

LEGISLATIVE BILL 383

Approved by the Governor April 26, 2021

Introduced by Speaker Hilgers, 21; at the request of the Governor.

A BILL FOR 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 and a request for funding; 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 One Hundred Seventh Legislature, First or Second Session, which appropriates funds, FY2020-21 means the period July 1, 2020, through June 30, 2021, FY2021-22 means the period July 1, 2021, through June 30, 2022, FY2022-23 means the period July 1, 2022, through June 30, 2023, FY2023-24 means the period July 1, 2023, through June 30, 2024, and FY2024-25 means the period July 1, 2024, through June 30, 2025.

Sec. 2. APPROPRIATION LANGUAGE.

There are hereby appropriated, for FY2021-22 and FY2022-23, 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, FY2021-22 to FY2022-23.

In addition to the appropriations set forth in this act, there are hereby reappropriated all unexpended appropriation balances existing on June 30, 2022, for FY2022-23 to the respective agencies, programs, and funds listed in this act, except as otherwise provided in this act.

Sec. 4. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

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

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 FY2021-22 and FY2022-23, which have been designated for planning, require from the agency a complete program statement prepared in accordance with the Procedural Manual for Capital Construction Projects 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 FY2021-22 shall be updated if necessary and resubmitted during the period July 1, 2021, to September 1, 2021. Program statements that have been submitted prior to FY2022-23 shall be updated if necessary and resubmitted during the period July 1, 2022, to September 1, 2022, by agency priority. Such priority shall be subject to final modification by the governing authority of each agency on or before September 15, 2022.

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 Department of Environment and Energy 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. 27 – DEPARTMENT OF TRANSPORTATION

Program No. 901 - Facility Improvements

	FY2021-22	FY2022-23	FUTURE
CASH FUND	10,000,000	10,000,000	-0-
PROGRAM TOTAL	10,000,000	10,000,000	-0-

The Department of Transportation is hereby authorized to prepare program statements on and design and build the following projects:

- Facility improvements – Columbus Maintenance
- Facility improvements – Arthur Maintenance
- Facility improvements – Crofton Maintenance
- Facility improvements – Seward Maintenance
- Facility improvements – Bloomfield Maintenance
- Facility improvements – 70101 District Office
- Facility improvements – Statewide Projects
- Sec. 9. AGENCY NO. 31 – MILITARY DEPARTMENT
- Program No. 913 - 1776 Readiness Center Remodel

	FY2021-22	FY2022-23	FUTURE
NEBRASKA CAPITAL			
CONSTRUCTION FUND	500,000	-0-	-0-
FEDERAL FUND est.	500,000	-0-	-0-
PROGRAM TOTAL	1,000,000	-0-	-0-

The Military Department is hereby authorized to proceed with the design, planning, and construction related to remodeling the facility and consolidating or replacing or both the HVAC systems at the 1776 Readiness Center in Lincoln, Nebraska.

- Sec. 10. AGENCY NO. 31 – MILITARY DEPARTMENT
- Program No. 927 - Federal-State Match Construction Projects

	FY2021-22	FY2022-23	FUTURE
GENERAL FUND	891,000	-0-	-0-
FEDERAL FUND est.	1,697,000	-0-	-0-
PROGRAM TOTAL	2,588,000	-0-	-0-

The Military Department is hereby authorized to engage in various military master capital project agreements with the National Guard Bureau, including renovation and remodeling of the York vehicle storage facility, in order to convert the space into National Guard Readiness Center space, and expanding the Columbus readiness center facility to add storage space and to pave the parking lot.

- Sec. 11. AGENCY NO. 31 – MILITARY DEPARTMENT
- Program No. 992 - Statewide Readiness Centers - Backup Generators

	FY2021-22	FY2022-23	FUTURE
GENERAL FUND	915,000	-0-	-0-
FEDERAL FUND est.	915,000	-0-	-0-
PROGRAM TOTAL	1,830,000	-0-	-0-

The Military Department is hereby authorized to procure and install emergency backup generators for the readiness centers in Broken Bow, Chadron, Grand Island, the Lincoln complex, Norfolk, North Platte, South Omaha, Scottsbluff, Sidney, Wayne, and York.

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

	FY2021-22	FY2022-23	FUTURE
CASH FUND	775,000	925,000	-0-
PROGRAM TOTAL	775,000	925,000	-0-

The Game and Parks Commission is hereby authorized to develop new, maintain, and improve boating facilities and fishing access amenities.

- Sec. 13. AGENCY NO. 33 – GAME AND PARKS COMMISSION
- Program No. 901 - State Parks Facilities Deferred Maintenance

	FY2021-22	FY2022-23	FUTURE
CASH FUND	4,325,000	4,175,000	-0-
PROGRAM TOTAL	4,325,000	4,175,000	-0-

The Game and Parks Commission is hereby authorized to make deferred repairs 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. 969 - Improvements to State Recreation Areas

	FY2021-22	FY2022-23	FUTURE
CASH FUND	500,000	500,000	-0-
PROGRAM TOTAL	500,000	500,000	-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 FY2021-22:

Area improvements to implement master plan – Lake McConaughy and Lake Ogallala State Recreation Areas - \$500,000

It is intended that the following projects be undertaken with funds appropriated to this program for FY2022-23:

Area improvements to implement master plan – Lake McConaughy and Lake Ogallala State Recreation Areas - \$500,000

Sec. 15. AGENCY NO. 33 – GAME AND PARKS COMMISSION
Program No. 975 - Emergency Repairs - Parks

	FY2021-22	FY2022-23	FUTURE
CASH FUND	750,000	750,000	-0-
PROGRAM TOTAL	750,000	750,000	-0-

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

Sec. 16. AGENCY NO. 33 – GAME AND PARKS COMMISSION
Program No. 981 - Aquatic Habitat Enhancement and Restoration

	FY2021-22	FY2022-23	FUTURE
CASH FUND	3,000,000	3,000,000	-0-
PROGRAM TOTAL	3,000,000	3,000,000	-0-

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

Sec. 17. 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. 18. AGENCY NO. 46 – DEPARTMENT OF CORRECTIONAL SERVICES
Program No. 905 - Correctional Facilities: Site Selection and Planning

	FY2021-22	FY2022-23	FUTURE
NEBRASKA CAPITAL			
CONSTRUCTION FUND	350,000	-0-	
PROGRAM TOTAL	350,000	-0-	

The Department of Correctional Services is hereby authorized to proceed with and update the 2014 Master Plan Report, FINAL REPORT, completed by Dewberry Architects Inc. and Carlson West Povondra Architects and dated October 27, 2014. In addition to the items listed in section 81-1114.01, this update shall also examine demand for behavioral health, mental health, and substance abuse services at the current correctional facilities compared to actual treatment capacity and take into consideration the physical condition of the facilities.

Sec. 19. AGENCY NO. 46 – DEPARTMENT OF CORRECTIONAL SERVICES
Program No. 905 - Correctional Facilities: Site Selection and Planning

	FY2021-22	FY2022-23	FUTURE
NEBRASKA CAPITAL			
CONSTRUCTION FUND	500,000	-0-	
PROGRAM TOTAL	500,000	-0-	

There is included in the appropriation in this section \$500,000 for the preparation of a program statement and site selection for a new halfway back-community corrections center in Omaha. Funds may be utilized for an option to purchase.

Sec. 20. AGENCY NO. 46 – DEPARTMENT OF CORRECTIONAL SERVICES
Program No. 905 - Correctional Facilities: Site Selection and Planning

	FY2021-22	FY2022-23	FUTURE

NEBRASKA CAPITAL

CONSTRUCTION FUND	14,917,000	-0-	-0-
PROGRAM TOTAL	14,917,000	-0-	-0-

The Department of Correctional Services is hereby authorized to prepare designs and plans for a new multi-custody-level correctional facility with capacity to house approximately one thousand five hundred twelve inmates, with a mix of maximum, medium, and minimum custody beds, including site selection and an option to purchase.

In conjunction with the development of the plans or site selection for a new facility, the department shall have an independent engineering study completed as to the useful life of the current Nebraska State Penitentiary facility.

Sec. 21. AGENCY NO. 46 – DEPARTMENT OF CORRECTIONAL SERVICES
Program No. 906 - RTC High Security Expansion

	FY2021-22	FY2022-23	FUTURE
NEBRASKA CAPITAL			
CONSTRUCTION FUND	14,891,000	-0-	-0-
PROGRAM TOTAL	14,891,000	-0-	-0-

The Department of Correctional Services is hereby authorized to plan, design, and construct two new high security housing units with design capacity up to three hundred eighty-four new beds, as well as counseling and educational space and adjoining outdoor recreation areas at the Reception and Treatment Center (Lincoln Corrections Center).

Sec. 22. AGENCY NO. 46 – DEPARTMENT OF CORRECTIONAL SERVICES
Program No. 913 - Security System Upgrades

	FY2021-22	FY2022-23	FUTURE
GENERAL FUND	1,250,000	1,250,000	-0-
PROGRAM TOTAL	1,250,000	1,250,000	-0-

The Department of Correctional Services is hereby authorized to upgrade security system components at various Department of Correctional Services facilities statewide, including, but not limited to: Replacement of door controls and perimeter detection systems, upgrade of existing video equipment, and upgrade and replacement of security camera systems.

Sec. 23. AGENCY NO. 46 – DEPARTMENT OF CORRECTIONAL SERVICES
Program No. 914 - Infrastructure and Maintenance

	FY2021-22	FY2022-23	FUTURE
GENERAL FUND	2,000,000	2,000,000	-0-
PROGRAM TOTAL	2,000,000	2,000,000	-0-

The Department of Correctional Services is hereby authorized to undertake various high priority infrastructure and maintenance projects related to facility roofing, electrical, boiler/chiller/HVAC, fire and life safety, and other needs, which projects the Task Force for Building Renewal is unable to fully address.

Sec. 24. AGENCY NO. 46 – DEPARTMENT OF CORRECTIONAL SERVICES
Program No. 928 - Reception and Treatment Center

	FY2021-22	FY2022-23	FUTURE
NEBRASKA CAPITAL			
CONSTRUCTION FUND	18,000,000	-0-	
PROGRAM TOTAL	18,000,000	-0-	

The Department of Correctional Services is hereby authorized to proceed with the design, planning, and construction of three specialty units, to be used for additional mental health and geriatric patients or other individuals with special needs, that would add at least an additional ninety-six-bed capacity at the reception and treatment center.

Sec. 25. AGENCY NO. 47 – NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION
Program No. 908 - Tower Lighting Project

	FY2021-22	FY2022-23	FUTURE
GENERAL FUND	180,000	120,000	-0-
PROGRAM TOTAL	180,000	120,000	-0-

The Nebraska Educational Telecommunications Commission is hereby authorized to replace the tower lighting system at KRNE Merriman and K33AC Pawnee City.

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

Program No. 928 - Radio Transmission Equipment Replacement

	FY2021-22	FY2022-23	FUTURE
GENERAL FUND	385,000	240,000	-0-
PROGRAM TOTAL	385,000	240,000	-0-

The Nebraska Educational Telecommunications Commission is hereby authorized to replace the radio transmission equipment at KMNE FM Bassett, KRNE FM Merriman, and FXNE FM Norfolk.

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

Program No. 932 - Carpenter Communication Center Facility Routing

	FY2021-22	FY2022-23	FUTURE
GENERAL FUND	-0-	500,000	-0-
PROGRAM TOTAL	-0-	500,000	-0-

The Nebraska Educational Telecommunications Commission is hereby authorized to replace the Legacy Routing System at the Terry Carpenter Communication Center.

Sec. 28. AGENCY NO. 50 – BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES
Program No. 903 - State College Facilities - Sports Facilities Projects

	FY2021-22	FY2022-23	FUTURE
CASH FUND	300,000	300,000	3,000,000
PROGRAM TOTAL	300,000	300,000	3,000,000

The Board of Trustees of the Nebraska State Colleges is hereby authorized to renovate and construct or improve facilities for intercollegiate athletics and student fitness, recreation, and sport activities at the Nebraska State Colleges.

Sec. 29. AGENCY NO. 50 – BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES
Program No. 919 - State College Facilities Program

	FY2021-22	FY2022-23	FUTURE
GENERAL FUND	1,125,000	1,125,000	30,205,000
REVOLVING FUND est.	1,440,000	1,440,000	24,480,000
PROGRAM TOTAL	2,565,000	2,565,000	54,685,000

The Legislature hereby acknowledges and reaffirms the directive made by sections 85-423, 85-424, and 85-425, which authorizes the Board of Trustees of the Nebraska State Colleges to make expenditures from the State College Facilities Program exclusively for projects outlined in section 85-424.

Sec. 30. AGENCY NO. 50 – BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES
Program No. 920 - Board Facilities Fee Fund Projects

	FY2021-22	FY2022-23	FUTURE
REVOLVING FUND est.	900,000	900,000	9,000,000
PROGRAM TOTAL	900,000	900,000	9,000,000

The Legislature hereby acknowledges and reaffirms provisions of section 85-328 which authorize amounts accumulated in the State College Facility Fee Fund to be expended for the purpose of paying the cost of capital improvement projects approved by the Board of Trustees of the Nebraska State Colleges for facilities on campuses or lands owned or controlled by the board.

Sec. 31. AGENCY NO. 50 – BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES
Program No. 933 - Chadron State College Math Science Building

	FY2021-22	FY2022-23	FUTURE
GENERAL FUND	2,216,000	2,216,000	26,592,000
PROGRAM TOTAL	2,216,000	2,216,000	26,592,000

The Board of Trustees of the Nebraska State Colleges is hereby authorized to construct laboratory, classroom, office, and herbarium space for a Rangeland Center at Chadron State College. The amount of Rangeland Center project costs to be met by appropriations pursuant to this section is estimated at \$3,696,470. The board is also authorized to renovate the U.S. Conn Library at Wayne State College. The amount of U.S. Conn Library project costs to be met by

appropriations pursuant to this section is estimated at \$12,000,000. The board is also authorized to renovate and construct an addition to the Math Science Building at Chadron State College. The amount of project costs to be met by appropriations pursuant to this section is estimated at \$24,094,000. The board is further authorized to expend such other amounts as it may secure from other sources for completion of the projects.

Beginning with the fiscal year commencing July 1, 2013, and continuing through the fiscal year ending June 30, 2035, the Legislature shall appropriate each fiscal year from the General Fund an amount not less than \$2,216,000 to be used by the board to pay the costs of constructing a Rangeland Center at Chadron State College, renovating the U.S. Conn Library at Wayne State College, and renovating and constructing an addition to the Math Science Building at Chadron State College. The board may enter into long-term financing contracts with any person, firm, or corporation for the Rangeland Center, U.S. Conn Library, and Math Science Building projects. The payments of the costs of the projects may occur over a contract period not to extend beyond June 30, 2035.

The board 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 appropriations made by the Legislature for such purpose. No contract shall be entered into pursuant to this section without prior approval by resolution by the board. The board may also convey, lease, or lease back all or any part of the Rangeland Center, U.S. Conn Library, and Math Science Building projects and the land on which such projects are situated to such person, firm, or corporation as the board may contract with pursuant to this section to facilitate the long-term payment of the costs of the Rangeland Center, U.S. Conn Library, and Math Science Building projects. Any such conveyance or lease shall provide that when the costs of the Rangeland Center, U.S. Conn Library, and Math Science Building projects have been paid, together with interest and other costs thereon, the Rangeland Center, U.S. Conn Library, and Math Science Building projects and the land on which such projects are located shall become the property of the board. The board may schedule contractual payments on a monthly, quarterly, or semiannual basis consistent with the state fiscal year. On or before August 31, 2035, any funds appropriated from the General 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.

The Legislature finds and determines that the Rangeland Center, U.S. Conn Library, and Math Science Building projects are of critical importance to the State of Nebraska. It is the intent of the Legislature that the appropriations for the Rangeland Center, U.S. Conn Library, and Math Science Building projects shall not be reduced until all contracts and securities relating to the construction and financing of the Rangeland Center, U.S. Conn Library, and Math Science Building projects are completed or paid but in no case shall such appropriations extend beyond the fiscal year ending June 30, 2035.

No amount appropriated pursuant to this section may be applied by the board to a project or financing to complete renovation of and construction of an addition to the Math Science Building until existing financing contracts of the board related to the Rangeland Center and U.S. Conn Library projects have been provided for or paid.

Sec. 32. AGENCY NO. 50 – BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES
Program No. 940 - Geothermal Utilities Project, Peru State College

	FY2021-22	FY2022-23	FUTURE
GENERAL FUND	1,601,248	1,757,682	2,101,905
PROGRAM TOTAL	1,601,248	1,757,682	2,101,905

The Board of Trustees of the Nebraska State Colleges is hereby authorized in FY2021-22 to complete the Administration Fan Coil Units Replacement, the Campus Services Geothermal Conversion, and the Library Geothermal Conversion projects as detailed in the 2018 Campus Utility Study. The Board of Trustees of the Nebraska State Colleges is hereby authorized in FY2022-23 to complete the A.V. Larson Geothermal Conversion, the CATS building Geothermal Conversion, and the Hoyt Science Hot Water Boiler Installation projects as detailed in the 2018 Campus Utility Study.

Sec. 33. AGENCY NO. 51 – UNIVERSITY OF NEBRASKA
Program No. 906 - NU Facilities Renewal

	FY2021-22	FY2022-23	FUTURE
GENERAL FUND	2,165,928	2,671,904	119,021,563
PROGRAM TOTAL	2,165,928	2,671,904	119,021,563

(1) It is the intent of the Legislature that after the terms of any long-term financing agreements have been met for the Nebraska College of Technical Agriculture at Curtis Education Center, the annual \$820,000 General Fund appropriation as contained in Laws 2017, LB 330, section 35, be continued through 2050. The annual \$820,000 General Fund appropriation shall be used for renewal, renovations, or repair of existing university facilities.

(2) It is the intent of the Legislature that after the terms of any long-term financing agreements have been met for the College of Nursing Building -

Lincoln Division, the annual \$1,477,000 General Fund appropriation as contained in Laws 2017, LB 330, section 37, be continued through 2050. The annual \$1,477,000 General Fund appropriation shall be used for renewal, renovations, or repair of existing university facilities.

(3) The Board of Regents of the University of Nebraska may enter into long-term financing contracts with any person, firm, or corporation to finance university facilities. The Board of Regents may also convey, lease, or lease back all or any part of the university facilities and the land on which any such facility 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 the facilities. Any such conveyance or lease shall provide that when the cost of the facility has been paid, together with interest and other costs thereon, the facility and the land on which such facility is located shall become the property of the Board of Regents. The Board of Regents may schedule contractual payments on a monthly, quarterly, or semiannual basis consistent with the state fiscal year.

(4) Payment of the costs of the renewal, renovation, or repair of existing university facilities for which the General Fund appropriations described in this section are identified as a repayment source may occur over a contract period not to extend beyond June 30, 2062. The Board of Regents shall not pledge the credit of the State of Nebraska for any such contract, except that there may be pledged for payment of any such contract any appropriations made by the Legislature for such purpose.

(5) It is the intent of the Legislature that the appropriations described in this section shall not be reduced until all contracts and securities relating to the construction and financing of the facilities are completed or paid but in no case shall such appropriations extend beyond the fiscal year ending June 30, 2062.

(6) The Board of Regents of the University of Nebraska, as part of the capital construction budget request, shall include the status of completed and ongoing projects utilizing state funding under this program, and a list of projects planned for the next five years. The Board of Regents of the University of Nebraska shall report to the Clerk of the Legislature and to the Governor an initial five-year plan of projects no later than October 15, 2021.

(7) The Board of Regents of the University of Nebraska shall provide to the Task Force for Building Renewal semiannual reports concerning the status of each project receiving funding from this program.

Sec. 34. AGENCY NO. 51 – UNIVERSITY OF NEBRASKA
Program No. 920 - University of Nebraska Facilities Program

	FY2021-22	FY2022-23	FUTURE
GENERAL FUND	13,500,000	13,500,000	580,055,136
CASH FUND est.	13,500,000	13,500,000	526,500,000
PROGRAM TOTAL	27,000,000	27,000,000	1,106,555,136

The Legislature hereby acknowledges and reaffirms the directive made by sections 85-420, 85-421, and 85-422, which authorizes the Board of Regents to make expenditures from appropriated funds for the University of Nebraska Facilities Program exclusively for projects as outlined in section 85-421.

Sec. 35. AGENCY NO. 51 – UNIVERSITY OF NEBRASKA
Program No. 930 - Nebraska College of Technical Agriculture at Curtis Education Center

	FY2021-22	FY2022-23	FUTURE
GENERAL FUND	820,000	820,000	1,477,493
PROGRAM TOTAL	820,000	820,000	1,477,493

The Board of Regents of the University of Nebraska is hereby authorized to design and construct an Education Center at the Nebraska College of Technical Agriculture at Curtis. The total project cost to be supported from state funds is \$8,762,000. Nonstate tax funds of \$1,000,000 shall be used to supplement the project.

The Board of Regents may enter into long-term financing contracts with any person, firm, or corporation for the Education Center project. The payments of the costs of the project may occur over a contract period not to extend beyond June 30, 2025. The Board of Regents 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 Regents. The Board of Regents may schedule contractual payments on a monthly, quarterly, or semiannual basis consistent with the state fiscal year. On or before August 31, 2025, any funds appropriated from the Nebraska Capital Construction Fund and the General Fund for the project 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. 36. AGENCY NO. 51 – UNIVERSITY OF NEBRASKA
Program No. 976 - College of Nursing Building - Lincoln Division

	FY2021-22	FY2022-23	FUTURE
GENERAL FUND	1,477,000	971,024	-0-
PROGRAM TOTAL	1,477,000	971,024	-0-

The Board of Regents of the University of Nebraska is hereby authorized to design and construct a College of Nursing Building at the University of Nebraska-Lincoln. The total project cost is estimated at \$17,650,000 of which \$5,650,000 is private or other funds. Beginning with the fiscal year commencing July 1, 2013, and continuing through the fiscal year ending June 30, 2023, the Legislature shall appropriate each fiscal year from the General Fund an amount not less than \$1,477,000 to be used by the Board of Regents of the University of Nebraska to pay the costs of constructing a College of Nursing Building. The board may enter into long-term financing contracts with any person, firm, or corporation for the College of Nursing Building project. The board may not enter into long-term financing contracts until evidence is provided to the budget administrator of the budget division of the Department of Administrative Services that \$5,650,000 in private or other funds have been received for this project. The payments of the costs of the project may occur over a contract period not to extend beyond June 30, 2023. The board 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 appropriations made by the Legislature for such purpose. No contract shall be entered into pursuant to this section without prior approval by resolution by the board. The board may also convey, lease, or lease back all or any part of the College of Nursing Building project and the land on which such project is situated to such person, firm, or corporation as the board may contract with pursuant to this section to facilitate the long-term payment of the costs of the College of Nursing Building project. Any such conveyance or lease shall provide that when the cost of the College of Nursing Building project has been paid, together with interest and other costs thereon, the College of Nursing Building project and the land on which such project is located shall become the property of the board. The board may schedule contractual payments on a monthly, quarterly, or semiannual basis consistent with the state fiscal year. On or before August 31, 2023, any funds appropriated from the General Fund for the project 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.

The Legislature finds and determines that the College of Nursing Building project is of critical importance to the State of Nebraska. It is the intent of the Legislature that the appropriations for the College of Nursing Building project shall not be reduced until all contracts and securities relating to the construction and financing of the College of Nursing Building project are completed or paid but in no case shall such appropriations extend beyond the fiscal year ending June 30, 2023.

Sec. 37. AGENCY NO. 65 – DEPARTMENT OF ADMINISTRATIVE SERVICES

Program No. 922 - Capitol Heating, Ventilating, and Air Conditioning Systems Replacement

	FY2021-22	FY2022-23	FUTURE
GENERAL FUND	13,000,000	11,000,000	13,694,386
PROGRAM TOTAL	13,000,000	11,000,000	13,694,386

The Legislature hereby acknowledges and reaffirms the directive made by Laws 2014, LB905, which authorizes the Office of the Nebraska Capitol Commission to continue planning for and undertake replacement of the existing heating, ventilating, and air conditioning systems serving the Nebraska State Capitol as well as associated infrastructure, fire protection, life safety, and architectural improvements identified in the Nebraska State Capitol HVAC Master Plan Amendment, dated September 20, 2013. The Legislature hereby acknowledges and reaffirms its intent to appropriate future amounts from the General Fund for completion of the project as follows: \$6,110,896 for FY2023-24; and \$7,583,490 for FY2024-25. The total project cost, including the appropriation in Program number 685 for the Capitol Heating, Ventilating, and Air Conditioning Systems Replacement project manager, shall not exceed \$106,008,106.

Sec. 38. AGENCY NO. 65 – DEPARTMENT OF ADMINISTRATIVE SERVICES

Program No. 940 - Task Force for Building Renewal

	FY2021-22	FY2022-23	FUTURE
CASH FUND	21,273,930	21,273,930	42,547,860
PROGRAM TOTAL	21,273,930	21,273,930	42,547,860

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 Legislature hereby further acknowledges and reaffirms directives made by sections 81-188.01, 81-188.03, and 81-188.05 to utilize amounts from certain depreciation charges credited to the State Building Renewal Assessment Fund, University Building Renewal Assessment Fund, and State College Building Renewal Assessment Fund for purposes as provided in the Deferred Building Renewal Act.

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 FY2021-22 and FY2022-23. There is included in the appropriation to this program for FY2021-22 an amount not to exceed \$200,000 cash funds and for FY2022-23 an amount not to exceed \$200,000 cash funds for building maintenance and renewal training, roof scans and other testing procedures, and consulting work.

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 shall 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. 39. AGENCY NO. 65 – DEPARTMENT OF ADMINISTRATIVE SERVICES
Program No. 994 - Eastern Nebraska Veterans Home Roof

	FY2021-22	FY2022-23	FUTURE
REVOLVING FUND	900,000	-0-	-0-
PROGRAM TOTAL	900,000	-0-	-0-

Sec. 40. There is hereby appropriated, unless otherwise specified, for FY2021-22 and for FY2022-23 from undisbursed balances existing on June 30, 2021, and on June 30, 2022, respectively, to each agency for each program from the respective funds for capital construction as follows:

- (1) Agency No. 23 – Department of Labor
Program No. 903.
- (2) Agency No. 25 – Department of Health and Human Services
Program Nos. 919 and 936.
- (3) Agency No. 27 – Department of Transportation
Program No. 901, except that the unobligated biennium appropriation balance shall lapse once all projects funded in that biennium are completed, postponed to a future biennium, or indefinitely postponed.
- (4) Agency No. 28 - Department of Veterans' Affairs
Program Nos. 904, 936, and 938.
- (5) Agency No. 31 – Military Department
Program Nos. 913, 914, 925, 927, 990, and 992.
- (6) Agency No. 33 – Game and Parks Commission
Program Nos. 900, 901, 902, 919, 924, 955, 960, 966, 967, 968, 969, 971, 972, 973, 975, 976, 977, 979, 981, and 987.
- (7) Agency No. 46 – Department of Correctional Services
Program Nos. 906, 913, 914, 921, 927, 928, and 929.
- (8) Agency No. 47 – Nebraska Educational Telecommunications Commission
Program Nos. 908, 928, and 932.
- (9) Agency No. 50 – Board of Trustees of the Nebraska State Colleges
Program Nos. 901, 903, 904, 905, 906, 908, 919, 920, 921, 931, 933, 954, and 994, 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.
- (10) Agency No. 51 – University of Nebraska
Program Nos. 901, 902, 903, 906, 907, 909, 910, 911, 913, 916, 917, 918, 920, 921, 922, 924, 934, 939, 944, 946, 974, 976, 984, 995, and 997, 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.
- (11) Agency No. 65 – Department of Administrative Services
Program Nos. 901, 917, 922, 980, and 986.

Appropriations to program numbers pertaining to funding for the Deferred Building Renewal Act other than Program number 940 are hereby reappropriated.

Sec. 41. 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. 42. GIFTS, BEQUESTS, AND DEVISES.

Any gift, bequest, or devise 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 such donor or, if none is designated by such donor, by the Governor.

Acceptance of a gift, bequest, or devise shall be subject to approval by the expending agency and the following restrictions:

(1) No matching of state funds shall be required as a condition of acceptance;

(2) Any gift or bequest of personal property in excess of \$10,000 shall be approved by the Governor before acceptance;

(3) Any gift or devise of real property in excess of \$10,000 shall be approved by the Governor and the Legislature before acceptance pursuant to sections 81-176 and 81-1108.33; and

(4) Sections 81-176 and 81-1108.33 shall govern the acquisition of real property and structures with the proceeds of a gift, bequest, or devise.

For purposes of this section, gifts, bequests, and devises shall include, but not be limited to, donations, gifts, bequests, devises, and grants from individuals, organizations, corporations, and similar entities and from nonfederal governmental agencies.

At the discretion of the budget administrator of the budget division of the Department of Administrative Services and the Accounting Administrator of the Department of Administrative Services, expenditures of funds from any gift, bequest, or devise may be expended through any existing or administratively created cash fund account, revolving fund account, or trust fund account, in which case the actual amount of the gift, bequest, or devise is hereby appropriated to the expending agency, for the purpose or purposes designated by the donor, in addition to the amounts appropriated in this act. If no such cash fund account, revolving fund account, or trust fund account exists, the Accounting Administrator may create such fund account as is necessary to properly and separately account for the gift, bequest, or devise, in which case the actual amount of the gift, bequest, or devise is hereby appropriated to the expending agency, for the purpose or purposes designated by the donor, in addition to the amounts appropriated in this act.

This section shall not apply to the University of Nebraska.

Sec. 43. The One Hundred Seventh 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, 2021, are null and void unless specifically reaffirmed by this Legislature.

Sec. 44. This act becomes operative on July 1, 2021.

Sec. 45. Since an emergency exists, this act takes effect when passed and approved according to law.