

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 380

Final Reading

Introduced by Speaker Flood, 19; at the request of the Governor.

Read first time January 13, 2011

Committee: Appropriations

A BILL

1 FOR AN ACT relating to capital improvement projects; to amend
2 sections 81-188.03 and 81-188.05, Reissue Revised
3 Statutes of Nebraska, and section 81-188.01, Revised
4 Statutes Cumulative Supplement, 2010; to change and
5 eliminate provisions governing depreciation charges; to
6 provide an operative date; to repeal the original
7 sections; to outright repeal sections 81-188.02,
8 81-188.04, and 81-188.06, Revised Statutes Cumulative
9 Supplement, 2010; and to declare an emergency.

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

1 Section 1. Section 81-188.01, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 81-188.01 (1) The State Building Renewal Assessment Fund
4 is created. The fund shall be under the control of the Governor for
5 allocation to building renewal projects of the various agencies and
6 shall be administered in a manner consistent with the administration
7 of the Building Renewal Allocation Fund pursuant to the Deferred
8 Building Renewal Act. No amounts accruing to the State Building
9 Renewal Assessment Fund shall be expended in any manner for purposes
10 other than as provided in this section or as appropriated by the
11 Legislature to meet the cost of administering the act. Transfers may
12 be made from the fund to the General Fund at the direction of the
13 Legislature.

14 (2) Revenue credited to the State Building Renewal
15 Assessment Fund shall include amounts derived from charges assessed
16 pursuant to subdivision (4)(b) of section 81-1108.17, ~~depreciation~~
17 ~~charges remitted pursuant to section 81-188.02,~~ and such other
18 revenue as may be incident to the administration of the fund.

19 (3) Amounts appropriated from the fund shall be expended
20 to conduct renewal work as defined in section 81-173 and to complete
21 other improvements incident to such renewal work as deemed necessary
22 or appropriate by the task force. From amounts accruing to the fund
23 as the result of depreciation charges assessed pursuant to
24 subdivision (4)(b) of section 81-1108.17, expenditures for capital
25 improvements shall be limited to improvements to only those

1 facilities for which such charges have been assessed and remitted.
2 From amounts accruing to the fund as the result of depreciation
3 charges assessed pursuant to section 81-188.02 prior to the operative
4 date of this act, expenditures for capital improvement projects shall
5 be limited to exclude (a) capital improvement projects relating to
6 facilities, structures, or buildings owned, leased, or operated by
7 the (i) University of Nebraska, (ii) Nebraska state colleges, (iii)
8 Department of Aeronautics, (iv) Department of Roads, (v) Game and
9 Parks Commission, or (vi) Board of Educational Lands and Funds and
10 (b) capital improvement projects relating to facilities, structures,
11 or buildings for which depreciation charges are assessed pursuant to
12 subdivision (4)(b) of section 81-1108.17. ~~For each fiscal year, task~~
13 ~~force allocations from amounts accruing to the fund pursuant to~~
14 ~~section 81-188.02 shall not exceed the total of such revenue credited~~
15 ~~to the fund in the preceding fiscal year, except that if no revenue~~
16 ~~from depreciation charge assessments was credited to the fund in the~~
17 ~~preceding fiscal year, allocations shall not exceed fifty percent of~~
18 ~~revenue credited to the fund in the last preceding fiscal year in~~
19 ~~which depreciation charge assessments were credited to the fund.~~

20 (4) Any money in the fund available for investment shall
21 be invested by the state investment officer pursuant to the Nebraska
22 Capital Expansion Act and the Nebraska State Funds Investment Act.

23 Sec. 2. Section 81-188.03, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 81-188.03 (1) The University Building Renewal Assessment

1 Fund is created. The fund shall be under the control of the Governor
2 for allocation to building renewal projects and to building
3 renovation projects of the University of Nebraska. No amounts
4 accruing to the University Building Renewal Assessment Fund shall be
5 transferred to any other fund and no amounts accruing to the fund
6 shall be expended in any manner for purposes other than as provided
7 in this section or as appropriated by the Legislature to meet the
8 cost of administering the Deferred Building Renewal Act.

9 (2) Revenue credited to the fund shall include amounts
10 ~~derived from depreciation charges remitted pursuant to section~~
11 ~~81-188.04 as provided by the Legislature~~ and such other revenue as
12 may be incident to the administration of the fund.

13 (3) Amounts appropriated from the fund shall be expended
14 to conduct renewal work as defined in section 81-173, to conduct
15 renovation work, and to complete other improvements incident to such
16 renewal or renovation work as deemed necessary or appropriate by the
17 task force. Expenditures from the fund for capital improvements shall
18 be limited to exclude expenditures for capital improvement projects
19 relating to facilities, structures, or buildings from which revenue
20 is derived and pledged for the retirement of revenue bonds issued
21 under sections 85-403 to 85-411. ~~For each fiscal year, task force~~
22 ~~allocations from the fund shall not exceed total revenue credited to~~
23 ~~the fund in the preceding fiscal year, except that if no revenue from~~
24 ~~depreciation charge assessments was credited to the fund in the~~
25 ~~preceding fiscal year, allocations shall not exceed fifty percent of~~

1 ~~revenue credited to the fund in the last preceding fiscal year in~~
2 ~~which depreciation charge assessments were credited to the fund.~~

3 (4) Any money in the fund available for investment shall
4 be invested by the state investment officer pursuant to the Nebraska
5 Capital Expansion Act and the Nebraska State Funds Investment Act.

6 (5) For purposes of this section, renovation work means
7 work to replace the interior or exterior systems of an existing
8 building to accommodate changes in use of building space or changes
9 in programmatic need for building space.

10 Sec. 3. Section 81-188.05, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 81-188.05 (1) The State College Building Renewal
13 Assessment Fund is created. The fund shall be under the control of
14 the Governor for allocation to building renewal projects and building
15 renovation projects of the Nebraska state colleges. No amounts
16 accruing to the State College Building Renewal Assessment Fund shall
17 be transferred to any other fund and no amounts accruing to the fund
18 shall be expended in any manner for purposes other than as provided
19 in this section or as appropriated by the Legislature to meet the
20 cost of administering the Deferred Building Renewal Act.

21 (2) Revenue credited to the fund shall include amounts
22 ~~derived from depreciation charges remitted pursuant to section~~
23 ~~81-188.06~~ as provided by the Legislature and such other revenue as
24 may be incident to administration of the fund.

25 (3) Amounts appropriated from the fund shall be expended

1 to conduct renewal work as defined in section 81-173, to conduct
2 renovation work, and to complete other improvements incident to such
3 renewal or renovation work as deemed necessary or appropriate by the
4 task force. Expenditures from the fund for capital improvements shall
5 be limited to exclude expenditures for capital improvement projects
6 relating to facilities, structures, or buildings from which revenue
7 is derived and pledged for the retirement of revenue bonds issued
8 under sections 85-403 to 85-411. ~~For each fiscal year, task force~~
9 ~~allocations from the fund shall not exceed total revenue credited to~~
10 ~~the fund in the preceding fiscal year, except that if no revenue from~~
11 ~~depreciation charge assessments was credited to the fund in the~~
12 ~~preceding fiscal year, allocations shall not exceed fifty percent of~~
13 ~~revenue credited to the fund in the last preceding fiscal year in~~
14 ~~which depreciation charge assessments were credited to the fund.~~

15 (4) Any money in the fund available for investment shall
16 be invested by the state investment officer pursuant to the Nebraska
17 Capital Expansion Act and the Nebraska State Funds Investment Act.

18 (5) For purposes of this section, renovation work means
19 work to replace the interior or exterior systems of an existing
20 building to accommodate changes in use of building space or changes
21 in programmatic need for building space.

22 Sec. 4. This act becomes operative on July 1, 2011.

23 Sec. 5. Original sections 81-188.03 and 81-188.05,
24 Reissue Revised Statutes of Nebraska, and section 81-188.01, Revised
25 Statutes Cumulative Supplement, 2010, are repealed.

1 Sec. 6. The following sections are outright repealed:
2 Sections 81-188.02, 81-188.04, and 81-188.06, Revised Statutes
3 Cumulative Supplement, 2010.

4 Sec. 7. Since an emergency exists, this act takes effect
5 when passed and approved according to law.