

LEGISLATIVE BILL 406

Approved by the Governor May 26, 2003

Introduced by Speaker Bromm, 23; at the request of the Governor

AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements; to provide an operative date; and to declare an emergency.

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

Section 1. DEFINITION OF APPROPRIATION PERIOD.

For purposes of this act and any other legislative bill passed by the Ninety-eighth Legislature, First or Second Session, which appropriates funds, FY2002-03 means the period July 1, 2002, through June 30, 2003, FY2003-04 means the period July 1, 2003, through June 30, 2004, FY2004-05 means the period July 1, 2004, through June 30, 2005, FY2005-06 means the period July 1, 2005, through June 30, 2006, and FY2006-07 means the period July 1, 2006, through June 30, 2007.

Sec. 2. APPROPRIATION LANGUAGE.

There are hereby appropriated, for FY2003-04 and FY2004-05, the sums set forth in this act to each agency for each program from the respective funds for capital construction projects, land acquisition, lease-purchase arrangements, and major equipment acquisition, except as otherwise appropriated.

Sec. 3. REAPPROPRIATION OF BALANCE, FY2003-04 to FY2004-05.

In addition to the appropriations set forth in this act, there are hereby reappropriated all unexpended appropriation balances existing on June 30, 2004, for FY2004-05 to the respective agencies, programs, and funds listed in this act, except as otherwise provided in this act.

Sec. 4. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

The definitions contained in the Nebraska Accounting System Manual, and any amendments thereto, on file with the Clerk of the Legislature are hereby adopted by the Legislature as the definitions for this act.

In order to facilitate the ongoing conversion from the Nebraska Accounting System (NAS) to the Nebraska Information System (NIS) and in order to facilitate the technical requirements of the Nebraska Information System, the budget administrator of the budget division of the Department of Administrative Services may provide to the Accounting Administrator a listing of duplicate appropriations program numbers and descriptions and their recommended replacements. The Accounting Administrator may implement such replacement program numbers and descriptions in the Nebraska Information System at such time as is most expeditious and amenable for the accounting division and budget division of the Department of Administrative Services and for the state agencies involved. The budget administrator shall inform the Legislative Fiscal Analyst of all such changes as they are completed in the Nebraska Information System.

Sec. 5. DRAWING AND PAYING WARRANTS.

The Director of Administrative Services shall draw warrants upon the proper fund in the state treasury for an amount not to exceed the appropriations set forth in this act upon presentation of proper documentation. The State Treasurer shall pay the warrants out of the appropriate funds.

Sec. 6. It is the intent of the Legislature that the appropriation for capital facilities follow an orderly and reasonable process based upon defined and documented need and an analysis of the utilization of existing facilities.

The biennial appropriations contained in this act covering FY2003-04 and FY2004-05, which have been designated for planning, require from the agency a complete program statement prepared in accordance with the Procedural Manual for Capital Construction as approved by the state building division of the Department of Administrative Services. Projects directly related to program continuation such as fire and life safety, maintenance, utility improvements, handicapped access, and master planning require a statement of needs prepared in accordance with the manual. An appropriation for drawings and construction may be recommended only after submission of an acceptable program statement or statement of needs on or before September 15 to the state building division, the budget division of the Department of Administrative Services, and the Legislative Fiscal Analyst.

Program statements that have been submitted prior to FY2003-04 shall

be updated if necessary and resubmitted during the period July 1, 2003, to September 1, 2003. Program statements that have been submitted prior to FY2004-05 shall be updated if necessary and resubmitted during the period July 1, 2004, to September 1, 2004, by agency priority. Such priority shall be subject to final modification by the governing authority of each agency on or before September 15, 2004.

Sec. 7. It is the intent of the Legislature that agencies should construct or renovate facilities in such a manner as to provide the greatest cost-effective energy savings possible. Design criteria emphasizing efficiency, functionality, and energy conservation shall be reflected in program statements, schematic design documents, design development documents, and construction documents. The state building division of the Department of Administrative Services and the State Energy Office shall provide technical assistance to the state agencies, upon request, to assist them in providing for energy-efficient new or renovated facilities.

Sec. 8. AGENCY NO. 25 -- DEPARTMENT OF HEALTH AND HUMAN SERVICES
 Program No. 922 - Veterans' Home - Douglas County

	FY2003-04	FY2004-05	FUTURE
NEBRASKA CAPITAL			
CONSTRUCTION FUND	5,727,707	-0-	-0-
FEDERAL FUND est.	9,545,357	-0-	-0-
PROGRAM TOTAL	15,273,064	-0-	-0-

The Department of Health and Human Services is hereby authorized to construct a new veterans' home in Douglas County with the appropriation to this program. The total cost of this project from the Nebraska Capital Construction Fund and federal funding sources shall not exceed \$15,273,064.

There is included in the appropriation to this program for FY2003-04 \$5,727,707 from the Nebraska Capital Construction Fund and an estimated \$9,545,357 from federal funds to initiate and complete the project.

The Nebraska Capital Construction Funds appropriated to this project may be used as a match for available federal or other funds. Nothing in this section shall be construed so as to prohibit the use of any private, local, or internally reallocated funds as a match for any available federal or other funds.

Sec. 9. AGENCY NO. 27 -- DEPARTMENT OF ROADS
 Program No. 901 - Facility Improvements

	FY2003-04	FY2004-05	FUTURE
CASH FUND	1,517,548	6,200,864	-0-
PROGRAM TOTAL	1,517,548	6,200,864	-0-

The Department of Roads is hereby authorized to make improvements statewide. There is included in the appropriation to this program for FY2003-04 \$1,517,548 cash funds and for FY2004-05 \$6,200,864 cash funds to make such improvements.

It is intended that the following projects be undertaken with funds appropriated to this program for FY2003-04:

New Maintenance Facility -- Newcastle	647,408
Salt Storage -- Statewide	870,140

It is intended that the following projects be undertaken with funds appropriated to this program for FY2004-05:

Equipment Storage and Office -- Stapleton	1,140,900
Equipment Storage -- Springview	284,850
Equipment Storage -- Grant	375,250
Equipment Storage -- Hebron	783,250
Equipment Storage -- South Omaha	587,600
Salt Storage -- Gothenburg	750,000
Equipment Storage and Office -- Taylor	887,090
Equipment Storage -- Blair	668,690
Equipment Storage -- Imperial	244,130
Equipment Storage -- Albion	479,104

It is the intent of the Legislature that funds appropriated to the Department of Roads for capital facility projects shall only be spent for the purpose of the original appropriation and that the department shall not transfer appropriation authority from one capital facility project to another.

Sec. 10. AGENCY NO. 31 -- MILITARY DEPARTMENT
 Program No. 925 - Federal Funded Construction

	FY2003-04	FY2004-05	FUTURE
FEDERAL FUND est.	2,729,000	13,739,613	-0-
PROGRAM TOTAL	2,729,000	13,739,613	-0-

Sec. 11. AGENCY NO. 33 -- GAME AND PARKS COMMISSION

Program No. 900 - State Park System Facility Improvements

	FY2003-04	FY2004-05	FUTURE
CASH FUND	350,000	100,000	-0-

PROGRAM TOTAL 350,000 100,000 -0-

The Game and Parks Commission is hereby authorized to maintain and improve basic facilities of the state park system. There is included in the appropriation to this program for FY2003-04 \$100,000 cash funds and for FY2004-05 \$100,000 cash funds for this purpose.

The Game and Parks Commission is hereby authorized to develop new, maintain, and improve boating facilities. There is included in the appropriation to this program for FY2003-04 \$250,000 cash funds for this purpose. It is the intent of the Legislature that the Game and Parks Commission shall apply for and make maximum use of federal funding on all capital construction projects which are eligible for such assistance.

Sec. 12. AGENCY NO. 33 -- GAME AND PARKS COMMISSION

Program No. 901 - State Parks Facilities Deferred Maintenance

	FY2003-04	FY2004-05	FUTURE
CASH FUND	300,000	300,000	-0-
PROGRAM TOTAL	300,000	300,000	-0-

The Game and Parks Commission is hereby authorized to make deferred repair and maintenance improvements at facilities in the state park system with the appropriation to this program.

Sec. 13. AGENCY NO. 33 -- GAME AND PARKS COMMISSION

Program No. 902 - Trail Development Assistance

	FY2003-04	FY2004-05	FUTURE
CASH FUND	140,000	140,000	-0-
PROGRAM TOTAL	140,000	140,000	-0-

The Game and Parks Commission is hereby authorized to carry out the provisions of the Trail Development Assistance Act with the funds appropriated from the Trail Development Assistance Fund in this section.

Sec. 14. AGENCY NO. 33 -- GAME AND PARKS COMMISSION

Program No. 960 - Land Acquisition for Park and Recreation Lands

	FY2003-04	FY2004-05	FUTURE
CASH FUND	200,000	200,000	-0-
PROGRAM TOTAL	200,000	200,000	-0-

The Game and Parks Commission is hereby authorized to acquire real property for park and recreation lands statewide with the appropriation to this program.

Sec. 15. AGENCY NO. 33 -- GAME AND PARKS COMMISSION

Program No. 961 - Lewis and Clark Commemoration

	FY2003-04	FY2004-05	FUTURE
CASH FUND	25,000	-0-	-0-
PROGRAM TOTAL	25,000	-0-	-0-

The Game and Parks Commission is hereby authorized to undertake special projects statewide for the commemoration of the Lewis and Clark Expedition Bicentennial with the appropriation to this program.

Sec. 16. AGENCY NO. 33 -- GAME AND PARKS COMMISSION

Program No. 967 - Improvements to State Parks

	FY2003-04	FY2004-05	FUTURE
CASH FUND	1,155,000	446,250	-0-
PROGRAM TOTAL	1,155,000	446,250	-0-

The Game and Parks Commission is hereby authorized to make state parks improvements statewide with the appropriation to this program.

It is intended that the following projects be undertaken with funds appropriated to this program for FY2003-04:

Sewer and Utility Repairs -- Ft. Robinson	1,100,000
Cost Overrun Contingency -- Major State Parks	55,000

It is intended that the following projects be undertaken with funds appropriated to this program for FY2004-05:

Group Lodging Facilities -- Ponca	425,000
Cost Overrun Contingency -- Major State Parks	21,250

Sec. 17. AGENCY NO. 33 -- GAME AND PARKS COMMISSION

Program No. 968 - Improvements to State Historical Parks

	FY2003-04	FY2004-05	FUTURE
CASH FUND	75,000	242,550	-0-
PROGRAM TOTAL	75,000	242,550	-0-

The Game and Parks Commission is hereby authorized to make state historical parks improvements statewide with the appropriation to this program.

It is intended that the following projects be undertaken with funds appropriated to this program for FY2003-04:

Roof Repair Mansion -- Arbor Lodge	75,000
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It is intended that the following projects be undertaken with funds appropriated to this program for FY2004-05:

Phase II Shop Renovation -- Arbor Lodge	31,000
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Water System Repairs -- Ft. Kearny 50,000
 Superintendent Residence -- Ash Hollow 150,000
 Cost Overrun Contingency -- Historical Parks 11,550

Sec. 18. AGENCY NO. 33 -- GAME AND PARKS COMMISSION

Program No. 969 - Improvements to State Recreation Areas

	FY2003-04	FY2004-05	FUTURE
CASH FUND	105,000	414,500	-0-
PROGRAM TOTAL	105,000	414,500	-0-

The Game and Parks Commission is hereby authorized to make state recreation area improvements statewide with the appropriation to this program.

It is intended that the following projects be undertaken with funds appropriated to this program for FY2003-04:

Electrical Hookups -- Two Rivers 100,000
 Cost Overrun Contingency -- Major State Recreation Areas 5,000

It is intended that the following projects be undertaken with funds appropriated to this program for FY2004-05:

Electrical Hookups -- Rockford Lake 50,000
 Maintenance Shop -- North Platte 100,000
 Shower and Latrine Facility -- Two Rivers 240,000
 Cost Overrun Contingency -- Major State Recreation Areas 24,500

Sec. 19. AGENCY NO. 33 -- GAME AND PARKS COMMISSION

Program No. 971 - Improvements to Wildlife Management Areas

	FY2003-04	FY2004-05	FUTURE
CASH FUND	320,000	-0-	-0-
PROGRAM TOTAL	320,000	-0-	-0-

The Game and Parks Commission is hereby authorized to make improvements statewide to basic facilities at wildlife management areas. There is included in the appropriation to this program for FY2003-04 \$320,000 cash funds for this purpose.

Sec. 20. AGENCY NO. 33 -- GAME AND PARKS COMMISSION

Program No. 972 - Improvements to Administrative Facilities

	FY2003-04	FY2004-05	FUTURE
CASH FUND	245,670	-0-	-0-
PROGRAM TOTAL	245,670	-0-	-0-

The Game and Parks Commission is hereby authorized to make administrative facilities improvements statewide with the appropriation to this program.

It is intended that the following projects be undertaken with funds appropriated to this program for FY2003-04:

Maintenance Building at District Office II -- Bassett 125,000
 Improvements at District Offices -- Statewide 120,670

Sec. 21. AGENCY NO. 33 -- GAME AND PARKS COMMISSION

Program No. 973 - Improvements to Fish Production Facilities

	FY2003-04	FY2004-05	FUTURE
CASH FUND	425,000	-0-	-0-
PROGRAM TOTAL	425,000	-0-	-0-

The Game and Parks Commission is hereby authorized to make fisheries improvements statewide with the appropriation to this program.

It is intended that the following projects be undertaken with funds appropriated to this program for FY2003-04:

Pond Liners -- Calamus Hatchery 100,000
 Well Development -- Calamus Hatchery 30,000
 Fishing Access Development -- Statewide 200,000
 Hatcheries Improvements -- Statewide 95,000

Sec. 22. AGENCY NO. 33 -- GAME AND PARKS COMMISSION

Program No. 975 - Emergency Repairs to State Park System Areas

	FY2003-04	FY2004-05	FUTURE
CASH FUND	100,000	100,000	-0-
PROGRAM TOTAL	100,000	100,000	-0-

The Game and Parks Commission is hereby authorized to make emergency repairs to facilities in the state park system with the appropriation to this program.

Sec. 23. AGENCY NO. 33 -- GAME AND PARKS COMMISSION

Program No. 981 - Aquatic Habitat Enhancement and Restoration

	FY2003-04	FY2004-05	FUTURE
CASH FUND	-0-	1,000,000	-0-
PROGRAM TOTAL	-0-	1,000,000	-0-

The Game and Parks Commission is hereby authorized to enhance and rehabilitate aquatic habitat statewide with the appropriation to this program.

Sec. 24. AGENCY NO. 33 -- GAME AND PARKS COMMISSION

It is the intent of the Legislature that the Game and Parks Commission shall apply for and make maximum use of federal funding on all capital construction projects which are eligible for such assistance. It is the intent of the Legislature that all funds appropriated to the Game and Parks Commission for capital construction projects shall only be spent for the purpose of the original appropriation.

Sec. 25. AGENCY NO. 46 -- DEPARTMENT OF CORRECTIONAL SERVICES

Program No. 916 - New Multi-Custody Facilities - Nebraska Correctional Center for Women - York

	FY2003-04	FY2004-05	FUTURE
STATE BUILDING FUND	1,000,000	-0-	-0-
PROGRAM TOTAL	1,000,000	-0-	-0-

The Department of Correctional Services is hereby authorized to construct new multi-custody facilities at the Nebraska Correctional Center for Women in York with the appropriation to this program. The total project cost shall not exceed \$12,503,300.

There was included in the appropriation to this program for FY2001-02 \$2,601,588 from the State Building Fund and \$2,007,512 from federal VOI/TIS Funds to begin construction.

There was included in the appropriation to this program for FY2002-03 \$3,894,200 from the Nebraska Capital Construction Fund and \$3,000,000 from federal VOI/TIS Funds to continue construction.

There is included in the appropriation to this program for FY2003-04 \$1,000,000 from the State Building Fund to complete construction.

The state funds appropriated to this project may be used as a match for any available federal VOI/TIS Funds.

Sec. 26. AGENCY NO. 47 -- NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION

Program No. 901 - Satellite System

	FY2003-04	FY2004-05	FUTURE
STATE BUILDING FUND	100,000	100,000	400,000
PROGRAM TOTAL	100,000	100,000	400,000

The Legislature hereby acknowledges and reaffirms the directive made by Laws 2000, LB 1217, section 32, which authorizes the Nebraska Educational Telecommunications Commission to replace Network 3 equipment with the appropriation to this program. This project should be completed in FY2008-09.

For FY2003-04, the Nebraska Educational Telecommunications Commission is intending to replace 1 satellite transmitter (SSE's), 3 MEDIAMAX CODECS, and 2 CM401 to 701 (SAT) modems.

For FY2004-05, the Nebraska Educational Telecommunications Commission is intending to replace 1 satellite transmitter (SSE's), 3 MEDIAMAX CODECS, and 2 CM401 to 701 (SAT) modems.

For FY2003-04 and FY2004-05, upon the approval of the Nebraska Educational Telecommunications Commission and the budget division of the Department of Administrative Services, the Nebraska Educational Telecommunications Commission may expend an amount not to exceed \$185,000 from the State Building Fund, from Program 901, to help offset the operating costs associated with the activation of digital television.

Sec. 27. AGENCY NO. 47 -- NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION

Program No. 905 - KLNE Lexington Transmitter

	FY2003-04	FY2004-05	FUTURE
STATE BUILDING FUND	390,000	-0-	-0-
FEDERAL FUND est.	260,000	-0-	-0-
PROGRAM TOTAL	650,000	-0-	-0-

The Nebraska Educational Telecommunications Commission is hereby authorized to replace the KLNE transmitter at Lexington, Nebraska, with the appropriation to this program. If an emergency arises, technical conditions dictate, or federal matching or regulative requirements dictate, the funds appropriated in this program may be used to replace an obsolete or deteriorated transmitter at another site. Other nonstate funds may be used to complete this replacement if financial restrictions dictate.

Sec. 28. AGENCY NO. 47 -- NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION

Program No. 906 - KMNE Bassett Transmitter

	FY2003-04	FY2004-05	FUTURE
STATE BUILDING FUND	-0-	390,000	-0-
FEDERAL FUND est.	-0-	260,000	-0-
PROGRAM TOTAL	-0-	650,000	-0-

The Nebraska Educational Telecommunications Commission is hereby authorized to replace the KMNE transmitter at Bassett, Nebraska, with the appropriation to this program. If an emergency arises, technical conditions

dictate, or federal matching or regulative requirements dictate, the funds appropriated in this program may be used to replace an obsolete or deteriorated transmitter at another site. Other nonstate funds may be used to complete this replacement if financial restrictions dictate.

Sec. 29. AGENCY NO. 47 -- NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION

Program No. 911 - Digitization (DTV) Equipment and Satellite Bandwidth Replacement

	FY2003-04	FY2004-05	FUTURE
STATE BUILDING FUND	5,700,000	5,700,000	27,392,153
PROGRAM TOTAL	5,700,000	5,700,000	27,392,153

The Legislature hereby acknowledges and reaffirms the directive made in Laws 1999, LB 878, section 30, which authorizes the Nebraska Educational Telecommunications Commission (NETC) to digitize the NETC transmission signal and to replace satellite transponder capacity. This project should be completed in FY2008-09.

(1) The commission shall not pledge the credit of the State of Nebraska for the payment of any sum owing on account of such contract or contracts in subsections (1) and (2) of this section, except that there may be pledged for payment of any such contract or contracts any appropriations made by the Legislature for such purpose. No contract or contracts shall be entered into pursuant to subsections (1) and (2) of this section without prior approval by resolution of the commission. The principal amount of the contract or contracts financing the digitization equipment project estimated to be retired by appropriations made to this program is \$23,500,000 and may include an estimated \$2,000,000 of digital upgrades or repairs to translators and an estimated \$2,200,000 of heating, ventilating, and air conditioning upgrades, and repairs associated with the installation of digital equipment upgrades at the Terry M. Carpenter Educational Telecommunications Building in Lincoln. The digitization equipment project may include the cost for collocation of transmission towers. The Legislature acknowledges that the total amount of the digitization production equipment project has not been provided for and encourages the commission to aggressively pursue alternative sources of funding for the remainder of the digitization production equipment project. The amount of the digitization equipment project not funded through this program is estimated at \$12,936,905. The principal amount of the contract or contracts financing the satellite transponder capacity replacement project is estimated at \$18,944,000.

(2) On or before August 31, 2010, any funds appropriated from the State Building Fund for the digitization equipment project and the satellite transponder capacity replacement project held in the state treasury and held by the trustee which are not necessary to meet the terms of any long-term financing agreements entered into pursuant to this section shall be transferred to the General Fund.

(3) The commission may expend funds appropriated to Program 533 to meet incidental administrative expenses associated with the digitization equipment project and the satellite transponder capacity replacement project. The commission may also expend federal funds and private gifts and donations for the same purposes.

(4) It is the intent of the Legislature that the Nebraska Educational Telecommunications Commission submit quarterly reports with regard to the costs and associated funding of the digitization equipment project as contained in Program 911, according to the procedures established by the State's Chief Information Officer (CIO).

Sec. 30. AGENCY NO. 47 -- NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION

Program No. 913 - Carpenter Telecommunications Center Renovation

	FY2003-04	FY2004-05	FUTURE
STATE BUILDING FUND	1,738,671	1,738,671	6,954,684
PROGRAM TOTAL	1,738,671	1,738,671	6,954,684

The Nebraska Educational Telecommunications Commission is hereby authorized to renovate the Terry M. Carpenter Telecommunications Center. Funds are provided to upgrade the heating, ventilating, and air conditioning systems; to upgrade the mechanical and electrical systems; to address fire and life safety problems; and to address handicapped accessibility problems. The funding also provides renovation of some areas of the building that are currently of limited use and function, to include network operations space and dressing room reconfiguration; minor renovation of studios 3 and 4; and level 2 infill over studio 2 and the north side of the facility. The total project cost shall not exceed \$13,189,605, exclusive of financing costs.

In addition to amounts appropriated in this section from the State Building Fund for FY2003-04 and FY2004-05, it is intended that \$1,738,671 be

appropriated to this program from the State Building Fund for each fiscal year including FY2005-06 through FY2008-09. The commission may enter into long-term financing contracts with any person, firm, or corporation for purposes of the Carpenter Telecommunications Center Renovation. The payment of costs of the renovation may occur over a contract period not to extend beyond June 30, 2009. The commission shall not pledge the credit of the State of Nebraska for the payment of any sum owing on account of such contracts, except that there may be pledged for payment of any such contracts any appropriations made by the Legislature for such purpose. No contracts shall be entered into pursuant to this section without prior approval by resolution of the commission. The commission may schedule contractual payments on a monthly, quarterly, or semiannual basis consistent with the state fiscal year. On or before August 31, 2009, any funds appropriated from the State Building Fund for the Carpenter Telecommunications Center Renovation held in the state treasury and held by any trustee which are not necessary to meet the terms of any long-term financing agreements entered into pursuant to this section shall be transferred to the General Fund.

Sec. 31. AGENCY NO. 50 -- BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES

Program No. 920 - Board Facilities Fee Fund Projects

	FY2003-04	FY2004-05	FUTURE
STATE BUILDING FUND	400,000	400,000	1,600,000
REVOLVING FUND est.	952,426	952,426	3,809,704
PROGRAM TOTAL	1,352,426	1,352,426	5,409,704

The Legislature hereby acknowledges and reaffirms the directive made by Laws 1998, LB 1100, section 6, which authorizes the Board of Trustees of the Nebraska State Colleges to complete various renewal and renovation projects on all state college campuses with the appropriation to this program.

Sec. 32. AGENCY NO. 50 -- BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES

Program No. 998 - Peru State College Library/Old Gym Renovation and Wayne State College Power Plant Construction

	FY2003-04	FY2004-05	FUTURE
STATE BUILDING FUND	2,009,360	2,009,360	8,037,440
PROGRAM TOTAL	2,009,360	2,009,360	8,037,440

The Legislature hereby acknowledges and reaffirms the directive made in Laws 1999, LB 878, section 33, which authorizes the Board of Trustees of the Nebraska State Colleges to design, renovate, and construct as is necessary to provide quality library stack, circulation, classroom, and office space in the combined and connected Library and Old Gym facilities on the Peru State College campus. The total project cost to be supported from state funds is estimated as \$6,630,419. Nonstate tax funds may be used to supplement the project.

The Board of Trustees of the Nebraska State Colleges is hereby authorized to design and construct a plant to produce steam and chilled water to meet heating and cooling requirements of the Wayne State College campus. Should it prove to be in the greater long-term financial interest of the State of Nebraska and Wayne State College, the Board of Trustees is alternatively authorized to purchase and improve an existing steam and chilled water production facility to meet heating and cooling requirements of the Wayne State College campus. Prior to exercising its authority to undertake either alternative under provisions of this section, the Board of Trustees shall secure the approval of the Governor. The total project cost to be supported from state funds is estimated as \$3,803,877. Nonstate tax funds may be used to supplement the project.

In addition to amounts appropriated in this section from the State Building Fund for FY2003-04 and FY2004-05, it is intended that \$2,009,360 be appropriated to this program from the State Building Fund for each fiscal year including FY2005-06 through FY2008-09. The Board of Trustees may enter into long-term financing contracts with any person, firm, or corporation for purposes of the Peru State College Library/Old Gym Renovation and Addition project and the Wayne State College Power Plant Construction project. The payment of costs of the renovation may occur over a contract period not to extend beyond June 30, 2009. The Board of Trustees shall not pledge the credit of the State of Nebraska for the payment of any sum owing on account of such contracts, except that there may be pledged for payment of any such contracts any appropriations made by the Legislature for such purpose. No contracts shall be entered into pursuant to this section without prior approval by resolution of the Board of Trustees. The Board of Trustees may schedule contractual payments on a monthly, quarterly, or semiannual basis consistent with the state fiscal year. On or before August 31, 2009, any funds appropriated from the State Building Fund for the projects held in the

state treasury and held by any trustee which are not necessary to meet the terms of any long-term financing agreements entered into pursuant to this section shall be transferred to the General Fund.

Sec. 33. AGENCY NO. 51 -- UNIVERSITY OF NEBRASKA
 Program No. 906 - System Facilities Fee Fund Projects

	FY2003-04	FY2004-05	FUTURE
STATE BUILDING FUND	5,500,000	5,500,000	22,000,000
CASH FUND est.	5,200,000	5,200,000	23,800,000
PROGRAM TOTAL	10,700,000	10,700,000	45,800,000

The Legislature hereby acknowledges and reaffirms the directive made by Laws 1998, LB 1100, section 3, which authorizes the Board of Regents of the University of Nebraska to complete various renewal and renovation projects on all university campuses with the appropriation to this program.

Sec. 34. AGENCY NO. 51 -- UNIVERSITY OF NEBRASKA
 Program No. 915 - Agriculture Field Lab Fund

	FY2003-04	FY2004-05	FUTURE
CASH FUND	8,100	7,000	-0-
PROGRAM TOTAL	8,100	7,000	-0-

All receipts of the Agricultural Field Laboratory Fund (3250) are hereby appropriated to the Board of Regents of the University of Nebraska for the University of Nebraska-Lincoln for FY2003-04. The unexpended balance in the fund on June 30, 2003, is hereby reappropriated.

All receipts of the Agricultural Field Laboratory Fund (3250) are hereby appropriated to the Board of Regents of the University of Nebraska for the University of Nebraska-Lincoln for FY2004-05. The unexpended balance in the fund on June 30, 2004, is hereby reappropriated.

Sec. 35. AGENCY NO. 51 -- UNIVERSITY OF NEBRASKA
 Program No. 937 - Agricultural Research Land - University of Nebraska-Lincoln

	FY2003-04	FY2004-05	FUTURE
CONSTRUCTION FUND est.	26,000	21,000	-0-
PROGRAM TOTAL	26,000	21,000	-0-

The Board of Regents of the University of Nebraska is hereby authorized to sell, pursuant to law and on terms and conditions to be prescribed by the board, real estate which has been used for agricultural research by the University of Nebraska when such functions are transferred to other lands more suitable for agricultural research programs.

All proceeds from the sale of such real estate along with any unexpended balance existing on June 30, 2003, together with accrued interest, if any, are hereby appropriated to the Board of Regents of the University of Nebraska to the Agricultural Research Land Fund (3251) to be used exclusively for the acquisition, development, and improvement of other real estate for the agricultural research programs of the University of Nebraska.

All proceeds from the sale of such real estate along with any unexpended balance existing on June 30, 2004, together with accrued interest, if any, are hereby appropriated to the Board of Regents of the University of Nebraska to the Agricultural Research Land Fund (3251) to be used exclusively for the acquisition, development, and improvement of other real estate for the agricultural research programs of the University of Nebraska.

Sec. 36. AGENCY NO. 52 -- STATE BOARD OF AGRICULTURE
 Program No. 919 - Nebraska State Fairgrounds Building Fund

The State Board of Agriculture is hereby authorized to make repairs to revenue bond facilities at the Nebraska State Fairgrounds. The undisbursed balance of the Nebraska State Fairgrounds Building Fund existing on June 30, 2003, and on June 30, 2004, plus any investment income or other receipts is appropriated to the State Board of Agriculture for FY2003-04 and FY2004-05, respectively, for this purpose.

Sec. 37. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE SERVICES
 Program No. 901 - State Capitol Improvements

	FY2003-04	FY2004-05	FUTURE
STATE BUILDING FUND	500,000	500,000	3,000,000
PROGRAM TOTAL	500,000	500,000	3,000,000

(1) The Department of Administrative Services is hereby authorized to undertake projects identified within the Master Plan for the Conservation and Restoration of the Nebraska State Capitol. Prior to expending any amounts appropriated in this section, the department shall identify projects planned to be undertaken with such amounts and shall submit such plans to the Nebraska Capitol Commission for review.

(2) In addition to amounts appropriated in this section for FY2003-04 and FY2004-05, it is intended that \$500,000 be appropriated from the State Building Fund for this program for FY2005-06 and each fiscal year thereafter through FY2010-11.

Sec. 38. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE SERVICES
 Program No. 913 - Parking Expansion

	FY2003-04	FY2004-05	FUTURE
REVOLVING FUND	323,304	323,304	3,637,170
PROGRAM TOTAL	323,304	323,304	3,637,170

The Legislature hereby acknowledges and reaffirms the directive made by Laws 1996, LB 1189, section 53, which authorized the Department of Administrative Services to construct two additional levels of parking to the state's east garage in Lincoln and one additional level of parking to the state's south garage in Lincoln, along with related repair and restoration items, and which authorized the state building division of the Department of Administrative Services to enter into contracts with the city of Lincoln or any person, firm, or corporation in order to construct such additional parking and to proceed with financing the project for a period not to exceed twenty years.

There is included in the appropriation to this program for FY2003-04 \$323,304 from the Capitol Buildings Parking Revolving Fund and for FY2004-05 \$323,304 from the Capitol Buildings Parking Revolving Fund to be applied toward retirement of obligations entered into to finance the projects. These obligations are scheduled to continue through September of 2016.

Sec. 39. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE SERVICES
 Program No. 920 - Executive Office Building and Parking Facility

Purchase

	FY2003-04	FY2004-05	FUTURE
STATE BUILDING REVOLVING FUND	210,764	210,764	2,234,099
PROGRAM TOTAL	210,764	210,764	2,234,099

The Legislature hereby acknowledges and reaffirms the directive made by Laws 1999, LB 878, section 54, which authorized the Department of Administrative Services to purchase the Executive Office Building and the parking facility located at the corner of 13th and 'K' Streets in Lincoln, Nebraska. The department was further authorized to enter into a contract or contracts with such entity or entities as necessary to facilitate financing the purchase.

In addition to the amounts appropriated in this section, it is intended that \$210,764 be appropriated from the State Building Revolving Fund for this program for each fiscal year thereafter until the amount financed to facilitate purchase of these premises has been fully amortized.

Sec. 40. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE SERVICES
 Program No. 939 - State Capitol Complex

	FY2003-04	FY2004-05	FUTURE
STATE BUILDING FUND	2,634,323	2,708,285	5,240,000
PROGRAM TOTAL	2,634,323	2,708,285	5,240,000

The Legislature hereby acknowledges and reaffirms the directive made by Laws 1997, LB 386, section 55, which authorized the state building division of the Department of Administrative Services and the Task Force for Building Renewal to administer the State Capitol Masonry Restoration project.

There is included in the appropriation to this program for FY2003-04 \$2,634,323 from the State Building Fund to continue the project. There is included in the appropriation to this program for FY2004-05 \$2,708,285 from the State Building Fund to continue the project. It is estimated that \$2,440,000 from the State Building Fund for FY2005-06 and \$2,800,000 from the State Building Fund for FY2006-07 is needed to continue the project.

Sec. 41. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE SERVICES
 Program No. 939 - State Capitol Complex (Additional Scope of Masonry

Project)

	FY2003-04	FY2004-05	FUTURE
STATE BUILDING FUND	542,677	-0-	-0-
PROGRAM TOTAL	542,677	-0-	-0-

The Legislature hereby acknowledges and reaffirms the directive made by Laws 1997, LB 386, section 55, which authorized the state building division of the Department of Administrative Services and the Task Force for Building Renewal to administer the State Capitol Masonry Restoration project.

There is included in the appropriation to this program for FY2003-04 \$542,677 from the State Building Fund to authorize continuation of additional scope of masonry work identified by the state building division beyond the revised cost estimates contained in Laws 2001, LB 542, section 55.

Sec. 42. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE SERVICES
 Program No. 940 - Task Force for Building Renewal

	FY2003-04	FY2004-05
CASH FUND	16,204,504	15,185,640
PROGRAM TOTAL	16,204,504	15,185,640

The Legislature hereby acknowledges and reaffirms the directive made

by section 77-2602, which is to place amounts from the special privilege tax on cigarettes in the Building Renewal Allocation Fund for FY1997-98 and continuing each fiscal year until all the purposes of the Deferred Building Renewal Act have been fulfilled.

There is included in the appropriation to this program for FY2003-04 an estimated \$7,448,487 of rental surcharge building depreciation funds and for FY2004-05 an estimated \$7,448,487 of rental surcharge building depreciation funds.

The appropriation to this program is for the purpose of carrying out the provisions of the Deferred Building Renewal Act which includes deferred repair, fire and life safety projects, and compliance with the federal Americans with Disabilities Act (ADA) of 1990. Funds may also be spent on projects related to energy conservation. There is hereby appropriated any available federal funds, plus investment income thereon, for this program for FY2003-04 and FY2004-05. There is included in the appropriation to this program for FY2003-04 an amount not to exceed \$150,000 cash funds and for FY2004-05 an amount not to exceed \$150,000 cash funds to conduct maintenance, life safety, ADA, and energy conservation seminars, to develop preventive maintenance programs, and to perform roof scans and other testing related to the completion of the projects.

The funds appropriated in this section for actual deferred repair, fire and life safety, compliance with the federal Americans with Disabilities Act of 1990, and energy conservation shall be matched by federal, private, and agency General, Cash, and Revolving Funds as determined by the Task Force for Building Renewal.

None of the funds appropriated to this program shall be used for operating budget compliance with the federal Americans with Disabilities Act of 1990. Expenditures for deferred repair, fire and life safety projects, and compliance with the federal Americans with Disabilities Act of 1990 may be made through the same program on the Allotment Status Report in the Nebraska State Accounting System, except that expenditures for deferred repair, fire and life safety projects, and compliance with the federal Americans with Disabilities Act of 1990 should each be kept separate by subprogram on the Budget Status Report in the Nebraska State Accounting System or through the use of the Grant Project Status Report or some other accounting mechanism.

Sec. 43. There is hereby appropriated, unless otherwise specified, for FY2003-04 and for FY2004-05 from undisbursed balances existing on June 30, 2003, and on June 30, 2004, respectively, to each agency for each program from the respective funds for capital construction as follows:

(1) Agency No. 25 -- Department of Health and Human Services
Program Nos. 901, 905, 907, 916, 918, 920, 922, 931, and 940.

(2) Agency No. 27 -- Department of Roads

Program No. 901, except that the unobligated appropriation

balance for projects that have been completed shall lapse and shall not be included in any reappropriation.

(3) Agency No. 31 -- Military Department

Program No. 925.

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

Program Nos. 900, 901, 902, 919, 924, 955, 960, 961, 966, 967, 968, 969, 971, 972, 973, 975, 976, 977, 979, 981, and 983, except that for FY2003-04 only the undisbursed balances existing on June 30, 2003, for the following projects shall be appropriated, all other unobligated June 30, 2003, balances shall lapse:

Program No. 900 -- Motorboat access facilities

Program No. 901 -- State Facilities Deferred

Maintenance

Program No. 902 -- Trail Development Assistance

Program No. 919 -- Political Subdivisions

Program No. 924 -- Wildlife Lands

Program No. 955 -- Youth Outdoor Skill Training

Program No. 960 -- Park and Recreation Land

Acquisition

Program No. 966 -- State Recreational Trails

Program No. 967 -- State Parks

The undisbursed balance of the appropriation to Program 967, fund 2338, existing on June 30, 2003, less \$260,000, is hereby reappropriated.

Program No. 968 -- State Historical Parks

The undisbursed balance of the appropriation to Program 968, fund 2333, existing on June 30, 2003, less \$22,706.37, is hereby reappropriated.

Program No. 969 -- State Recreation Areas

The undisbursed balance of the appropriation to Program 969, fund 2333, existing on June 30, 2003, less \$120,233.10, is hereby reappropriated.

The undisbursed balance of the appropriation to Program 969, fund 2338, existing on June 30, 2003, less \$108,654.87, is hereby reappropriated.

Program No. 971 -- Wildlife Management Areas - basic improvements

The undisbursed balance of the appropriation to Program 971, fund 2332, existing on June 30, 2003, less \$50,000, is hereby reappropriated.

Program No. 972 -- Administrative Facilities

The undisbursed balance of the appropriation to Program 972, fund 2332, existing on June 30, 2003, less \$75,000, is hereby reappropriated. The undisbursed balance of the appropriation to Program 972, fund 2333, existing on June 30, 2003, less \$25,000, is hereby reappropriated.

Program No. 973 -- Fish Production

The undisbursed balance of the appropriation to Program 973, fund 2332, existing on June 30, 2003, less \$203,728.70, is hereby reappropriated.

Program No. 975 -- Emergency Repairs to State Parks

Program No. 976 -- Emergency Repairs to Fish and Wildlife Facilities

Program No. 977 -- Nongame and Endangered Species

Land Acquisition and Development

Program No. 979 -- Emergency Repairs to Cowboy Trail

Program No. 981 -- Aquatic Habitat

The undisbursed balance of the appropriation to Program 981, fund 4332, existing on June 30, 2003, less \$41,000, is hereby reappropriated.

Program No. 983 -- Buffalo Soldiers Barracks

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

Program Nos. 915 and 916.

(6) Agency No. 47 -- Nebraska Educational Telecommunications

Commission

Program Nos. 901, 902, 909, 910, 911, 913, and 919.

(7) Agency No. 50 -- Board of Trustees of the Nebraska State

Colleges

Program Nos. 901, 902, 905, 908, 916, 920, 921, 934, 938, 939, 940, 941, 944, 948, 949, 993, 996, and 998, and any additional construction programs administratively created relating to the Board of Trustees of the Nebraska State Colleges and its campuses which are funded through cash funds, federal funds, revolving funds, or private gifts or donations.

(8) Agency No. 51 -- University of Nebraska

Program Nos. 901, 903, 905, 906, 907, 908, 909, 910, 912, 913, 914, 915, 918, 924, 927, 928, 933, 935, 937, 938, 940, 943, 944, 945, 946, 949, 954, 955, 957, 958, 961, 965, 966, 967, 969, 972, 974, 981, 982, 985, 986, 987, 990, 992, 993, 994, and 999, and any additional construction programs administratively created relating to the University of Nebraska-Lincoln, the University of Nebraska at Omaha, the University of Nebraska Medical Center, the University of Nebraska at Kearney, the Nebraska College of Technical Agriculture at Curtis, and the University of Nebraska Central Administration which are funded through cash funds, federal funds, revolving funds, or private gifts or donations.

The undisbursed cash fund appropriation balance for Program 999, existing on June 30, 2003, less \$14,000,000, is hereby reappropriated.

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

Program No. 905.

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

Program Nos. 901, 913, 920, 932, 939, and 940.

Appropriations to program numbers pertaining to funding for the Deferred Building Renewal Act are hereby reappropriated.

(11) Agency No. 78 -- Nebraska Commission on Law Enforcement and

Criminal Justice

Program No. 903.

Sec. 44. FEDERAL FUNDS.

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 operative 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. 45. GIFTS AND BEQUESTS.

Any gifts or bequests made available to the State of Nebraska for any purpose or purposes, together with the income thereof, shall be allocated to the expending agency designated by the donor or, if none is designated by such donor, by the Governor. No matching of state funds shall be required as a condition to accept any gift or bequest. All gifts or bequests of personal property in excess of \$10,000 shall be approved by the Governor before acceptance, and all gifts or devises of real property in excess of \$10,000 to

be used for state purposes shall be approved by the Governor and the Legislature before acceptance.

Expenditures from gifts or bequests may be expended through any cash fund accounts, in which case the actual amount of the gift or bequest is hereby appropriated to the expending agency for the purpose or purposes designated by the donor and in addition to the amounts appropriated in this act.

This section shall not apply to the University of Nebraska.

Sec. 46. NEBRASKA CAPITAL CONSTRUCTION FUND.

The receipts and transfers for FY2003-04 and FY2004-05 inuring to the Nebraska Capital Construction Fund (3800), together with any amounts held in account by the State Treasurer on June 30, 2003, are hereby credited to the fund.

Sec. 47. FUND LAPSES AND TRANSFERS.

The State Treasurer shall make the following transfers between funds in the amounts indicated. Unless otherwise noted, transfers for FY2003-04 shall occur on July 1, 2003, or as soon thereafter as administratively possible, and transfers for FY2004-05 shall occur on July 1, 2004, or as soon thereafter as administratively possible. All agencies with administrative responsibilities for these funds shall assist the State Treasurer as needed in implementing the transfers. The state accounting system number for each fund is shown in parentheses after the name of the fund.

(1) Transfers for FY2003-04 shall include: From the General Fund (1000) to the Trail Development Assistance Fund (2339): \$140,000.

(2) Transfers for FY2004-05 shall include: From the General Fund (1000) to the Trail Development Assistance Fund (2339): \$140,000.

Sec. 48. The Ninety-eighth Legislature acknowledges that Article III, section 22, of the Constitution of Nebraska provides that each Legislature shall make appropriations for the expenses of the government. Consistent with this provision, any appropriations enacted by prior Legislatures for fiscal years beginning after June 30, 2003, are null and void unless specifically reaffirmed by this Legislature.

Sec. 49. This act becomes operative on July 1, 2003.

Sec. 50. Since an emergency exists, this act takes effect when passed and approved according to law.