum standards governing the methods allowed for
23 training programs which may include the Internet, interactive video,
24 live training in various locations across the state, and other means
25 deemed appropriate by the commission;

1 (d) Methods for approving beverage-server training
2 organizations and programs. All beverage-server training programs
3 approved by the commission shall issue a certificate of completion to
4 all persons who successfully complete the program and shall provide
5 the names of all persons completing the program to the commission;

6 (e) Enrollment fees in an amount determined by the
7 commission to be necessary to cover the ~~expense~~ administrative costs,
8 including salary and benefits, of enrolling in a training program
9 offered by the commission pursuant to subsection (2) of this section,
10 but not to exceed thirty dollars; and

11 (f) Procedures and fees for certification, which fees
12 shall be in an amount determined by the commission to be sufficient
13 to defray the ~~expenses~~ administrative costs, including salary and
14 benefits, associated with maintaining a list of persons certified
15 under this section and issuing proof of certification to eligible
16 individuals but shall not exceed twenty dollars.

17 (2) The commission may create a program to provide
18 training for persons employed in the sale and service of alcoholic
19 liquor and management of licensed premises. The program shall include
20 training on the issues of sales and service of alcoholic liquor to
21 minors and to visibly inebriated purchasers. The commission may
22 charge each person enrolling in the program an enrollment fee as
23 provided in the rules and regulations, but such fee shall not exceed
24 thirty dollars. All such fees shall be collected by the commission
25 and remitted to the State Treasurer for credit to the Nebraska Liquor

1 Control Commission Rule and Regulation Cash Fund.

2 (3) A person who has completed a training program which
3 complies with the rules and regulations, whether such program is
4 offered by the commission or by another organization, may become
5 certified by the commission upon the commission receiving evidence
6 that he or she has completed such program and the person seeking
7 certification paying the certification fee established under this
8 section.

9 Sec. 14. Section 53-117.06, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 53-117.06 Any money collected by the commission pursuant
12 to section 53-117.05 or 53-167.02 shall be credited to the Nebraska
13 Liquor Control Commission Rule and Regulation Cash Fund, which fund
14 is hereby created. The purpose of the fund shall be to cover any
15 administrative costs, including salary and benefits, incurred by the
16 commission in producing or distributing the material referred to in
17 such sections and to defray the costs associated with electronic
18 regulatory transactions, industry education events, enforcement
19 training, and equipment for regulatory work. Transfers may be made
20 from the fund to the General Fund at the direction of the
21 Legislature. Any money in the Nebraska Liquor Control Commission Rule
22 and Regulation Cash Fund available for investment shall be invested
23 by the state investment officer pursuant to the Nebraska Capital
24 Expansion Act and the Nebraska State Funds Investment Act.

25 Sec. 15. Section 72-815, Revised Statutes Cumulative

1 Supplement, 2012, is amended to read:

2 72-815 (1) The state building division of the Department
3 of Administrative Services shall be responsible for the sale, lease,
4 or other disposal of a building or land, whichever action is ordered
5 by the committee.

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

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

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

17 (b) When a building or land designated for sale is listed
18 in the National Register of Historic Places, the state building
19 division, in its discretion and based on the best interests of the
20 state, may follow the procedure outlined in subdivision (3)(a) of
21 this section or may sell the building or land by any method deemed in
22 the best interests of the state to a not-for-profit community
23 organization that intends to maintain the historic and cultural
24 integrity of the building or land.

25 (c) All sales and leases shall be in the name of the

1 State of Nebraska. The state building division may provide that a
2 deed of sale include restrictions on the building or land to ensure
3 that the use and appearance of the building or land remain compatible
4 with any adjacent state-owned property.

5 (d) Except as otherwise provided in subsection (4) of
6 this section, the proceeds of the sale or lease shall be remitted to
7 the State Treasurer for credit to the Vacant Building and Excess Land
8 Cash Fund unless the state agency formerly responsible for the
9 building or land certifies to the state building division that the
10 building or land was purchased in part or in total from cash,
11 federal, or revolving funds, in which event, after the costs of
12 selling or leasing the building or land are deducted from the
13 proceeds of the sale or lease and such amount is credited to the
14 fund, the remaining proceeds of the sale or lease shall be credited
15 to the cash, federal, or revolving fund in the percentage used in
16 originally purchasing the building or land.

17 (4) Any state-owned military property, including any
18 armories considered surplus property, shall be sold by such method as
19 is to the best advantage of the State of Nebraska, including auction,
20 sealed bid, or public sale, and if necessary, by private sale, but in
21 all situations only after notice of the property sale is publicly
22 advertised on at least two separate occasions in the newspaper with
23 the largest circulation in the county where the surplus property is
24 located and not less than thirty days prior to the sale of the
25 property, and pursuant to section 72-816, all proceeds from the sale

1 of the property, less maintenance expenses pending the sale and
2 selling expenses, but including investment income on the sale
3 proceeds of the property, shall be promptly transferred from the
4 Vacant Building and Excess Land Cash Fund to the General Fund by the
5 State Building Administrator.

6 (5) The state building division shall be responsible for
7 the maintenance of the building or land if maintenance is ordered by
8 the committee and shall be responsible for maintenance of the
9 building or land pending sale or lease of the building or land.

10 (6) Land at the Hastings Regional Center determined by
11 the committee to be excess shall be sold by such method as is to the
12 best advantage of the State of Nebraska, including auction, sealed
13 bid, or public sale, and if necessary, by private sale. The sale of
14 land shall only occur after notice of the sale is publicly advertised
15 on at least two separate occasions in the newspaper with the largest
16 circulation in the county where the land is located and not less than
17 thirty days prior to the sale of the land. The proceeds from the sale
18 of the land, less maintenance expenses pending the sale and selling
19 expenses, but including investment income on the sale proceeds, shall
20 be promptly transferred from the Vacant Building and Excess Land Cash
21 Fund by the State Building Administrator as follows:

22 (a) First, not exceeding five million three hundred seven
23 thousand dollars to the General Fund; then

24 (b) Not exceeding three million dollars of available
25 proceeds remaining to the Nebraska Capital Construction Fund.

1 Sec. 16. Section 81-2004.02, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-2004.02 There is hereby created the Nebraska State
4 Patrol Cash Fund. Money from this fund shall be used to defray
5 expenses incident to the administration of the Nebraska State Patrol.
6 All funds received by the Nebraska State Patrol for services rendered
7 shall be remitted to the State Treasurer for credit to the Nebraska
8 State Patrol Cash Fund. Such fund shall be administered by the
9 Superintendent of Law Enforcement and Public Safety.

10 Allowable uses of the fund shall include, but not be
11 limited to, defraying the cost of:

12 (1) The vehicle identification inspection program
13 established in sections 60-181 to 60-189;

14 (2) Investigations of odometer and motor vehicle fraud,
15 motor vehicle licensing violations, and motor vehicle theft; and

16 (3) Other investigative expenses when money is
17 specifically appropriated by the Legislature for such purposes.

18 For fiscal year 2013-14, transfers may be made from the
19 fund to the Nebraska Capital Construction Fund at the direction of
20 the Legislature. Any money in the fund—Nebraska State Patrol Cash
21 Fund available for investment shall be invested by the state
22 investment officer pursuant to the Nebraska Capital Expansion Act and
23 the Nebraska State Funds Investment Act.

24 Sec. 17. Section 81-2004.05, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 81-2004.05 There is hereby created the Public Safety Cash
2 Fund. All forfeitures and proceeds received by the Nebraska State
3 Patrol under the federal Equitable Sharing Provisions or any other
4 federal agreement from any agency of the federal government on or
5 after July 10, 1990, shall be deposited in the fund. This section
6 shall not apply to funds otherwise subject to sections 28-431 and
7 28-1439.02. The fund shall be used only in accordance with the
8 applicable requirements of the federal government. The fund shall be
9 administered by the Superintendent of Law Enforcement and Public
10 Safety. For fiscal year 2013-14, transfers may be made from the fund
11 to the Nebraska Capital Construction Fund at the direction of the
12 Legislature to support capital projects related to Nebraska State
13 Patrol law enforcement efforts. Any money in the fund—Public Safety
14 Cash Fund available for investment shall be invested by the state
15 investment officer pursuant to the Nebraska Capital Expansion Act and
16 the Nebraska State Funds Investment Act.

17 Sec. 18. Section 81-2004.08, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 81-2004.08 The Nebraska Public Safety Communication
20 System Cash Fund is created. The fund shall be established within the
21 Nebraska State Patrol and administered by the Superintendent of Law
22 Enforcement and Public Safety. The fund shall consist of all revenue
23 credited pursuant to law, including any fund transfers authorized by
24 the Legislature. The fund shall only be used to pay the patrol's
25 direct costs related to administering, operating, and maintaining the

1 Nebraska Public Safety Communication System, except that any
2 unobligated money in the fund may first be used to reduce the
3 patrol's General Fund costs to operate the Nebraska Public Safety
4 Communication System, and if additional unobligated money in the fund
5 exists, the Legislature may transfer money from the fund to the State
6 Fire Marshal and the Game and Parks Commission to reduce the General
7 Fund costs to operate the Nebraska Public Safety Communication
8 System. For fiscal year 2013-14, transfers may be made from the fund
9 to the Nebraska Capital Construction Fund at the direction of the
10 Legislature to support capital projects related to Nebraska State
11 Patrol law enforcement efforts. Any money in the ~~fund~~ Nebraska Public
12 Safety Communication System Cash Fund available for investment shall
13 be invested by the state investment officer pursuant to the Nebraska
14 Capital Expansion Act and the Nebraska State Funds Investment Act.

15 Sec. 19. Original sections 32-1610, 53-117.03, 53-117.06,
16 81-2004.02, 81-2004.05, and 81-2004.08, Reissue Revised Statutes of
17 Nebraska, and section 72-815, Revised Statutes Cumulative Supplement,
18 2012, are repealed.

19 Sec. 20. Since an emergency exists, this act takes effect
20 when passed and approved according to law.