

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 588

Introduced by Stinner, 48.

Read first time January 20, 2021

Committee: Appropriations

1 A BILL FOR AN ACT relating to capital construction; to amend sections
2 85-420, 85-426, and 86-594, Reissue Revised Statutes of Nebraska,
3 and sections 85-419, 85-421, 85-422, 85-423, 85-424, and 85-425,
4 Revised Statutes Cumulative Supplement, 2020; to rename and change
5 provisions of the University of Nebraska Facilities Program of 2006
6 and the State College Facilities Program of 2006; to eliminate the
7 University of Nebraska Facilities Program and the State College
8 Facilities Program; to harmonize provisions; to repeal the original
9 sections; to outright repeal sections 85-412, 85-413, 85-414,
10 85-415, 85-416, 85-417, and 85-418, Reissue Revised Statutes of
11 Nebraska; and to declare an emergency.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 85-419, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 85-419 (1) The Legislature finds and determines that protecting
4 investments in buildings through the completion of renewal, renovation,
5 replacement, or repair ~~deferred maintenance, repair, renovation, and~~
6 ~~facility replacement construction~~ projects is of critical importance to
7 the State of Nebraska. The Legislature further recognizes that arresting
8 the continued deterioration of buildings, and limiting the effects of
9 inflation on the costs of such renewal, renovation, replacement, or
10 repair of such facilities ~~deferred maintenance, repair, renovation, and~~
11 ~~facility replacement construction, and bringing such buildings into~~
12 ~~compliance with current health and safety requirements~~ at the earliest
13 possible time is necessary for protecting such investment in the
14 buildings of the State of Nebraska. The state, the University of
15 Nebraska, and the Nebraska state colleges have a shared goal of
16 protecting the assets of the state and maintaining them at a level which
17 will attract and retain students and serve Nebraskans effectively. In
18 order to further this critical goal, it is necessary, desirable, and
19 advisable that the Legislature extend the University of Nebraska
20 Facilities Program, the State College Facilities Program, and the other
21 capital appropriations referenced in sections 85-419 to 85-425 and
22 provide the University of Nebraska and the Nebraska state colleges the
23 necessary authority to efficiently pursue prevailing financing strategies
24 and achieve cost savings by authorizing the Board of Regents of the
25 University of Nebraska and the Board of Trustees of the Nebraska State
26 Colleges to enter into long-term financing contracts to finance the
27 facilities referenced in sections 85-419 to 85-425. In order to
28 accomplish these goals, it is necessary, desirable, and advisable that
29 the Legislature confirm and extend such programs to provide for the
30 ~~receipt of funds for such purposes to the University of Nebraska and the~~
31 Nebraska state colleges as soon as practicable with the repayment of such

1 funds to be made over a period of years.

2 (2) The Legislature recognizes the commitment of ~~(a)~~ the Board of
3 Regents of the University of Nebraska to provide matching funds (a) up to
4 eleven million dollars per year for the period beginning with the fiscal
5 year commencing July 1, 2009, and continuing through the fiscal year
6 ending June 30, 2030, (b) up to two million five hundred thousand dollars
7 per year for the period beginning with the fiscal year commencing July 1,
8 2021, and continuing through the fiscal year ending June 30, 2030, and
9 (c) up to thirteen million five hundred thousand dollars per year for the
10 period beginning with the fiscal year commencing July 1, 2030, and
11 continuing through the fiscal year ending June 30, 2062, for a total of
12 up to two hundred twenty-five million eight hundred thousand dollars to
13 supplement amounts appropriated from the General Fund pursuant to section
14 85-421 to be applied for the purposes described in section 85-421.

15 (3) The Legislature recognizes the commitment of ~~and (b)~~ the Board
16 of Trustees of the Nebraska State Colleges to provide matching funds up
17 to one million four hundred forty thousand dollars per year for the
18 period beginning with the fiscal year commencing July 1, 2006, and
19 continuing through the fiscal year ending June 30, 2040, 2030, ~~for a~~
20 ~~total of up to twenty-eight million eight hundred thousand dollars to~~
21 supplement amounts appropriated from the General Fund pursuant to section
22 85-424 to be applied for the purposes described in section 85-424.

23 (4) The Legislature further acknowledges and reaffirms the directive
24 made by Laws 2019, LB297, section 38, which sets forth the intent of the
25 Legislature to continue the appropriations set forth in Laws 2017, LB330,
26 section 35, in the amount of eight hundred twenty thousand dollars per
27 year through 2050; in Laws 2017, LB330, section 36, in the amount of two
28 million one hundred sixty-five thousand nine hundred twenty-eight dollars
29 per year through 2050; and in Laws 2017, LB330, section 37, in the amount
30 of one million four hundred seventy-seven thousand dollars per year
31 through 2050.

1 (5) The Legislature further acknowledges and affirms the directive
2 made by Laws 2019, LB297, section 37, which sets forth the intent of the
3 Legislature to continue the appropriations set forth in Laws 2013, LB198,
4 section 37, in the amount of two million two hundred sixteen thousand
5 dollars per year through 2035.

6 (6) (2) Sections 85-419 to 85-425 do not modify, reduce, or
7 eliminate any provision of subsection (10) of section 85-1414 requiring
8 the approval of the Coordinating Commission for Postsecondary Education
9 for any ~~renewal, renovation, replacement, or repair deferred maintenance,~~
10 ~~repair, renovation, facility addition, or facility replacement~~
11 ~~construction~~ project authorized by section 85-421 or 85-424 and
12 undertaken by the Board of Regents of the University of Nebraska or the
13 Board of Trustees of the Nebraska State Colleges.

14 Sec. 2. Section 85-420, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 85-420 The University of Nebraska Facilities Program ~~of 2006~~ is
17 created. All funds appropriated to the program by the Legislature shall
18 be used exclusively for the projects listed in section 85-421 or for
19 renewal, renovation, replacement, or repair ~~deferred maintenance, repair,~~
20 renovation, ~~facility renovation, and facility replacement~~ construction
21 projects authorized pursuant to section 85-421.

22 Sec. 3. Section 85-421, Revised Statutes Cumulative Supplement,
23 2020, is amended to read:

24 85-421 (1) The Legislature shall appropriate from the General Fund
25 (a) an amount not less than five million five hundred thousand dollars
26 for each fiscal year for the period beginning with the fiscal year
27 commencing July 1, 2006, and continuing through the fiscal year ending
28 June 30, 2009, ~~and~~ (b) an amount not less than eleven million dollars for
29 each fiscal year for the period beginning with the fiscal year commencing
30 July 1, 2009, and continuing through the fiscal year ending June 30,
31 2030, (c) an amount not less than two million five hundred thousand

1 dollars for each fiscal year for the period beginning with the fiscal
2 year commencing July 1, 2021, and continuing through the fiscal year
3 ending June 30, 2030, (d) an amount not less than thirteen million five
4 hundred thousand dollars for each fiscal year for the period beginning
5 with the fiscal year commencing July 1, 2030, and continuing through the
6 fiscal year ending June 30, 2062, and (e) an amount not less than four
7 million four hundred sixty-two thousand nine hundred twenty-eight dollars
8 in each fiscal year for the appropriations referred to in subsection (4)
9 of section 85-419, which shall be continued through the fiscal year
10 ending June 30, 2062, to the University of Nebraska Facilities Program of
11 ~~2006~~ to be used by the Board of Regents of the University of Nebraska to
12 accomplish projects as provided in this section. Through the allotment
13 process established in section 81-1113, the Department of Administrative
14 Services shall make appropriated funds available. Undisbursed
15 appropriations balances existing in the University of Nebraska Facilities
16 Program of ~~2006~~ at the end of each fiscal year until June 30, ~~2060~~ 2031,
17 shall be and are hereby reappropriated.

18 (2) The Legislature finds and determines that the projects funded
19 through the University of Nebraska Facilities Program of ~~2006~~ are of
20 critical importance to the State of Nebraska. It is the intent of the
21 Legislature that the appropriations to the program shall not be reduced
22 until all contracts and securities relating to the construction and
23 financing of the projects or portions of the projects funded from such
24 funds or accounts of such funds are completed or paid but in no case
25 shall such appropriations extend beyond the fiscal year ending June 30,
26 ~~2062~~ 2030, nor shall the cumulative total of the General Fund
27 appropriations for the program exceed two hundred forty-seven million
28 five hundred thousand dollars.

29 (3) Subject to the receipt of project approval from the Coordinating
30 Commission for Postsecondary Education as required by subsection (10) of
31 section 85-1414 for each of the following University of Nebraska

1 projects, the Board of Regents of the University of Nebraska is
2 authorized to make expenditures from the University of Nebraska
3 Facilities Program of ~~2006~~ for the following projects: (a) Deferred
4 maintenance, repair, and renovation of University of Nebraska at Kearney
5 Bruner Hall; (b) construction of University of Nebraska at Kearney
6 campus-wide central utilities plant and system; (c) construction of
7 facilities to replace University of Nebraska-Lincoln Behlen, Brace, and
8 Ferguson Halls or deferred maintenance, repair, and renovation of
9 University of Nebraska-Lincoln Behlen, Brace, and Ferguson Halls; (d)
10 construction of a facility to replace University of Nebraska-Lincoln Keim
11 Hall or deferred maintenance, repair, and renovation of University of
12 Nebraska-Lincoln Keim Hall; (e) deferred maintenance, repair, and
13 renovation of University of Nebraska-Lincoln Sheldon Memorial Art
14 Gallery; (f) deferred maintenance, repair, and renovation of University
15 of Nebraska-Lincoln Animal Science Complex; (g) deferred maintenance,
16 repair, and renovation of University of Nebraska Medical Center Poynter,
17 Bennet, and Wittson Halls; (h) deferred maintenance, repair, and
18 renovation of University of Nebraska Medical Center Eppley Institute for
19 Research in Cancer and Allied Diseases or replacement if additional
20 federal or private funds are received; (i) deferred maintenance, repair,
21 and renovation of University of Nebraska Medical Center College of
22 Dentistry; (j) deferred maintenance, repair, and renovation of University
23 of Nebraska at Omaha Library; (k) deferred maintenance, repair, and
24 renovation of University of Nebraska at Omaha utilities infrastructure;
25 (l) University of Nebraska-Lincoln Scott Engineering Center; (m)
26 University of Nebraska-Lincoln Nebraska Hall; (n) University of Nebraska-
27 Lincoln Mabel Lee Hall/Henzlik Hall; (o) University of Nebraska Medical
28 Center Wittson Hall-Phase I; (p) University of Nebraska Medical Center
29 Joseph D. & Millie E. Williams Science Hall (College of Pharmacy); (q)
30 renovation of a privately funded acquisition at the University of
31 Nebraska at Omaha; (r) University of Nebraska at Omaha Strauss Performing

1 Arts Center; (s) University of Nebraska at Omaha Arts and Sciences Hall;
2 ~~and~~ (t) University of Nebraska at Kearney Otto C. Olsen Building; (u) the
3 facilities financed with the appropriations referred to in subsection (4)
4 of section 85-419, including the Nebraska College of Technical
5 Agriculture at Curtis Education Center and the College of Nursing
6 Building on the campus of the University of Nebraska-Lincoln; and (v) any
7 renewal, renovation, replacement, or repair of existing University of
8 Nebraska facilities.

9 (4) Expenditures of matching funds provided for the projects listed
10 in this section by the Board of Regents of the University of Nebraska as
11 provided for in section 85-419 shall be accounted for in the Nebraska
12 State Accounting System through the University of Nebraska Facilities
13 Program ~~of 2006~~ or according to some other reporting process mutually
14 agreed upon by the University of Nebraska and the Department of
15 Administrative Services.

16 (5) The Board of Regents of the University of Nebraska shall record
17 and report, on the Nebraska State Accounting System, expenditure of
18 amounts from the University of Nebraska Facilities Program ~~of 2006~~ and
19 expenditure of proceeds arising from any contract entered into pursuant
20 to this section and section 85-422 in such manner and format as
21 prescribed by the Department of Administrative Services or according to
22 some other reporting process mutually agreed upon by the University of
23 Nebraska and the Department of Administrative Services.

24 (6) At least once every two fiscal years beginning in the fiscal
25 year 2023-24 for the biennial period from fiscal years 2023-25, the The
26 Board of Regents of the University of Nebraska shall report to the
27 Legislature (a) the projects expected to be constructed or newly financed
28 in the next biennium from the University of Nebraska Facilities Program
29 and (b) the projects that were constructed or newly financed in the
30 previous biennium from the University of Nebraska Facilities Program. In
31 addition, at least once every five fiscal years beginning in the fiscal

1 year 2024-25 for the fiscal years 2026-30, the Board of Regents shall
2 provide to the Legislature a copy of its current long-term capital plan
3 for projects to be constructed or newly financed from the University of
4 Nebraska Facilities Program provide to the Task Force for Building
5 Renewal semiannual reports concerning the status of each project
6 authorized by this section.

7 (7) The Board of Regents of the University of Nebraska shall
8 establish a program to deposit annually, beginning with the fiscal year
9 commencing July 1, 2025, an amount equal to two percent of the total
10 project costs of new renewal, renovation, replacement, or repair projects
11 expended during the immediately preceding fiscal year and financed with
12 the University of Nebraska Facilities Program. Such funds may be held by
13 a bank or trust company in trust, and amounts deposited therein shall be
14 invested as the Board of Regents determines in accordance with its
15 investment policies. The Board of Regents shall apply amounts in such
16 fund, together with investment earnings thereon, to pay for renewal,
17 renovation, replacement, or repair projects for university facilities as
18 the Board of Regents shall determine.

19 Sec. 4. Section 85-422, Revised Statutes Cumulative Supplement,
20 2020, is amended to read:

21 85-422 (1) In order to accomplish any projects authorized by section
22 85-421, the Board of Regents of the University of Nebraska may enter into
23 contracts with any person, firm, or corporation providing for the
24 implementation of any such project of the University of Nebraska and
25 providing for the long-term payment of the cost of such project from the
26 University of Nebraska Facilities Program ~~of 2006~~. In no case shall any
27 such contract extend for a period beyond December 31, 2063 ~~2031~~, nor
28 shall any such contract exceed the repayment capabilities implicit in the
29 funding streams authorized in sections 85-419 and 85-421.

30 (2) The Board of Regents of the University of Nebraska shall not
31 pledge the credit of the State of Nebraska for the payment of any sum

1 owing on account of such contract, except that there may be pledged for
2 the payment of any such contract any appropriation specifically made by
3 the Legislature for such purpose, together with such funds of the Board
4 of Regents of the University of Nebraska as the board determines. No
5 contract shall be entered into pursuant to this section without prior
6 approval ~~by resolution~~ by the Board of Regents. The Board of Regents may
7 also convey, lease, or lease back all or any part of the projects
8 authorized by section 85-421 and the land on which such projects are
9 situated to such person, firm, or corporation as the Board of Regents may
10 contract with pursuant to this section to facilitate the long-term
11 payment of the cost of such projects. Any such conveyance or lease shall
12 provide that when the cost of such projects has been paid, together with
13 interest and other costs thereon, such projects and the land on which
14 such projects are located shall become the property of the Board of
15 Regents.

16 (3) The Board of Regents of the University of Nebraska is authorized
17 to make expenditures for the purposes stated in this section and section
18 85-421 from investment income balances in any fund created under the
19 authority provided for in any contract or contracts authorized by this
20 section. Any balance existing in the University of Nebraska Facilities
21 Program, whether from appropriations or the designated amounts identified
22 in appropriated amounts and amounts designated or matched by the Board of
23 Regents under section 85-419, in excess of amounts required to meet debt
24 service and any interest thereon for any related financing contract, and
25 excluding amounts on deposit in the trust fund established pursuant to
26 subsection (7) of section 85-421, shall be distributed proportionally
27 between the earnings derived from reserve funds or any other funds
28 created under the authority provided for in any contract or contracts
29 authorized by this section shall be accumulated and applied toward early
30 retirement of debt as authorized under any resolution, indenture, or
31 other contract entered into by the Board of Regents as authorized by this

1 ~~section. The Board of Regents and the Department of Administrative~~
2 ~~Services as to the total amount contributed to the program by the Board~~
3 ~~of Regents pursuant to section 85-419 and by the state, beginning in the~~
4 ~~fiscal year commencing July 1, 2009, through and including the fiscal~~
5 ~~year ending June 30, 2062, on December 31, 2063 shall, on or before~~
6 ~~January 1, 2007, enter into an agreement providing for the allocation and~~
7 ~~distribution of any balances existing in the University of Nebraska~~
8 ~~Facilities Program of 2006 or any other funds created as part of long-~~
9 ~~term contracts entered into by the Board of Regents pursuant to this~~
10 ~~section to the General Fund and any other funds designated by the Board~~
11 ~~of Regents as a source of funds for the match specified in section 85-419~~
12 ~~either on December 31, 2031, or when all financial obligations incurred~~
13 ~~in the contracts entered into by the Board of Regents pursuant to this~~
14 ~~section are discharged, whichever occurs first.~~

15 Sec. 5. Section 85-423, Revised Statutes Cumulative Supplement,
16 2020, is amended to read:

17 85-423 The State College Facilities Program ~~of 2006~~ is created. All
18 funds appropriated to the program by the Legislature shall be used
19 exclusively for the projects listed in section 85-424 or for renewal,
20 renovation, replacement, or repair ~~deferred maintenance, repair,~~
21 ~~renovation, and facility replacement~~ construction projects authorized
22 pursuant to section 85-424.

23 Sec. 6. Section 85-424, Revised Statutes Cumulative Supplement,
24 2020, is amended to read:

25 85-424 (1) ~~The Beginning with the fiscal year commencing July 1,~~
26 ~~2006, and continuing through the fiscal year ending June 30, 2030, the~~
27 Legislature shall appropriate ~~each fiscal year~~ from the General Fund (a)
28 an amount not less than one million one hundred twenty-five thousand
29 dollars to the State College Facilities Program for each fiscal year for
30 the period commencing July 1, 2006, and continuing through the fiscal
31 year ending June 30, 2040, and (b) an amount not less than two million

1 two hundred sixteen thousand dollars in each fiscal year for the
2 appropriations referred to in subsection (5) of section 85-419, which
3 shall be continued through the fiscal year ending June 30, 2040, to the
4 State College Facilities Program of 2006 to be used by the Board of
5 Trustees of the Nebraska State Colleges to accomplish projects as
6 provided in this section. Through the allotment process established in
7 section 81-1113, ~~at a minimum,~~ the Department of Administrative Services
8 shall make appropriated funds available. Undisbursed appropriations
9 balances existing in the State College Facilities Program ~~of 2006~~ at the
10 end of each fiscal year until June 30, 2041 ~~2031~~, shall be and are hereby
11 reappropriated.

12 (2) The Legislature finds and determines that the projects funded
13 through the State College Facilities Program ~~program~~ are of critical
14 importance to the State of Nebraska. It is the intent of the Legislature
15 that the appropriations to the program shall not be reduced until all
16 contracts and securities relating to the construction and financing of
17 the projects or portions of the projects funded from such funds or
18 accounts of such funds are completed or paid but in no case shall such
19 appropriations extend beyond the fiscal year ending June 30, 2040 ~~2030~~,
20 ~~nor shall the cumulative total of the General Fund appropriations for the~~
21 ~~program exceed twenty-seven million dollars.~~

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

1 repair, and renovation of Peru State College Al Wheeler Activity Center;
2 (e) addition to and deferred maintenance, repair, and renovation of Wayne
3 State College Campus Services Building; (f) deferred maintenance, repair,
4 and renovation of Wayne State College Rice Auditorium; (g) deferred
5 maintenance, repair, and renovation of Wayne State College Memorial
6 Stadium; (h) replacement of or deferred maintenance, repair, and
7 renovation of Chadron State College stadium; (i) addition to and deferred
8 maintenance, repair, and renovation of Peru State College Theatre/Event
9 Center; (j) construction of a facility to replace Wayne State College
10 Benthack Hall applied technology programmatic space; ~~and~~ (k) systemwide
11 miscellaneous fire and life safety, energy conservation, deferred repair,
12 federal Americans with Disabilities Act of 1990, and asbestos removal
13 projects; (l) construction of the Math Science Facility at Chadron State
14 College; and (m) any renewal, renovation, replacement, or repair of
15 existing state college facilities.

16 (4) Expenditures of matching funds provided for the projects listed
17 in this section by the Board of Trustees of the Nebraska State Colleges
18 as provided for in section 85-419 shall be accounted for in the Nebraska
19 State Accounting System through the State College Facilities Program ~~of~~
20 ~~2006~~ or according to some other reporting process mutually agreed upon by
21 the state colleges and the Department of Administrative Services.

22 (5) The Board of Trustees of the Nebraska State Colleges shall
23 record and report, on the Nebraska State Accounting System, expenditure
24 of amounts from the State College Facilities Program ~~of 2006~~ and
25 expenditure of proceeds arising from any contract entered into pursuant
26 to this section and section 85-425 in such manner and format as
27 prescribed by the Department of Administrative Services or according to
28 some other reporting process mutually agreed upon by the state colleges
29 and the Department of Administrative Services.

30 (6) At least once every two fiscal years beginning with fiscal year
31 2023-24 for the biennial period from fiscal years 2023-25, the The Board

1 of Trustees of the Nebraska State Colleges shall report to the
2 Legislature (a) the projects expected to be constructed or newly financed
3 in the next biennium from the State College Facilities Program and (b)
4 the projects that were constructed or newly financed in the previous
5 biennium from the State College Facilities Program. In addition, at least
6 once every ten fiscal years beginning with fiscal year 2022-23, the Board
7 of Trustees shall provide to the Legislature a copy of its current long-
8 term capital plan for projects to be constructed or newly financed from
9 the State College Facilities Program ~~provide to the Task Force for~~
10 ~~Building Renewal semiannual reports concerning the status of each project~~
11 ~~authorized by this section.~~

12 Sec. 7. Section 85-425, Revised Statutes Cumulative Supplement,
13 2020, is amended to read:

14 85-425 (1) In order to accomplish any projects authorized by section
15 85-424, the Board of Trustees of the Nebraska State Colleges may enter
16 into contracts with any person, firm, or corporation providing for the
17 implementation of any such project of the Nebraska state colleges and
18 providing for the long-term payment of the cost of such project from the
19 State College Facilities Program ~~of 2006~~. In no case shall any such
20 contract extend for a period beyond December 31, 2041 ~~2030~~, nor shall any
21 such contract exceed the repayment capabilities implicit in the funding
22 streams authorized in sections 85-419 and 85-424.

23 (2) The Board of Trustees of the Nebraska State Colleges shall not
24 pledge the credit of the State of Nebraska for the payment of any sum
25 owing on account of such contract, except that there may be pledged for
26 the payment of any such contract any appropriation specifically made by
27 the Legislature for such purpose, together with such funds of the Board
28 of Trustees as the board determines. No contract shall be entered into
29 pursuant to this section without prior approval ~~by resolution~~ by the
30 Board of Trustees. The Board of Trustees may also convey, lease, or lease
31 back all or any part of the projects authorized by section 85-424 and the

1 land on which such projects are situated to such person, firm, or
2 corporation as the Board of Trustees may contract with pursuant to this
3 section to facilitate the long-term payment of the cost of such projects.
4 Any such conveyance or lease shall provide that when the cost of such
5 projects has been paid, together with interest and other costs thereon,
6 such projects and the land on which such projects are located shall
7 become the property of the Board of Trustees.

8 (3) The Board of Trustees of the Nebraska State Colleges is
9 authorized to make expenditures for the purposes stated in this section
10 and section 85-424 from ~~investment interest~~ income balances in any fund
11 created under the authority provided for in any contract or contracts
12 authorized by this section. Any balance existing in the State College
13 Facilities Program, whether from appropriations or the designated amounts
14 identified in appropriated amounts and amounts designated or matched by
15 the Board of Trustees under section 85-419, in excess of amounts required
16 to meet debt service and any interest thereon for any related financing
17 contract, shall be distributed proportionally between the earnings
18 derived from reserve funds or any other funds created under the authority
19 provided for in any contract or contracts authorized by this section
20 shall be accumulated and applied toward early retirement of debt as
21 authorized under any resolution, indenture, or other contract entered
22 into by the Board of Trustees as authorized by this section. The Board of
23 Trustees and the Department of Administrative Services as to the total
24 amount contributed to the program by the Board of Trustees pursuant to
25 section 85-419 and by the state, beginning in the fiscal year commencing
26 July 1, 2006, through and including the fiscal year ending June 30, 2040,
27 on December 31, 2041 shall, on or before January 1, 2007, enter into an
28 agreement providing for the allocation and distribution of any balances
29 existing in the State College Facilities Program of 2006 or any other
30 funds created as part of a long-term contract entered into by the Board
31 of Trustees pursuant to this section to the General Fund and any other

1 ~~funds designated by the Board of Trustees as a source of funds for the~~
2 ~~match specified in section 85-419 either on December 31, 2030, or when~~
3 all financial obligations incurred in the contracts entered into by the
4 Board of Trustees pursuant to this section are discharged, whichever
5 occurs first.

6 Sec. 8. Section 85-426, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 85-426 All capital construction projects, including applicable
9 financing plans, proposed by any nonprofit corporation created by the
10 Board of Regents of the University of Nebraska or the Board of Trustees
11 of the Nebraska State Colleges shall be submitted to the Legislature for
12 review and approval or disapproval by the Legislature, or if the
13 Legislature is not in session, the Executive Board of the Legislative
14 Council, when (1) state general funds, (2) funds received by the
15 University of Nebraska or any state college for the purposes of
16 reimbursing overhead costs and expenses in connection with any federal or
17 other grant or contract, (3) tuition, or (4) the state's operating
18 investment pool investment income constitutes all or any part of the
19 funds used for the repayment of all or any part of the bonds of such
20 nonprofit corporation. This section does not apply to any construction
21 project or financing plan comprising part of the University of Nebraska
22 Facilities Program or the State College Facilities Program to the extent
23 that subsection (6) of section 85-421 and subsection (6) of section
24 85-424 have been complied with by the respective boards referenced in
25 such sections.

26 Sec. 9. Section 86-594, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 86-594 (1) Except as provided in the Educational Service Units Act
29 and sections 79-1319, 81-1120.01 to 81-1120.28, 85-401 to ~~85-411~~ 85-418,
30 85-1501 to 85-1542, and 86-575, an agency or political subdivision of the
31 state that is not a public power supplier shall not provide on a retail

1 or wholesale basis any broadband services, Internet services,
2 telecommunications services, or video services.

3 (2) The provisions of subsection (1) of this section shall not apply
4 to services which an agency or political subdivision of the state was
5 authorized to provide and was providing prior to January 1, 2005.

6 Sec. 10. Original sections 85-420, 85-426, and 86-594, Reissue
7 Revised Statutes of Nebraska, and sections 85-419, 85-421, 85-422,
8 85-423, 85-424, and 85-425, Revised Statutes Cumulative Supplement, 2020,
9 are repealed.

10 Sec. 11. The following sections are outright repealed: Sections
11 85-412, 85-413, 85-414, 85-415, 85-416, 85-417, and 85-418, Reissue
12 Revised Statutes of Nebraska.

13 Sec. 12. Since an emergency exists, this act takes effect when
14 passed and approved according to law.