

LEGISLATIVE BILL 424

Approved by the Governor May 24, 2005

Introduced by Speaker Brashear, 4; 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-ninth Legislature, First or Second Session, which appropriates funds, FY2004-05 means the period July 1, 2004, through June 30, 2005, FY2005-06 means the period July 1, 2005, through June 30, 2006, FY2006-07 means the period July 1, 2006, through June 30, 2007, FY2007-08 means the period July 1, 2007, through June 30, 2008, and FY2008-09 means the period July 1, 2008, through June 30, 2009.

Sec. 2. APPROPRIATION LANGUAGE.

There are hereby appropriated, for FY2005-06 and FY2006-07, 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, FY2005-06 to FY2006-07.

In addition to the appropriations set forth in this act, there are hereby reappropriated all unexpended appropriation balances existing on June 30, 2006, for FY2006-07 to the respective agencies, programs, and funds listed in this act, except as otherwise provided in this act.

Sec. 4. NEBRASKA INFORMATION SYSTEM MANUAL DEFINITIONS.

The definitions contained in the Nebraska Information 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.

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 appropriations 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 FY2005-06 and FY2006-07, 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 FY2005-06 shall be updated if necessary and resubmitted during the period July 1, 2005, to September 1, 2005. Program statements that have been submitted prior to FY2006-07 shall be updated if necessary and resubmitted during the period July 1, 2006, to September 1, 2006, by agency priority. Such priority shall be subject to final modification by the governing authority of each agency on or before September 15, 2006.

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 - Eastern Nebraska Veterans' Home

	FY2005-06	FY2006-07	FUTURE
NEBRASKA CAPITAL			
CONSTRUCTION FUND	2,025,556	-0-	-0-
FEDERAL FUND est.	3,761,747	-0-	-0-
PROGRAM TOTAL	5,787,303	-0-	-0-

The Legislature hereby acknowledges and reaffirms the directive made in Laws 2003, LB 406, section 8, which authorizes the Department of Health and Human Services to construct a new veterans' home in eastern Nebraska with appropriation to this program. The total cost of this project from the Nebraska Capital Construction Fund and federal funding sources shall not exceed \$21,060,367.

There is included in the appropriation to this program for FY2005-06 \$2,025,556 from the Nebraska Capital Construction Fund and an estimated \$3,761,747 from federal funds to 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. 25 -- DEPARTMENT OF HEALTH AND HUMAN SERVICES
 Program No. 923 - "R" Building West Wing Renovation

	FY2005-06	FY2006-07	FUTURE
NEBRASKA CAPITAL			
CONSTRUCTION FUND	1,939,863	-0-	-0-
PROGRAM TOTAL	1,939,863	-0-	-0-

The Department of Health and Human Services is hereby authorized to renovate the "R" Building West Wing on the Lincoln Regional Center with the appropriation to this program. The total cost of this project from the Nebraska Capital Construction Fund shall not exceed \$1,939,863. Nothing in this section shall be construed so as to prohibit the use of any private, local, or internally reallocated funds to supplement the Nebraska Capital Construction Funds appropriated in this section.

Sec. 10. AGENCY NO. 25 -- DEPARTMENT OF HEALTH AND HUMAN SERVICES
 Program No. 924 - Parking Lots

	FY2005-06	FY2006-07	FUTURE
NEBRASKA CAPITAL			
CONSTRUCTION FUND	104,059	-0-	-0-
PROGRAM TOTAL	104,059	-0-	-0-

The appropriation contained in this program is intended for the resurfacing of parking lots at the Grand Island Veterans' Home.

Sec. 11. AGENCY NO. 27 -- DEPARTMENT OF ROADS
 Program No. 901 - Facility Improvements

	FY2005-06	FY2006-07	FUTURE
CASH FUND	5,363,335	5,105,930	-0-
PROGRAM TOTAL	5,363,335	5,105,930	-0-

The Department of Roads is hereby authorized to make improvements statewide. There is included in the appropriation to this program for FY2005-06 \$5,363,335 cash funds and for FY2006-07 \$5,105,930 cash funds to make such improvements. It is intended that the following projects be undertaken with funds appropriated to this program:

- District Operations Center -- Omaha
- Office-Shop-Equip Storage Bldg, Salt Storage, New Yard -- Gering
- Distr 1 Hdqtrs Ofc Addition -- Lincoln
- District Oper Ctr-Office Addition -- Grand Island
- Office Addition -- Hartington
- Office-Shop-Equip Storage Bldg -- O'Neill
- Distr 1 Hdqtrs Shop Addition -- Lincoln
- Office-Shop-Equip Storage, Salt Storage -- Holdrege
- Office-Shop-Equip Storage, Salt Storage -- Wallace
- District Headquarters Bldg -- Norfolk
- Equipment Storage Bldg -- Greenwood
- Bulk Salt Storage -- Statewide

Sec. 12. AGENCY NO. 33 -- GAME AND PARKS COMMISSION
 Program No. 900 - State Park System Facility Improvements

	FY2005-06	FY2006-07	FUTURE
CASH FUND	100,000	75,000	-0-
PROGRAM TOTAL	100,000	75,000	-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 FY2005-06 \$50,000 cash funds and for FY2006-07 \$75,000 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 FY2005-06 \$50,000 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. 13. AGENCY NO. 33 -- GAME AND PARKS COMMISSION

Program No. 901 - State Parks Facilities Deferred Maintenance

	FY2005-06	FY2006-07	FUTURE
CASH FUND	250,000	250,000	-0-
PROGRAM TOTAL	250,000	250,000	-0-

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

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

Program No. 902 - Trail Development Assistance

	FY2005-06	FY2006-07	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. 15. AGENCY NO. 33 -- GAME AND PARKS COMMISSION

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

	FY2005-06	FY2006-07	FUTURE
CASH FUND	100,000	100,000	-0-
PROGRAM TOTAL	100,000	100,000	-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. 16. AGENCY NO. 33 -- GAME AND PARKS COMMISSION

Program No. 967 - Improvements to State Parks

	FY2005-06	FY2006-07	FUTURE
CASH FUND	435,750	94,500	-0-
PROGRAM TOTAL	435,750	94,500	-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 FY2005-06:

Swimming Pool & Bath House -- Chadron	55,000
Contingency-State Parks -- State	20,750
Lodging Facilities -- Ponca	295,000
Ponca Cabin Dev -- Ponca	40,000
Shop Maintenance -- Fort Robinson	25,000

It is intended that the following projects be undertaken with the funds appropriated to this program for FY2006-07:

Bldg. 38 Lodge -- Crawford	25,000
Mahoney Improvements	40,000
Contingency-State Parks -- State	4,500
Ponca Cabin Dev -- Ponca	25,000

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

Program No. 969 - Improvements to State Recreation Areas

	FY2005-06	FY2006-07	FUTURE
CASH FUND	73,500	131,000	-0-
PROGRAM TOTAL	73,500	131,000	-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 FY2005-06:

Contingency-Rec Areas -- Statewide	3,500
Central Office -- Fremont SRA	45,000
Marina Complex -- Crofton	25,000

It is intended that the following projects be undertaken with funds appropriated to this program for FY2006-07:

Contingency-Rec Areas -- Statewide	11,000
Lake Ogallala-Campgrounds -- Ogallala	30,000
Summit-Campground -- Summit SRA	30,000
Lake Maloney-Campground -- North Platte	60,000

Sec. 18. AGENCY NO. 33 -- GAME AND PARKS COMMISSION
 Program No. 971 - Improvements to Wildlife Management Areas

	FY2005-06	FY2006-07	FUTURE
CASH FUND	462,000	-0-	-0-
PROGRAM TOTAL	462,000	-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 FY2005-06 \$462,000 cash funds for this purpose.

Sec. 19. AGENCY NO. 33 -- GAME AND PARKS COMMISSION
 Program No. 972 - Improvements to Administrative Facilities

	FY2005-06	FY2006-07	FUTURE
CASH FUND	100,000	-0-	-0-
PROGRAM TOTAL	100,000	-0-	-0-

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

Sec. 20. AGENCY NO. 33 -- GAME AND PARKS COMMISSION
 Program No. 973 - Improvements to Fish Production Facilities

	FY2005-06	FY2006-07	FUTURE
CASH FUND	555,000	-0-	-0-
PROGRAM TOTAL	555,000	-0-	-0-

The Game and Parks Commission is hereby authorized to make fisheries improvements statewide, such as improvements to hatcheries and the acquisition and development of fishing access facilities, with the appropriation to this program.

Sec. 21. AGENCY NO. 33 -- GAME AND PARKS COMMISSION
 Program No. 975 - Emergency Repairs to State Park System Areas

	FY2005-06	FY2006-07	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. 22. AGENCY NO. 33 -- GAME AND PARKS COMMISSION
 Program No. 976 - Emergency Repairs - Fish and Wildlife Facilities

	FY2005-06	FY2006-07	FUTURE
CASH FUND	100,000	-0-	-0-
PROGRAM TOTAL	100,000	-0-	-0-

The Game and Parks Commission is hereby authorized to make emergency repairs to hatcheries, wildlife management areas, refuges, and other facilities related to fish and wildlife management with the appropriation to this program.

Sec. 23. AGENCY NO. 33 -- GAME AND PARKS COMMISSION
 Program No. 981 - Aquatic Habitat Enhancement and Restoration

	FY2005-06	FY2006-07	FUTURE
CASH FUND	2,000,000	1,500,000	-0-
PROGRAM TOTAL	2,000,000	1,500,000	-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 - Phase II Renovation - Nebraska Correctional Center for Women - York

	FY2005-06	FY2006-07	FUTURE
NEBRASKA CAPITAL CONSTRUCTION FUND	1,403,000	781,000	-0-
PROGRAM TOTAL	1,403,000	781,000	-0-

The Department of Correctional Services is hereby authorized to renovate existing facilities at the Nebraska Correctional Center for Women in York with the appropriation to this program. The total project cost shall not exceed \$2,184,000.

There is included in the appropriation to this program for FY2005-06 \$1,403,000 from the Nebraska Capital Construction Fund to begin construction.

There is included in the appropriation to this program for FY2006-07 \$781,000 from the Nebraska Capital Construction Fund to complete construction.

Sec. 26. AGENCY NO. 46 -- DEPARTMENT OF CORRECTIONAL SERVICES
 Program No. 918 - "YY" Building Renovation

	FY2005-06	FY2006-07	FUTURE
NEBRASKA CAPITAL			
CONSTRUCTION FUND	700,000	-0-	-0-
PROGRAM TOTAL	700,000	-0-	-0-

The Department of Correctional Services is hereby authorized to renovate the "YY" Building in Lincoln with the appropriation to this program. The total project cost shall not exceed \$700,000.

There is included in the appropriation to this program for FY2005-06 \$700,000 from the Nebraska Capital Construction Fund to complete construction.

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

Program No. 901 - Satellite System

	FY2005-06	FY2006-07	FUTURE
STATE BUILDING FUND	100,000	100,000	200,000
PROGRAM TOTAL	100,000	100,000	200,000

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.

It is estimated that in FY2005-06 and again in FY2006-07 one satellite transmitter, four mediamax codecs, and three CM701 modems will be replaced, with the appropriation to this program. However, expenditures are not limited to these specific pieces of equipment.

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

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

	FY2005-06	FY2006-07	FUTURE
STATE BUILDING FUND	5,700,000	5,700,000	16,092,327
PROGRAM TOTAL	5,700,000	5,700,000	16,092,327

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

Program No. 913 - Carpenter Telecommunications Center Renovation

	FY2005-06	FY2006-07	FUTURE
STATE BUILDING FUND	1,738,671	1,738,671	3,477,342
PROGRAM TOTAL	1,738,671	1,738,671	3,477,342

The Legislature hereby acknowledges and reaffirms the directive made by Laws 2001, First Special Session, LB 1, section 15, which authorizes the Nebraska Educational Telecommunications Commission 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 \$13,439,605, exclusive of financing costs.

Pursuant to provisions of this section, total project cost authorization has been increased by \$250,000. Within additional project expenditure authority granted, the commission may accommodate any current building renewal class 1 requests, the upgrade of stairwells, energy efficient lighting, exterior railings, the upgrade of first floor restrooms, wall treatments, storage space, classroom equipment, and lockable overhead storage space and files for employee workspaces. It is intended that current building renewal class 1 requests be given first priority in use of additional project expenditure authority granted pursuant to this section.

In addition to amounts appropriated in this section from the State Building Fund for FY2005-06 and FY2006-07, it is intended that \$1,738,671 be appropriated to this program from the State Building Fund for each fiscal year including FY2007-08 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. 30. AGENCY NO. 47 -- NEBRASKA EDUCATIONAL TELECOMMUNICATION COMMISSION

Program No. 991 - UNO TV Equipment Replacement

	FY2005-06	FY2006-07	FUTURE
STATE BUILDING FUND	7,000	-0-	-0-
PROGRAM TOTAL	7,000	-0-	-0-

The Nebraska Educational Telecommunications Commission is hereby authorized to replace computers and related software for a master control computer upgrade for KYNE-TV at the University of Nebraska at Omaha.

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

Program No. 920 - Board Facilities Fee Fund Projects

	FY2005-06	FY2006-07	FUTURE
STATE BUILDING FUND	400,000	400,000	800,000
REVOLVING FUND est.	952,426	952,426	1,904,852
PROGRAM TOTAL	1,352,426	1,352,426	2,704,852

The Legislature hereby acknowledges and reaffirms the directive made by Laws 1998, LB 1100, sections 6 and 7, 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. 946 - Chadron State College Sparks Hall Renovation

	FY2005-06	FY2006-07	FUTURE
STATE BUILDING FUND	2,680,450	-0-	-0-
PROGRAM TOTAL	2,680,450	-0-	-0-

The Board of Trustees of the Nebraska State Colleges is hereby authorized to renovate Sparks Hall at Chadron State College. Total project cost is estimated at \$2,680,450.

Sec. 33. 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

	FY2005-06	FY2006-07	FUTURE
STATE BUILDING FUND	2,009,360	2,009,360	4,018,720
PROGRAM TOTAL	2,009,360	2,009,360	4,018,720

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 FY2005-06 and FY2006-07, it is intended that \$2,009,360 be appropriated to this program from the State Building Fund for each fiscal year including FY2007-08 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. 34. AGENCY NO. 51 -- UNIVERSITY OF NEBRASKA

Program No. 906 - System Facilities Fee Fund Projects

	FY2005-06	FY2006-07	FUTURE
STATE BUILDING FUND	5,500,000	5,500,000	11,000,000
CASH FUND est.	5,200,000	5,200,000	15,600,000
PROGRAM TOTAL	10,700,000	10,700,000	26,600,000

The Legislature hereby acknowledges and reaffirms the directive made by Laws 1998, LB 1100, sections 3 and 4, 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. 35. AGENCY NO. 51 -- UNIVERSITY OF NEBRASKA

Program No. 915 - Agriculture Field Lab Fund

	FY2005-06	FY2006-07	FUTURE
CASH FUND	8,000	8,500	-0-
PROGRAM TOTAL	8,000	8,500	-0-

All receipts of the Agricultural Field Laboratory Fund are hereby appropriated to the Board of Regents of the University of Nebraska for the University of Nebraska-Lincoln for FY2005-06 and FY2006-07. The unexpended

balances in the fund on June 30, 2005, and on June 30, 2006, are hereby reappropriated.

Sec. 36. AGENCY NO. 51 -- UNIVERSITY OF NEBRASKA

Program No. 937 - Agricultural Research Land - University of Nebraska-Lincoln

	FY2005-06	FY2006-07	FUTURE
CASH FUND	24,000	25,000	-0-
PROGRAM TOTAL	24,000	25,000	-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 balances existing on June 30, 2005, and on June 30, 2006, 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 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. 37. AGENCY NO. 51 -- UNIVERSITY OF NEBRASKA

Program No. 970 - Research Center of Excellence II

	FY2005-06	FY2006-07	FUTURE
CASH FUND	2,000,000	2,000,000	-0-
FEDERAL FUND est.	2,000,000	2,000,000	-0-
TRUST FUND est.	21,700,000	36,300,000	-0-
PROGRAM TOTAL	25,700,000	40,300,000	-0-

The Legislature hereby acknowledges and reaffirms the directive made by Laws 2004, LB 1089, section 11, which authorizes the Board of Regents of the University of Nebraska to construct the Research Center of Excellence II at the University of Nebraska Medical Center, subject to the receipt of any required project approval from the Coordinating Commission for Postsecondary Education as found in subsection (10) of section 85-1414. The total project cost is estimated at \$74,000,000.

The state support contained in this section is primarily intended for the bio-terrorism laboratories contained in the project.

In order to begin construction on the project contained in this program, and before any of the Cash Fund appropriation contained in this program may be committed or disbursed, there shall be a commitment of at least \$30,000,000 from private sources to the project and all necessary waivers from the federal government for the use of an estimated \$6,000,000 of Homeland Security Funds for this project shall be received. Existence of such commitment shall be conveyed in written form to the budget administrator of the Department of Administrative Services, at which time the Cash Fund appropriation may be released.

The University of Nebraska Medical Center may spend up to a total of \$2,000,000 from the \$2,000,000 Cash Fund appropriations appropriated for FY2004-05, from the reappropriated unspent Cash Fund appropriation balance available on June 30, 2004, and from the Cash Fund appropriation contained in this section, after all necessary waivers from the federal government for the use of an estimated \$6,000,000 of Homeland Security Funds for this project have been received without spending any Trust Fund appropriation. After \$2,000,000 is spent from the Cash Fund appropriations for this program, the budget administrator shall not allow further expenditures from the Cash Fund appropriations unless any further expenditure from the Cash Fund appropriations is matched by an amount of expenditures from the Trust Fund appropriations contained in this section which is equal to twice the further expenditures made from the Cash Fund appropriations.

In order to accomplish the project authorized by this section, the Board of Regents of the University of Nebraska may enter into contracts with any person, firm, or corporation providing for the implementation of any such project of the University of Nebraska and providing for the long-term payment of the cost of such project from the Federal Fund, Cash Fund, and Trust Fund appropriations and future appropriation estimates contained in this program. In no case shall any such contract be entered into prior to the date seventy-five percent of the funding contained in this section is assured. In no case shall any such contract extend for a period beyond July 15, 2012, nor shall any such contract exceed the repayment capabilities implicit in the funding streams authorized in this section.

The Board of Regents of the University of Nebraska shall not pledge the credit of the State of Nebraska for the payment of any sum owing on account of such contract, except that there may be pledged for the payment of

any such contract any appropriation specifically made by the Legislature for such purpose, together with such funds of the Board of Regents of the University of Nebraska as the board determines. No contract shall be entered into pursuant to this section without prior approval by resolution by the Board of Regents. The Board of Regents may also convey, lease, or lease back all or any part of the project authorized by this section and the land on which such project is situated to such person, firm, or corporation as the Board of Regents may contract with pursuant to this section to facilitate the long-term payment of the cost of such project. Any such conveyance or lease shall provide that when the cost of such project has been paid, together with interest and other costs thereon, such project and the land on which such project is located shall become the property of the Board of Regents.

The Board of Regents of the University of Nebraska is authorized to make expenditures for the purposes stated in this section from investment income balances in any fund created under the authority provided for in any contract or contracts authorized by this section. Any appropriated amounts and amounts designated or matched by the Board of Regents under this section in excess of amounts required to meet debt service and any interest earnings derived from reserve funds or any other funds created under the authority provided for in any contract or contracts authorized by this section shall be accumulated and applied toward early retirement of debt as authorized under any indenture or other contract entered into by the Board of Regents as authorized by this section.

Sec. 38. AGENCY NO. 51 -- UNIVERSITY OF NEBRASKA

Program No. 989 - College of Public Affairs and Community Services
Engineering Building Renovation

	FY2005-06	FY2006-07	FUTURE
STATE BUILDING FUND	525,000	4,102,500	9,572,500
PROGRAM TOTAL	525,000	4,102,500	9,572,500

The Board of Regents of the University of Nebraska is hereby authorized to renovate the Engineering Building at the University of Nebraska at Omaha for the College of Public Affairs and Community Services. The renovation project shall include deferred repair and maintenance, upgrade of the mechanical systems and controls, upgrade of the electrical system, asbestos removal, removal of ADA barriers, and renovation of existing space to accommodate the College of Public Affairs and Community Services. Total project cost is estimated at \$14,200,000.

Sec. 39. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE SERVICES

Program No. 901 - State Capitol Improvements

	FY2005-06	FY2006-07	FUTURE
STATE BUILDING FUND	750,000	500,000	2,000,000
PROGRAM TOTAL	750,000	500,000	2,000,000

(1) The State Capitol Administrator is hereby authorized to undertake projects identified within the Master Plan for the Conservation and Restoration of the Nebraska State Capitol. Such projects to be undertaken in FY2005-06 shall include a Capitol heating, ventilating, and air conditioning study as identified in the Master Plan. Prior to expending any amounts appropriated in this section, the State Capitol Administrator shall identify projects planned to be undertaken with such amounts and shall submit such plans to the Nebraska Capitol Commission for review. There is included in the appropriation to this program \$500,000 for FY2005-06 and \$500,000 for FY2006-07 from the State Building Fund for such purpose.

(2) In addition to amounts appropriated in this section for FY2005-06 and FY2006-07, it is intended that \$500,000 be appropriated from the State Building Fund for this program for FY2007-08 and each fiscal year thereafter through FY2010-11 to undertake projects identified within the Master Plan for the Conservation and Restoration of the Nebraska State Capitol.

(3) Subject to provisions of subdivision (3) of section 81-1107, the Department of Administrative Services is hereby authorized to acquire property located within the Nebraska State Capitol Environs District as such may become available. There is included in the appropriation to this program for FY2005-06 \$250,000 from the State Building Fund for such purpose.

Sec. 40. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE SERVICES

Program No. 913 - Parking Expansion

	FY2005-06	FY2006-07	FUTURE
REVOLVING FUND	323,304	323,304	2,990,562
PROGRAM TOTAL	323,304	323,304	2,990,562

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 FY2005-06 \$323,304 from the Capitol Buildings Parking Revolving Fund and for FY2006-07 \$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. 41. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE SERVICES

Program No. 920 - Executive Office Building and Parking Facility

Purchase

	FY2005-06	FY2006-07	FUTURE
STATE BUILDING REVOLVING FUND	210,764	210,764	1,812,571
PROGRAM TOTAL	210,764	210,764	1,812,571

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. 42. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE SERVICES

Program No. 923 - Nebraska State Capitol Environs District Property

Purchase

	FY2005-06	FY2006-07	FUTURE
CAPITOL BUILDINGS PARKING REVOLVING FUND	220,000	-0-	-0-
PROGRAM TOTAL	220,000	-0-	-0-

The Department of Administrative Services is hereby authorized to acquire for fair market value or less, property located within the Nebraska State Capitol Environs District, at the Northwest corner of 17th and J Streets, lots 10, 11, and 12.

Sec. 43. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE SERVICES

Program No. 939 - State Capitol Complex

	FY2005-06	FY2006-07	FUTURE
STATE BUILDING FUND	3,940,000	1,300,000	5,600,000
PROGRAM TOTAL	3,940,000	1,300,000	5,600,000

The Legislature hereby acknowledges and reaffirms the directives made by Laws 1997, LB 386, section 55, which authorized the State Capitol Masonry Restoration project. The Legislature further acknowledges and reaffirms provisions of the Nebraska State Capitol Preservation and Restoration Act which assign responsibility for administration of the project to the Office of the Nebraska Capitol Commission.

There is included in the appropriation to this program for FY2005-06 \$3,940,000 from the State Building Fund to continue the project. There is included in the appropriation to this program for FY2006-07 \$1,300,000 from the State Building Fund to continue the project. In addition to amounts appropriated in this section for FY2005-06 and FY2006-07, it is intended that \$2,800,000 be appropriated from the State Building Fund for FY2007-08 and \$2,800,000 be appropriated from the State Building Fund for FY2008-09 to continue the project.

Sec. 44. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE SERVICES

Program No. 940 - Task Force for Building Renewal

	FY2005-06	FY2006-07
CASH FUND	21,736,343	22,276,040
PROGRAM TOTAL	21,736,343	22,276,040

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.

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 FY2005-06 and FY2006-07. There is included in the appropriation to this program for FY2005-06 an amount not to exceed \$200,000 cash funds and for FY2006-07 an amount not to exceed \$200,000 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 Information 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 Information System or through the use of the Grant Project Status Report or some other accounting mechanism.

Sec. 45. There is hereby appropriated, unless otherwise specified, for FY2005-06 and for FY2006-07 from undisbursed balances existing on June 30, 2005, and on June 30, 2006, 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 Nos. 905, 906, and 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 FY2005-06 only the undisbursed balances existing on June 30, 2005, for the following programs and projects shall be reappropriated, all other unobligated June 30, 2005, balances shall lapse:

Program No. 900 -- State Park System Facility Improvements and Motor Boat Access Facilities, less \$463 of unobligated Federal Fund appropriation authority for the Dewey Lake project

Program No. 901 -- State Facilities Deferred Maintenance, less \$163,341 of unobligated Cash Fund appropriations authority from the Mahoney Roof project and from other Deferred Maintenance projects

Program No. 902 -- Trail Development Assistance

Program No. 919 -- Political Subdivisions Aid

Program No. 924 -- Wildlife Land Acquisitions and Improvements, less \$4,491 of unobligated Federal Fund appropriation authority

Program No. 955 -- Youth Outdoor Skill Training, less \$1,009,066 of unobligated Cash Fund appropriations authority

Program No. 960 -- Park and Recreation Land Acquisition, less \$14,072 of unobligated Cash Fund appropriations authority

Program No. 961 -- Lewis and Clark Commemorative Special

Projects

Program No. 962 -- Environmental Trust -- NCCF

Program No. 966 -- State Recreational Trails Development

Program No. 967 -- State Parks Improvements, less \$57,360 of unobligated Cash Fund appropriations

Program No. 968 -- State Historical Parks, less \$89,100 of unobligated Cash Fund appropriations authority

Program No. 969 -- State Recreation Areas, less \$403,837 of unobligated Cash Fund appropriations authority

Program No. 971 -- Wildlife Management Areas - Improvements

Program No. 972 -- Administrative Facilities - Improvements, less \$221,418 of unobligated Cash Fund appropriations authority

Program No. 973 -- Fish production, less \$1,105,750 of unobligated Cash Fund appropriations authority

Program No. 975 -- Emergency Repairs - Park System

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

Facilities

Program No. 977 -- Nongame and Endangered Species Acquisition and Development

Program No. 979 -- Cowboy Trail - Emergency Repairs and Deferred Maintenance, provided that deferred repair projects may be addressed from the unobligated construction appropriations in this program

Program No. 981 -- Aquatic Habitat - Improvements, less \$3,750 of unobligated Federal Funds appropriations authority

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

Program Nos. 915, 916, and 918.

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

Program Nos. 901, 905, 906, 911, 913, and 919.

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

Program Nos. 901, 902, 905, 920, 934, 940, 941, 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, 902, 906, 913, 914, 915, 917, 918, 923, 933, 936, 937, 938, 942, 943, 944, 945, 946, 947, 948, 949, 950, 954, 955, 957, 958, 961, 963, 965, 966, 967, 969, 970, 974, 981, 982, 984, 988, 990, 994, 996, 997, and 998, 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.

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

Program Nos. 901, 913, 920, 921, 932, 938, 939, and 940.

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

Sec. 46. 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. 47. 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. 48. NEBRASKA CAPITAL CONSTRUCTION FUND.

The receipts and transfers for FY2005-06 and FY2006-07 inuring to the Nebraska Capital Construction Fund together with any amounts held in account by the State Treasurer on June 30, 2005, are hereby credited to the fund.

Sec. 49. FUND LAPSES AND TRANSFERS.

The State Treasurer shall make the following transfers between funds in the amounts indicated. Unless otherwise noted, transfers for FY2005-06 shall occur on July 1, 2005, or as soon thereafter as administratively possible, and transfers for FY2006-07 shall occur on July 1, 2006, 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.

(1) Transfers for FY2005-06 shall include: From the General Fund to the Trail Development Assistance Fund: \$140,000.

(2) Transfers for FY2006-07 shall include: From the General Fund to the Trail Development Assistance Fund: \$140,000.

Sec. 50. The Ninety-ninth 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, 2005, are null and void unless specifically reaffirmed by this Legislature.

Sec. 51. This act becomes operative on July 1, 2005.

Sec. 52. Since an emergency exists, this act takes effect when passed and approved according to law.