

LEGISLATIVE BILL 593

Approved by the Governor May 17, 1979

Introduced by Appropriations Committee, Warner, 25,
Chmn.; Rumery, 42; Dworak, 22; Labeledz, 5;
Cope, 36; Fowler, 27; Hasebroock, 18

AN ACT relating to appropriations; to acknowledge and reaffirm appropriations previously made; to appropriate and reappropriate funds; to amend Laws 1978, LB 956, sections 4, 5, 6, and 35, Laws 1978, LB 956, sections 33 and 42, with items reduced or disapproved by line-item veto, Laws 1978, LB 937, section 21, and section 81-1414.06, Revised Statutes Supplement, 1978; to provide severability; to repeal the original sections; and to declare an emergency.

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

Section 1. The appropriations contained in this act are acknowledgments and reaffirmations of commitments made by the Eighty-fifth Legislature, Second Session, 1978.

Sec. 2. That Laws 1978, LB 956, section 4, be amended to read as follows:

Sec. 4. Program 990. The Department of Public Institutions is hereby authorized to renovate structures at the Beatrice State Developmental Center to comply with regulations promulgated pursuant to Title XIX of the Social Security Act. There is hereby appropriated \$585,960 from the Nebraska Capital Construction Fund for the fiscal year ending June 30, 1979, to initiate such renovation. There is hereby appropriated ~~\$694,993~~ \$100,000 from the State Building Fund for the fiscal year ending June 30, 1980, ~~to continue for planning and design~~ for future renovation.

There is hereby appropriated ~~\$394,245~~ \$621,993 from the State Building Fund for the fiscal year ending June 30, 1981, to ~~complete~~ continue the renovation pursuant to ~~to--Title--XIX--regulations-~~ There is hereby appropriated \$298,336 from the State Building Fund for the fiscal year ending June 30, 1982, to complete the renovation pursuant to Title XIX regulations.

It is the intent of the Legislature that the renovation be executed in yearly projects so that at the end of each fiscal year such projects shall provide the approximate number of stations enumerated in the Beatrice

State Developmental Center Plan of Compliance Medicaid Program. The appropriations in this section are intended to provide funds for the completion of 446 stations in compliance, which is in addition to the 64 cottage stations currently under construction provided in the recently constructed cottages, by June 30, 1979 1980; an additional 96 stations in compliance, which is in addition to 80 stations to be provided by the construction of five new cottages pursuant to section 6 of this act, by June 30, 1980 1981; and an additional 64 stations in compliance during the succeeding two fiscal years by June 30, 1982. Funds are included in the reappropriation to the Department of Public Institutions for Program 989 for the planning of 5 new cottages to provide an additional 80 stations if deemed necessary.

Sec. 3. That Laws 1978, LB 956, section 5, be amended to read as follows:

Sec. 5. Program 991. The Department of Public Institutions is hereby authorized to renovate the "D" Building at the Beatrice State Developmental Center to a training center. There is hereby appropriated \$440,000 from the Nebraska Capital Construction Fund for the fiscal year ending June 30, 1979, to plan and initiate the construction. There is hereby appropriated ~~\$4,337,600~~ \$624,000 from the State Building Fund for the fiscal year ending June 30, 1980, to complete the renovation.

Sec. 4. That Laws 1978, LB 956, section 6, be amended to read as follows:

Sec. 6. Program 989. The Department of Public Institutions is hereby authorized to construct develop plans for the construction of five new cottages at the Beatrice State Developmental Center with a total project cost not to exceed \$1,439,600. There is hereby appropriated ~~\$4,274,415~~ \$100,000 from the Nebraska Capital Construction Fund for the fiscal year ending June 30, 1979, to plan and initiate for the construction of the five new cottages. ~~There is hereby appropriated \$997,485 from the State Building Fund for the fiscal year ending June 30, 1980, to complete the five new cottages.~~

~~It is intended that planning shall be scheduled after January 1, 1979, and that construction shall not begin prior to June 1, 1979.~~

Sec. 5. That Laws 1978, LB 956, section 33, with an item disapproved by line-item veto, be amended to read as follows:

Sec. 33. Program 920. The Department of Correctional Services is hereby authorized to plan and construct an Omaha Work Release Center for 150 inmates on the ~~the Omaha-Medium--Minimum--facility--site~~ with a total project cost not to exceed ~~\$2,070,400~~ \$2,194,300. There is hereby appropriated \$150,000 from the Nebraska Capital Construction Fund for the fiscal year ending June 30, 1979, to plan and initiate the project. There is hereby appropriated ~~\$4,725,400~~ \$841,742 from the State Building Fund and \$558,258 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1980, to complete continue construction of the work release center. There is hereby appropriated \$644,300 from the State Building Fund for fiscal year ending June 30, 1981, to complete the work release center.

Sec. 6. That Laws 1978, LB 956, section 35, be amended to read as follows:

Sec. 35. Program 925. The Department of Correctional Services is hereby authorized to construct a maximum security facility at Lincoln for a total project cost not to exceed ~~\$43,827,000~~ \$14,564,000. There is hereby appropriated \$1,900,000 from the Nebraska Capital Construction Fund for the fiscal year ending June 30, 1979, to initiate construction. There is hereby appropriated ~~\$8,000,000~~ \$3,673,760 from the State Building Fund and \$3,539,260 from the Nebraska Capital Construction Fund for the fiscal year ending June 30, 1980, to continue construction. There is hereby appropriated ~~\$3,927,000~~ \$5,450,930 from the State Building Fund for the fiscal year ending June 30, 1981, to complete construction.

It is intended that the facility shall accommodate 320 legal offenders with a capability for future expansion.

Sec. 7. That Laws 1978, LB 937, section 21, be amended to read as follows:

Sec. 21. Program 909. To aid in carrying out the provisions of Legislative Bill 417, Eighty-fourth Legislature, First Session, 1975, there is hereby appropriated \$836,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1977, for site acquisition and to initiate construction of the Omaha area project. There is hereby appropriated \$1,075,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1978, to continue the Omaha area Medium-Minimum facility. There is hereby appropriated ~~\$4,927,000~~ \$77,000 from the State Building Fund and \$755,000 from the Revenue Sharing Trust Fund for the

fiscal year ending June 30, 1979, to continue the Omaha area Medium-Minimum facility. There is hereby appropriated ~~\$4,200,000~~ \$4,704,000 from the State Building Fund for the fiscal year ending June 30, ~~1980~~ 1981, to continue the Omaha area medium-minimum facility.

There is hereby appropriated ~~\$4,454,000~~ \$4,378,400 from the State Building Fund for the fiscal year ending June 30, ~~1981~~ 1982, to complete the project.

The Department of Correctional Services may exercise the power of eminent domain on behalf of the state for the purposes of implementing this section. The power to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

It is the intent of the Legislature that, within the appropriation to construct the Omaha area project, the Department of Correctional Services shall designate and plan to operate one unit as a chemical dependency unit.

~~It is intended that the Department of Correctional Services should proceed forthwith with the acquisition of properties not yet acquired by the city of Omaha through the process of negotiations or eminent domain. It is understood that the State of Nebraska shall pay as its share of the properties so acquired a sum not to exceed \$300,000, and that any additional liability for the acquisition of such properties shall rest with the city of Omaha.~~

~~It is further intended that the contract for the acquisition of properties already acquired by the city of Omaha for the use of the Department of Correctional Services be amended to increase the limit of liability from \$495,000 to \$535,000 for those selected parcels within the site limits of the Omaha facility tract that have already been acquired by the city of Omaha.~~

Sec. 9. That Laws 1978, LB 956, section 42, with an item reduced by line-item veto, be amended to read as follows:

Sec. 42. Program 915. Kearney State College is authorized to make athletic field improvements with a total project cost not to exceed ~~\$120,000~~ \$126,000. There is hereby appropriated \$60,000 from the State Building Fund for the fiscal year ending June 30, 1979, to initiate the project. There is hereby appropriated ~~\$30,000~~ \$66,000 from the State Building Fund for the

fiscal year ending June 30, 1980, to complete the improvements.

Sec. 9. Program 906. The Legislature hereby acknowledges and reaffirms the appropriation made by Laws 1978, LB 937, section 8, which is to construct a health, physical education and recreation facility at the University of Nebraska at Omaha. There is hereby appropriated \$674,000 from the State Building Fund for the fiscal year ending June 30, 1980, to complete the project.

Sec. 10. Program 900. The Legislature hereby acknowledges and reaffirms the appropriation made by Laws 1978, LB 956, section 55, which is to construct a missile display on the SAC Museum site. There is hereby appropriated \$100,000 from the State Building Fund for the fiscal year ending June 30, 1980, to complete the missile display.

Sec. 11. Program 903. The Legislature hereby acknowledges and reaffirms the appropriation made by Laws 1978, LB 937, section 19, which is to place \$1,200,000 from the special privilege tax on cigarettes in the State Office Building Fund each year for the fiscal years 1974-75 through 1977-78, and \$3,600,000 for the fiscal years 1978-79 through 1983-84. There is hereby appropriated from the proceeds of such tax to such fund \$3,600,000 for the fiscal year ending June 30, 1980, plus investment income.

Sec. 12. Program 902. The Legislature hereby acknowledges and reaffirms the appropriation made by Laws 1978, LB 937, section 20, which is to lease the North Platte State Office Building. There is hereby appropriated for such purpose \$50,000 from the State Building Fund for the fiscal year ending June 30, 1980.

Sec. 13. Program 904. The Legislature hereby acknowledges and reaffirms the appropriation made by Laws 1978, LB 937, section 18, which is to place \$960,000 from the special privilege tax on cigarettes in the Downtown Education Center and Office Rental Fund each year for the fiscal years 1976-77 through 1983-84 and \$2,280,000 each year for the fiscal years 1984-85 and 1985-86. There is hereby appropriated from the proceeds of such tax to such fund \$960,000 for each of the fiscal years 1977-78 through 1983-84, and \$2,280,000 for each of the fiscal years 1984-85 and 1985-86, plus private donations and investment income.

Sec. 14. Program 910. The Legislature hereby acknowledges and reaffirms the appropriation made by Laws

1978, LB 956, section 51, which is to renovate the Dredge Lewis. There is hereby appropriated \$20,000 from the State Building Fund and any private and federal funds available for the fiscal year ending June 30, 1980, to complete the renovations.

Sec. 15. Program 906. The Legislature hereby acknowledges and reaffirms the appropriation made by Laws 1978, LB 937, section 7, which is to construct a health and physical education facility contiguous to Majors Hall at Peru State College. There is hereby appropriated \$700,000 for the fiscal year ending June 30, 1980, to complete the project.

Sec. 16. That section 81-1414.06, Revised Statutes Supplement, 1978, be amended to read as follows:

81-1414.06. It is the intent of the Legislature of Nebraska to appropriate annually to the Nebraska Law Enforcement Training Center Fund an amount sufficient for the costs and payments to be made by the State of Nebraska to the city of Grand Island for the lease by the state of the Nebraska Law Enforcement Training Center including an amount sufficient for operation and maintenance and lease payments sufficient to pay the principal and interest on the bonds issued by the city of Grand Island to finance such building and to maintain and any require required amounts in any bond and bond reserve funds. For the fiscal year 1979-80 there is hereby appropriated for such purposes the sum of three hundred fifteen thousand eight hundred ninety five dollars. There is hereby appropriated \$320,000 from the State Building Fund to the Nebraska Law Enforcement Training Center Fund for the fiscal year ending June 30, 1980. There is hereby appropriated \$320,000 plus any investment income from the Nebraska Law Enforcement Training Center Fund for the fiscal year ending June 30, 1980, to Agency 78 - Nebraska Commission on Law Enforcement and Criminal Justice for Program 901.

Sec. 17. The Legislature hereby acknowledges and reaffirms the appropriation made by Laws 1978, LB 109, section 3, which is to place \$1,030,100 from the special privilege tax on cigarettes in the Nebraska Outdoor Recreation Development Cash Fund for the fiscal year ending June 30, 1980. There is hereby appropriated from the proceeds of such tax to such fund \$1,030,100 for the fiscal year ending June 30, 1980.

Sec. 18. The Legislature hereby acknowledges and reaffirms the directive given in Laws 1976, LB 984, section 29, which is to require a qualified cost-control construction consultant to assure that projects shall

substantially render programmed space within the appropriations made for such projects; Provided, that the conditions of this directive shall not apply if the total project cost is less than four million dollars.

Sec. 19. Program 919. There is hereby appropriated from the General Fund to the Nebraska State Fairgrounds Building Fund from the gross sum wagered by the pari-mutuel method at the 1979 race meeting conducted by the Nebraska State Board of Agriculture five per cent of any amount in excess of one million dollars, which amount is hereby appropriated to such fund for the fiscal period ending June 30, 1980.

Sec. 20. There is hereby appropriated for the period of July 1, 1979, to June 30, 1980, from the unexpended and unencumbered balances existing on June 30, 1979, to each agency for each program from the respective funds for capital construction as follows:

(1) Agency No. 03 - Legislative Council

Program 901

(2) Agency No. 13 - Department of Education

Programs 906 and 319

(3) Agency No. 25 - Department of Public Institutions

Programs 903, 905, 908, 910, 922, 952, 962, 964, 931, 982, 987, 988, 989, 990, and 991.

(4) Agency No. 27 - Department of Roads

Program 901 and 902

(5) Agency No. 33 - Game and Parks Commission

Programs 919, 924, 928, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 980, and 981. Receipts in Program 928 for the period July 1, 1979, to June 30, 1980, together with any amounts held in the Niobrara State Park account by the State Treasurer on June 30, 1979, are hereby appropriated and reappropriated to the appropriate Niobrara State Park funds. Program 919 and 952 are hereby merged into Program 319. Of the unexpended and unencumbered balance existing on June 30, 1979, in Program 938, \$50,000 is hereby reappropriated to Program 919 for the purpose of providing aid to political subdivisions. Any federal reimbursement received due to the reappropriation of State Building Funds in Programs

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967 and 969, shall be credited to the State Park Cash Revolving Fund.

(6) Agency No. 46 - Department of Correctional Services

Programs 905, 906, 908, 909, 912, 913, 920, and 925

(7) Agency No. 49 - Board of Trustees - State Colleges

Program 901

(8) Agency No. 50 - State Colleges

Programs 902, 904, 905, 906, 909, 910, 913, 914, 915, 923, and 930

(9) Agency No. 51 - University of Nebraska

Programs 904, 908, 909, 913, 914, 916, 928, 932, 937, 972, 973, and 998

(10) Agency No. 52 - State Board of Agriculture

Program 913

(11) Agency No. 54 - Nebraska State Historical Society

Programs 901, 907, 909, and 910

(12) Agency No. 65 - Department of Administrative Services

Programs 900, 902, 903, 904, 907, 919, 920, 940, and 950. Program numbers pertaining to LB 309 funding shall be combined under Program 940.

(13) Agency No. 72 - Department of Economic Development

Programs 900 and 904

Sec. 21. Any federal funds not otherwise appropriated, any additional federal funds made available to the credit of the State Treasurer, and any unexpended balances in federal funds on the effective date of this act are hereby appropriated and reappropriated to the agency and project for which the funds were allocated by the federal government.

Sec. 22. The State Treasurer is hereby directed to transfer from the General Fund to the State Building Fund, at times and in the amounts specified by certification from the State Budget Officer, funds sufficient to make payment for appropriations for capital construction projects. All state funds appropriated from the General Fund for capital construction shall be paid out of the State Building Fund.

Sec. 23. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 24. That original Laws 1978, LB 956, sections 4, 5, 6, and 35, Laws 1978, LB 956, sections 33 and 42 with items reduced or disapproved by line-item veto, Laws 1978, LB 937, section 21, and section 81-1414.06, Revised Statutes Supplement, 1978, are repealed.

Sec. 25. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.