

LEGISLATIVE BILL 728

Approved by the Governor June 7, 1985

Introduced by Appropriations Committee, Warner, 25,
Chairperson; Scofield, 49; Goll, 16;
Goodrich, 20; L. Johnson, 15; Carsten, 2;
Lundy, 36; Marsh, 29; Hannibal, 4

AN ACT relating to the University Buildings Renovation and Land Acquisition Fund; to amend sections 77-2602, 85-1,111, and 85-1,112, Revised Statutes Supplement, 1984; to change dates relating to funds received from the cigarette tax; to authorize expenditures for associated expenses as prescribed; to change a provision relating to terms of a construction contract; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 77-2602, Revised Statutes Supplement, 1984, be amended to read as follows:

77-2602. Every person engaged in distributing or selling cigarettes at wholesale in this state shall pay to the Tax Commissioner of this state a special privilege tax. This shall be in addition to all other taxes. It shall be paid prior to or at the time of the sale, gift, or delivery to the retail dealer in the several amounts as follows: On all cigarettes, eighteen cents per package containing not more than twenty cigarettes, and on packages containing more than twenty cigarettes a tax of eighteen cents for the first twenty cigarettes in each package and a tax of one-twentieth of the tax on the first twenty cigarettes on each cigarette in excess of twenty cigarettes in each package. Thirteen cents of such tax shall be placed in the General Fund. The remaining proceeds of such tax shall be distributed in the following order:

First, there shall be placed in the State Office Building Fund the sum of one million two hundred thousand dollars each year for fiscal years 1974-75, 1975-76, 1976-77, and 1977-78 and three million six hundred thousand dollars for each fiscal year beginning with 1978-79 through 1983-84. Such amounts are hereby appropriated and the unexpended balances existing in such fund at the end of each fiscal year through June 30, 1984, are hereby reappropriated. Money in the State Office Building Fund may be transferred to the General Fund at the direction of the Legislature;

Second, there shall be placed in the Downtown

Education Center and Office Rental Fund the sum of nine hundred sixty thousand dollars each year for fiscal years 1976-77 through 1983-84 and two million two hundred eighty thousand dollars each year for fiscal years 1984-85 and 1985-86. Such amounts are hereby appropriated and the unexpended balances existing in such fund at the end of each fiscal year through June 30, 1986, are hereby reappropriated. Money in the Downtown Education Center and Office Rental Fund may be transferred to the General Fund at the direction of the Legislature;

Third, beginning July 1, 1980, the equivalent of one cent of such tax shall be placed in the Nebraska Outdoor Recreation Development Cash Fund. There shall be placed in such fund one million thirty thousand one hundred dollars for fiscal year 1979-80;

Fourth, beginning July 1, 1983, the equivalent of one cent of such tax shall be placed in the Nebraska Cancer Research Fund to carry out the provisions of sections 81-637 to 81-640;

Fifth, there shall be placed in the University Buildings Renovation and Land Acquisition Fund the sum of one million seven hundred sixty-five thousand one hundred fifty-three dollars and in the State College Buildings Renovation and Land Acquisition Fund the sum of three hundred sixty-one thousand two hundred twenty-two dollars each year for fiscal year 1984-85 through fiscal year ~~1994-95~~ 1993-94. Such amounts are hereby appropriated and the unexpended balances existing in such funds at the end of each fiscal year through June 30, ~~1995~~ 1994, are hereby reappropriated. The money in such funds shall be used for payment of the costs of building repair, remodeling, and renovation projects and land acquisition projects of the University of Nebraska and the Nebraska state colleges authorized by sections 85-1,111, 85-1,112, 85-322, and 85-323; and

Sixth, the balance of such proceeds shall be placed in a special fund to be known as the Nebraska Capital Construction Fund and disbursements from such fund shall be as the Legislature shall from time to time provide.

Sec. 24 That section 85-1,111, Revised Statutes Supplement, 1984, be amended to read as follows:

85-1,111. There is hereby created a University Buildings Renovation and Land Acquisition Fund. All money accruing to this fund is hereby appropriated to the Board of Regents of the University of Nebraska and shall be used exclusively for those projects of repair, remodeling, and renovation of buildings of the university and for those land acquisition projects of the university authorized pursuant to this section, as long as no such repair, remodeling, or renovation project shall provide for construction of an addition to any building, unless required by any federal law or law of this state relating

to building safety or relating to building access for handicapped persons. No expenditure may be made from such fund without prior approval by a resolution of the Board of Regents.

The Board of Regents is authorized to make expenditures from the University Buildings Renovation and Land Acquisition Fund for the following projects and associated expenses: (1) Repair, remodel, and renovate Bessey Hall, three million four hundred fifty-seven thousand eight hundred seventy dollars, and Architectural Hall and Former Law Building, four million three hundred twenty-six thousand two hundred sixty-six dollars at the University of Nebraska-Lincoln; (2) repair, remodel, and renovate Arts and Sciences Hall at the University of Nebraska at Omaha, eight hundred eighty-eight thousand five hundred fifty dollars; (3) repair, remodel, and renovate the Nebraska Psychiatric Institute at the University of Nebraska Medical Center, one million fifty thousand dollars; ~~and~~ (4) acquire certain real property for public use by the University of Nebraska at Omaha, three million two hundred eighty-two thousand four hundred dollars; and (5) administrative and financing costs associated with any contract which the Board of Regents may enter into pursuant to section 85-1,112 to implement any of the projects listed in subdivisions (1) to (4) of this section, an amount not to exceed four hundred ten thousand dollars.

In addition to those building repair, remodeling, or renovation projects, and land acquisition projects specifically listed in this section, the Board of Regents is further authorized to make expenditures from the University Buildings Renovation and Land Acquisition Fund, which shall include any investment income received from the investment of such fund, for any other building repair, remodeling, or renovation project or land acquisition project which shall be specifically approved by the Legislature.

Sec. 3. That section 85-1,112, Revised Statutes Supplement, 1984, be amended to read as follows:

85-1,112. In order to accomplish any projects authorized by section 85-1,111, 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 and providing for the long-term payment of the cost of such project from the University Buildings Renovation and Land Acquisition Fund. In no case shall any such contract run for a period longer than ten years or exceed ~~twelve million two hundred thousand dollars~~ thirteen million five thousand eighty-six dollars, exclusive of administrative costs, financing costs, and reserves dedicated to secure payment of contracts. 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 contract, except that there may be pledged for the payment of any such contract any appropriations specifically made by the Legislature for such purpose. No contract shall be entered into pursuant to this section without prior approval by a resolution of the Board of Regents.

Sec. 4. That original sections 77-2602, 85-1,111, and 85-1,112, Revised Statutes Supplement, 1984, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.