

AMENDMENTS TO LB 605

Introduced by D. Pederson, 42

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. (1) The Legislature finds and determines
4 that protecting investments in buildings through the completion of
5 deferred maintenance, repair, renovation, and facility replacement
6 construction projects is of critical importance to the State
7 of Nebraska. The Legislature further recognizes that arresting
8 the continued deterioration of buildings, limiting the effects
9 of inflation on the costs of such deferred maintenance, repair,
10 renovation, and facility replacement construction, and bringing
11 such buildings into compliance with current health and safety
12 requirements at the earliest possible time is necessary for
13 protecting such investment in the buildings of the State of
14 Nebraska. In order to accomplish these goals, it is necessary,
15 desirable, and advisable that the Legislature provide for the
16 receipt of funds for such purposes as soon as practicable with the
17 repayment of such funds to be made over a period of years. The
18 Legislature recognizes the commitment of (a) the Board of Regents
19 of the University of Nebraska to provide matching funds up to
20 eleven million dollars per year for the period beginning with the
21 fiscal year commencing July 1, 2009, and continuing through the
22 fiscal year ending June 30, 2021, for a total of up to one hundred
23 twenty-one million dollars to supplement amounts appropriated from

1 the General Fund pursuant to section 3 of this act and (b)
2 the Board of Trustees of the Nebraska State Colleges to provide
3 matching funds up to one million two hundred thousand dollars per
4 year for the period beginning with the fiscal year commencing July
5 1, 2006, and continuing through the fiscal year ending June 30,
6 2020, for a total of up to fourteen million four hundred thousand
7 dollars to supplement amounts appropriated from the General Fund
8 pursuant to section 6 of this act.

9 (2) Sections 1 to 7 of this act do not modify,
10 reduce, or eliminate any provision of subsection (10) of section
11 85-1414 requiring the approval of the Coordinating Commission
12 for Postsecondary Education for any deferred maintenance, repair,
13 renovation, facility addition, or facility replacement construction
14 project authorized by section 3 or 6 of this act and undertaken by
15 the Board of Regents of the University of Nebraska or the Board of
16 Trustees of the Nebraska State Colleges.

17 Sec. 2. The University of Nebraska Facilities Program
18 of 2006 is created. All funds appropriated to the program by the
19 Legislature shall be used exclusively for deferred maintenance,
20 repair, renovation, facility renovation, and facility replacement
21 construction projects authorized pursuant to section 3 of this act.

22 Sec. 3. (1) The Legislature shall appropriate from the
23 General Fund (a) an amount not less than five million five hundred
24 thousand dollars for each fiscal year for the period beginning
25 with the fiscal year commencing July 1, 2006, and continuing
26 through the fiscal year ending June 30, 2009, and (b) an amount
27 not less than eleven million dollars for each fiscal year for

1 the period beginning with the fiscal year commencing July 1,
2 2009, and continuing through the fiscal year ending June 30,
3 2020, to the University of Nebraska Facilities Program of 2006 to
4 be used by the Board of Regents of the University of Nebraska
5 to accomplish projects as provided in this section. Through the
6 allotment process established in section 81-1113, the Department
7 of Administrative Services shall make appropriated funds available.
8 Undisbursed appropriations balances existing in the University of
9 Nebraska Facilities Program of 2006 at the end of each fiscal year
10 until June 30, 2021, shall be and are hereby reappropriated.

11 (2) The Legislature finds and determines that the
12 projects funded through the University of Nebraska Facilities
13 Program of 2006 are of critical importance to the State
14 of Nebraska. It is the intent of the Legislature that the
15 appropriations to the program shall not be reduced until all
16 contracts and securities relating to the construction and financing
17 of the projects or portions of the projects funded from such funds
18 or accounts of such funds are completed or paid but in no case
19 shall such appropriations extend beyond the fiscal year ending
20 June 30, 2020, nor shall the cumulative total of the General Fund
21 appropriations for the program exceed one hundred thirty-seven
22 million five hundred thousand dollars.

23 (3) Subject to the receipt of project approval from the
24 Coordinating Commission for Postsecondary Education as required
25 by subsection (10) of section 85-1414 for each of the following
26 University of Nebraska projects, the Board of Regents of the
27 University of Nebraska is authorized to make expenditures from

1 the University of Nebraska Facilities Program of 2006 for
2 the following projects: (a) Deferred maintenance, repair, and
3 renovation of University of Nebraska at Kearney Bruner Hall;
4 (b) construction of University of Nebraska at Kearney campus
5 wide central utilities plant and system; (c) construction of
6 facilities to replace University of Nebraska-Lincoln Behlen,
7 Brace, and Ferguson Halls or deferred maintenance, repair, and
8 renovation of University of Nebraska-Lincoln Behlen, Brace,
9 and Ferguson Halls; (d) construction of a facility to replace
10 University of Nebraska-Lincoln Keim Hall or deferred maintenance,
11 repair, and renovation of University of Nebraska-Lincoln Keim
12 Hall; (e) deferred maintenance, repair, and renovation of
13 University of Nebraska-Lincoln Sheldon Memorial Art Gallery; (f)
14 deferred maintenance, repair, and renovation of University of
15 Nebraska-Lincoln Animal Science Complex; (g) deferred maintenance,
16 repair, and renovation of University of Nebraska Medical Center
17 Poynter, Bennet, and Wittson Halls; (h) deferred maintenance,
18 repair, and renovation of University of Nebraska Medical Center
19 Eppley Institute for Research in Cancer and Allied Diseases;
20 (i) deferred maintenance, repair, and renovation of University
21 of Nebraska Medical Center College of Dentistry; (j) deferred
22 maintenance, repair, and renovation of University of Nebraska at
23 Omaha Library; and (k) deferred maintenance, repair, and renovation
24 of University of Nebraska at Omaha utilities infrastructure.

25 (4) Expenditures of matching funds provided for the
26 projects listed in this section by the Board of Regents of the
27 University of Nebraska as provided for in section 1 of this act

1 shall be accounted for in the Nebraska State Accounting System
2 through the University of Nebraska Facilities Program of 2006 or
3 according to some other reporting process mutually agreed upon by
4 the University of Nebraska and the Department of Administrative
5 Services.

6 (5) The Board of Regents of the University of Nebraska
7 shall record and report, on the Nebraska State Accounting System,
8 expenditure of amounts from the University of Nebraska Facilities
9 Program of 2006 and expenditure of proceeds arising from any
10 contract entered into pursuant to this section and section 4 of
11 this act in such manner and format as prescribed by the Department
12 of Administrative Services or according to some other reporting
13 process mutually agreed upon by the University of Nebraska and the
14 Department of Administrative Services.

15 (6) The Board of Regents of the University of Nebraska
16 shall provide to the Task Force for Building Renewal semiannual
17 reports concerning the status of each project authorized by this
18 section.

19 Sec. 4. (1) In order to accomplish any projects
20 authorized by section 3 of this act, the Board of Regents of the
21 University of Nebraska may enter into contracts with any person,
22 firm, or corporation providing for the implementation of any
23 such project of the University of Nebraska and providing for the
24 long-term payment of the cost of such project from the University
25 of Nebraska Facilities Program of 2006. In no case shall any such
26 contract extend for a period beyond December 31, 2021, nor shall
27 any such contract exceed the repayment capabilities implicit in the

1 funding streams authorized in sections 1 and 3 of this act.

2 (2) The Board of Regents of the University of Nebraska
3 shall not pledge the credit of the State of Nebraska for the
4 payment of any sum owing on account of such contract, except
5 that there may be pledged for the payment of any such contract
6 any appropriation specifically made by the Legislature for such
7 purpose, together with such funds of the Board of Regents of the
8 University of Nebraska as the board determines. No contract shall
9 be entered into pursuant to this section without prior approval
10 by resolution by the Board of Regents. The Board of Regents may
11 also convey, lease, or lease back all or any part of the projects
12 authorized by section 3 of this act and the land on which such
13 projects are situated to such person, firm, or corporation as the
14 Board of Regents may contract with pursuant to this section to
15 facilitate the long-term payment of the cost of such projects. Any
16 such conveyance or lease shall provide that when the cost of such
17 projects has been paid, together with interest and other costs
18 thereon, such projects and the land on which such projects are
19 located shall become the property of the Board of Regents.

20 (3) The Board of Regents of the University of Nebraska
21 is authorized to make expenditures for the purposes stated in this
22 section and section 3 of this act from investment income balances
23 in any fund created under the authority provided for in any
24 contract or contracts authorized by this section. Any appropriated
25 amounts and amounts designated or matched by the Board of Regents
26 under section 1 of this act in excess of amounts required to
27 meet debt service and any interest earnings derived from reserve

1 funds or any other funds created under the authority provided
2 for in any contract or contracts authorized by this section
3 shall be accumulated and applied toward early retirement of debt
4 as authorized under any resolution, indenture, or other contract
5 entered into by the Board of Regents as authorized by this section.
6 The Board of Regents and the Department of Administrative Services
7 shall, on or before January 1, 2007, enter into an agreement
8 providing for the allocation and distribution of any balances
9 existing in the University of Nebraska Facilities Program of 2006
10 or any other funds created as part of a long-term contract entered
11 into by the Board of Regents pursuant to this section to the
12 General Fund and any other funds designated by the Board of Regents
13 as a source of funds for the match specified in section 1 of this
14 act either on December 31, 2021, or when all financial obligations
15 incurred in the contracts entered into by the Board of Regents
16 pursuant to this section are discharged, whichever occurs first.

17 Sec. 5. The State College Facilities Program of 2006 is
18 created. All funds appropriated to the program by the Legislature
19 shall be used exclusively for deferred maintenance, repair, and
20 renovation projects authorized pursuant to section 6 of this act.

21 Sec. 6. (1) Beginning with the fiscal year commencing
22 July 1, 2006, and continuing through the fiscal year ending
23 June 30, 2020, the Legislature shall appropriate each fiscal
24 year from the General Fund an amount not less than one million
25 one hundred twenty-five thousand dollars to the State College
26 Facilities Program of 2006 to be used by the Board of Trustees of
27 the Nebraska State Colleges to accomplish projects as provided in

1 this section. Through the allotment process established in section
2 81-1113, at a minimum, the Department of Administrative Services
3 shall make appropriated funds available. Undisbursed appropriations
4 balances existing in the State College Facilities Program of 2006
5 at the end of each fiscal year until June 30, 2021, shall be and
6 are hereby reappropriated.

7 (2) The Legislature finds and determines that the
8 projects funded through the program are of critical importance to
9 the State of Nebraska. It is the intent of the Legislature that
10 the appropriations to the program shall not be reduced until all
11 contracts and securities relating to the construction and financing
12 of the projects or portions of the projects funded from such funds
13 or accounts of such funds are completed or paid but in no case
14 shall such appropriations extend beyond the fiscal year ending
15 June 30, 2020, nor shall the cumulative total of the General Fund
16 appropriations for the program exceed fifteen million seven hundred
17 fifty thousand dollars.

18 (3) Subject to the receipt of project approval from the
19 Coordinating Commission for Postsecondary Education as required
20 by subsection (10) of section 85-1414 for each of the following
21 state college projects, the Board of Trustees of the Nebraska
22 State Colleges is authorized to make expenditures from the State
23 College Facilities Program of 2006 for the following state college
24 projects: (a) Deferred maintenance, repair, and renovation of
25 Chadron State College Academic/Administration Building; (b) design
26 and placement of a new Peru State College emergency power
27 generator; (c) replacement of existing Peru State College Al

1 Wheeler Activity Center bleachers; (d) addition to and deferred
2 maintenance, repair, and renovation of Peru State College Al
3 Wheeler Activity Center; (e) addition to and deferred maintenance,
4 repair, and renovation of Wayne State College Campus Services
5 Building; (f) deferred maintenance, repair, and renovation of Wayne
6 State College Rice Auditorium; (g) deferred maintenance, repair,
7 and renovation of Wayne State College Memorial Stadium; and (h)
8 systemwide miscellaneous fire and life safety, energy conservation,
9 deferred repair, federal Americans with Disabilities Act of 1990,
10 and asbestos removal projects.

11 (4) Expenditures of matching funds provided for the
12 projects listed in this section by the Board of Trustees of the
13 Nebraska State Colleges as provided for in section 1 of this act
14 shall be accounted for in the Nebraska State Accounting System
15 through the State College Facilities Program of 2006 or according
16 to some other reporting process mutually agreed upon by the state
17 colleges and the Department of Administrative Services.

18 (5) The Board of Trustees of the Nebraska State Colleges
19 shall record and report, on the Nebraska State Accounting System,
20 expenditure of amounts from the State College Facilities Program
21 of 2006 and expenditure of proceeds arising from any contract
22 entered into pursuant to this section and section 7 of this
23 act in such manner and format as prescribed by the Department
24 of Administrative Services or according to some other reporting
25 process mutually agreed upon by the state colleges and the
26 Department of Administrative Services.

27 (6) The Board of Trustees of the Nebraska State Colleges

1 shall provide to the Task Force for Building Renewal semiannual
2 reports concerning the status of each project authorized by this
3 section.

4 Sec. 7. (1) In order to accomplish any projects
5 authorized by section 6 of this act, the Board of Trustees of
6 the Nebraska State Colleges may enter into contracts with any
7 person, firm, or corporation providing for the implementation of
8 any such project of the Nebraska state colleges and providing for
9 the long-term payment of the cost of such project from the State
10 College Facilities Program of 2006. In no case shall any such
11 contract extend for a period beyond December 31, 2020, nor shall
12 any such contract exceed the repayment capabilities implicit in the
13 funding streams authorized in sections 1 and 6 of this act.

14 (2) The Board of Trustees of the Nebraska State Colleges
15 shall not pledge the credit of the State of Nebraska for the
16 payment of any sum owing on account of such contract, except
17 that there may be pledged for the payment of any such contract
18 any appropriation specifically made by the Legislature for such
19 purpose, together with such funds of the Board of Trustees as the
20 board determines. No contract shall be entered into pursuant to
21 this section without prior approval by resolution by the Board of
22 Trustees. The Board of Trustees may also convey, lease, or lease
23 back all or any part of the projects authorized by section 6 of
24 this act and the land on which such projects are situated to such
25 person, firm, or corporation as the Board of Trustees may contract
26 with pursuant to this section to facilitate the long-term payment
27 of the cost of such projects. Any such conveyance or lease shall

1 provide that when the cost of such projects has been paid, together
2 with interest and other costs thereon, such projects and the land
3 on which such projects are located shall become the property of the
4 Board of Trustees.

5 (3) The Board of Trustees of the Nebraska State Colleges
6 is authorized to make expenditures for the purposes stated in
7 this section and section 6 of this act from interest income
8 balances in any fund created under the authority provided for
9 in any contract or contracts authorized by this section. Any
10 appropriated amounts and amounts designated or matched by the Board
11 of Trustees under section 1 of this act in excess of amounts
12 required to meet debt service and any interest earnings derived
13 from reserve funds or any other funds created under the authority
14 provided for in any contract or contracts authorized by this
15 section shall be accumulated and applied toward early retirement
16 of debt as authorized under any resolution, indenture, or other
17 contract entered into by the Board of Trustees as authorized
18 by this section. The Board of Trustees and the Department of
19 Administrative Services shall, on or before January 1, 2007, enter
20 into an agreement providing for the allocation and distribution of
21 any balances existing in the State College Facilities Program of
22 2006 or any other funds created as part of a long-term contract
23 entered into by the Board of Trustees pursuant to this section to
24 the General Fund and any other funds designated by the Board of
25 Trustees as a source of funds for the match specified in section
26 1 of this act either on December 31, 2020, or when all financial
27 obligations incurred in the contracts entered into by the Board of

1 Trustees pursuant to this section are discharged, whichever occurs
2 first.

3 Sec. 8. Since an emergency exists, this act takes effect
4 when passed and approved according to law.