

## LEGISLATIVE BILL 607

Approved by the Governor May 17, 1983

Introduced by Speaker, Nichol, 48, at Request of Governor

AN ACT relating to funds; to amend section 81-1108.17, Reissue Revised Statutes of Nebraska, 1943, and sections 23-362, 57-705, 84-609, and 84-611, Revised Statutes Supplement, 1982; to change a provision relating to payments for law enforcement in certain counties; to change distributions from the Severance Tax Fund; to change provisions relating to charges for certain state buildings and facilities; to extend authority for interfund transfers; to eliminate a provision relating to alcohol rehabilitation; to provide operative dates; to repeal the original sections, and also section 23-362.03, Revised Statutes Supplement, 1982; and to declare an emergency.

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

Section 1. That section 23-362, Revised Statutes Supplement, 1982, be amended to read as follows:

23-362. In order to equitably distribute the added burden of law enforcement imposed upon certain counties of this state by reason of the passage of Public Law 280 of the Eighty-third Congress dealing with state jurisdiction and the resulting withdrawal of federal law enforcement in such counties, there shall each fiscal year be paid out of the state treasury, on the warrant of the Director of Administrative Services as directed by the chairperson of the Nebraska Commission on Law Enforcement and Criminal Justice, not to exceed seventy-six thousand dollars for the benefit of Indians in any county which has land held in trust by the United States government for the benefit of Indians to be used for purposes of law enforcement and jail operations. Such funds shall be divided as equally as possible between the areas of law enforcement and jail operations. A report shall be submitted on December 31 of each year on the operation and expenditures of the office of the county sheriff to the Executive Board of

the Legislative Council and the Governor. Such payment shall be made to any county of this state meeting the following conditions:

(1) Such county shall have on file in the office of the Director of Administrative Services Nebraska Commission on Law Enforcement and Criminal Justice a certificate of the county assessor that there are within such county over twenty-five hundred acres of land held in trust by the United States, or subject to restriction against alienation imposed by the United States; and

(2) The county board of each such county may participate in alcohol-related programs with nonprofit corporations.

Sec. 2. That section 57-705, Revised Statutes Supplement, 1982, be amended to read as follows:

57-705. All taxes, levied by the provisions of sections 57-701 to 57-715, shall be paid to the Tax Commissioner. He or she shall pay to the State Treasurer all money so received. All sums of money received, under the provisions of sections 57-701 to 57-715 by the State Treasurer, shall be placed by him or her in a fund to be known as the Severance Tax Fund. An appropriate amount, as determined by the Tax Commissioner, so placed in such fund shall be credited by the State Treasurer, upon the first day of each month, and shall inure to the Severance Tax Administration Fund, to be used for the expenses of administering the provisions of sections 57-701 to 57-715. The balance of the Severance Tax Fund received from school lands shall be credited by the State Treasurer, upon the first day of each month, and shall inure to the Permanent School Fund as established in Article VII, section 7, of the Constitution of Nebraska. Of the balance of the Severance Tax Fund received from other than school lands prior to July 1, 1986, (1) five hundred thousand dollars annually shall be allocated to the Nebraska Energy Resource Fund, which is hereby created, and (2) the remainder shall be allocated to the School Weatherization Fund, which is hereby created. For fiscal years 1982-83, 1983-84, 1984-85, and 1985-86, the Legislature shall may appropriate each year from the Nebraska Energy Resource Fund two one hundred thousand dollars to the State Energy Office for the purpose of carrying out sections 66-1029 to 66-1055 and for energy conservation purposes and providing technical assistance in developing alternate sources of energy, and one hundred thousand dollars to the State Energy Office for grants to assist in developing geothermal energy sources. For fiscal years 1982-83, 1983-84, 1984-85, and 1985-86, the legislature shall appropriate one hundred thousand dollars from the Nebraska Energy Resource Fund to the Nebraska Gasohol Committee, and two



hundred thousand dollars to the Department of Revenue to assist in the administration of sections 66-1029 to 66-1055, except that money in the Nebraska Energy Resource Fund may be transferred to the General Fund at the direction of the Legislature. Commencing July 1, 1986, the balance of the Severance Tax Fund received from other than school lands shall be credited and inure to the School Foundation and Equalization Fund. The amount allocated to the School Foundation and Equalization Fund under this section shall be in addition to any other amounts appropriated to such fund and shall be specifically allocated for distribution pursuant to (a) section 79-1334, in an amount not to exceed sixty per cent of such additional funds, and (b) section 79-1339. Any balance in the School Weatherization Fund on July 1, 1986, shall be transferred to the School Foundation and Equalization Fund.

Sec. 3. That section 81-1108.17, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1108.17. The Department of Administrative Services shall be the custodian of the State Capitol and capitol grounds, the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased by the State of Nebraska. To aid in the performance of his or her duties, the Director of Administrative Services shall appoint an administrator. The administrator, under the direction of the director, shall have complete control and all powers necessary to properly maintain the capitol and capitol grounds, the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased by the State of Nebraska. The administrator shall have the authority to develop, produce, and provide for free distribution or sale of books, brochures, pictures, slides, postcards, and other informational or promotional material concerning the capitol. The administrator shall have control over the money received from the sale of such material and from private or public donations. Such proceeds and donations shall be placed in the Department of Administrative Services Cash Fund, which is hereby created, and shall be used for the purpose of funding projects designed to restore the capitol building to its original condition and the production of such promotional materials. Such projects shall be prescribed by the administrator and the State Building Advisory Committee pursuant to the approved comprehensive capital facilities plan for the capitol building. The administrator, under the direction of the



director, is authorized to lease space or to provide facilities for restaurants, cafeterias, or other services, and newsstands for the convenience of state officers and employees in the State Capitol or buildings leased when such space is not needed for public use. Proceeds from the operations and rental of such facilities shall be placed in the State Building Revolving Fund and shall be expended as necessary for the purpose of offsetting the costs of operating and maintaining such facilities. The administrator, under the direction of the director, is authorized to lease space or to provide facilities for the parking of state officers' and employees' vehicles as well as state-owned vehicles. He or she is authorized to lease, rent, or permit for use as apartments, dwellings, offices, and parking areas any or all of the property acquired for parking or for future building needs; PROVIDED, that all leases shall contain the provision that upon notice that such property is needed for public use, the use or occupancy thereof shall cease; AND PROVIDED FURTHER, that all money received as rent from any property acquired shall be paid into the state treasury and by the State Treasurer placed in the State Building Revolving Fund, except that receipts from parking charges for employee and state vehicle parking shall be credited to the Capitol Buildings Parking Revolving Fund, which fund is hereby created, for the purposes of providing and maintaining parking for state employees and visitors. Receipts from public parking charges shall be paid into the Department of Administrative Services Cash Fund and shall be used for the purpose of funding projects designed to restore the capitol building to its original condition. The system of charges for state buildings and facilities, the proceeds of which are placed in the State Building Revolving Fund, shall include an amount sufficient (4) to accurately reflect the operating, maintenance, and repair costs, 7 and (2) to amortize the cost of the facilities over their useful life. Such amortization amounts shall be separately accounted for in the State Building Revolving Fund. The administrator shall develop a system of equitable billings and charges for parking facilities under his or her control and used by state employees and state vehicles. The system of charges shall include (a) an amount sufficient to cover the operating, maintenance, and repair costs associated with the parking facilities, 7 and (b) an amount sufficient to amortize the costs of the facilities over their useful life. Such amortization amounts shall be separately accounted for in the Capitol Buildings Parking Revolving Fund. The administrator, under policies and procedures established by the Director of Administrative Services, may expend funds from time to



time credited to the Capitol Buildings Parking Revolving Fund for the purposes of obtaining, operating, and maintaining parking facilities for employees and visitors. All money derived from any source other than that to be paid into the State Building Revolving Fund, the Capitol Buildings Parking Revolving Fund, the Department of Administrative Services Cash Fund, or other appropriate revolving fund shall be paid into the state treasury and by the State Treasurer placed in the General Fund. The administrator shall acquire a flag of the United States of America of suitable and convenient size. The colors of the flag shall be fast colors, and the cloth shall be of substantial material. The administrator shall acquire, construct, and locate in a suitable place on the State Capitol proper, or its environs, a suitable flagstaff or pole upon which the flag of the United States of America shall be conspicuously displayed during the day season of each day of the year. The flag shall be so arranged on the staff or pole that it may be raised or lowered with ease. The administrator shall see that all parts and apartments of the capitol and buildings leased are properly ventilated and kept clean and in order. The administrator shall see that all visitors, at proper hours, are properly escorted over the capitol grounds and through the capitol, free of expense. The administrator shall at all times have charge of and supervision over the police, janitors, and other employees in and about the capitol and capitol grounds, state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased by the State of Nebraska. The administrator shall institute, in the name of the state and with the advice of the Attorney General, civil and criminal proceedings against any person for injury or threatened injury to any public property in the capitol or on the capitol grounds, the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased by the State of Nebraska under his or her control, or for committing or threatening to commit a nuisance therein or thereon. The administrator shall keep in his or her office a complete record containing all plans and surveys of the capitol and capitol grounds, state laboratory and grounds, Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased by the State of Nebraska and of underground construction thereto.

Sec. 4. That section 84-609, Revised Statutes Supplement, 1982, be amended to read as follows:

84-609. In order to promote sound fiscal management and facilitate the orderly expenditure of

appropriations, and notwithstanding any other provision of law, the State Treasurer is authorized to make interfund transfers of fund balances among the various fund accounts of the state invested by the state investment officer in the short term investment pool. Such transfers shall be made upon certification by the Director of Administrative Services that the current cash balance in a specific fund is inadequate to meet current obligations. Such certification shall include the specific fund accounts and the dollar amount to be transferred. The interfund transfer shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available. The authority granted by this section shall terminate on July 1, 1983 1984.

Sec. 5. That section 84-611, Revised Statutes Supplement, 1982, be amended to read as follows:

84-611. Any interfund transfer made pursuant to section 84-609, and which has not been reversed as provided in such section, together with any unpaid interest as provided in section 84-610, shall be considered by the State Board of Equalization and Assessment in fixing state sales and income tax rates. Such unreversed interfund transfers, if any, and the unpaid interest, if any, shall be considered an encumbrance against the General Fund for rate-setting purposes. Prior to any meeting of the State Board of Equalization and Assessment, if any such encumbrances exist, the Director of Administrative Services shall certify to the board the amount of such encumbrances. The provisions of this section shall terminate on July 1, 1983 1984, and all borrowed funds shall be replaced prior to such date.

Sec. 6. Sections 2 and 7 of this act shall become operative on July 1, 1983, and the other sections of this act shall become operative on their effective date.

Sec. 7. That original section 57-705, Revised Statutes Supplement, 1982, is repealed.

Sec. 8. That original section 81-1108.17, Reissue Revised Statutes of Nebraska, 1943, and sections 23-362, 84-609, and 84-611, Revised Statutes Supplement, 1982, and also section 23-362.03, Revised Statutes Supplement, 1982, are repealed.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.