

LEGISLATIVE BILL 1433

Approved by the Governor March 9, 1972

Introduced by Roland A. Luedtke, 28th District

AN ACT to amend section 85-402, Revised Statutes Supplement, 1969, and sections 77-2602, 85-1,100, and 85-401, Revised Statutes Supplement, 1971, relating to construction of athletic structures at the University of Nebraska and the Nebraska State Colleges; to provide for construction of a field house for the University of Nebraska at Lincoln; to provide for disposition of portions of the cigarette tax; to provide additional authority; to provide conditions for the sale of bonds; to make appropriations and reappropriations; to repeal the original sections, and also sections 85-1,101 and 85-1,102, Revised Statutes Supplement, 1971; 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, 1971, 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 thirteen cents per package containing not more than twenty cigarettes, and on packages containing more than twenty cigarettes a tax of thirteen cents for the first twenty cigarettes and thirteen cents for each twenty cigarettes or fractional part thereof in excess of twenty cigarettes. The proceeds of eight cents of such tax shall be placed in the General Fund, and the proceeds of two-and-one-half the remaining five cents of such tax shall be placed in the State Office Building Fund, ~~and the proceeds of two-and-one-half cents of such tax shall be placed in a special fund to be known as the University of Nebraska at Lincoln Field House Fund which is hereby created and which shall be used for the erection of a new field house for the Department of Athletics, including land acquisition, construction, equipping, furnishing, and providing necessary parking space; Provided, that before the two-and-one-half cents of such tax is placed~~

~~in the State Office Building Fund and the two and one half cents of such tax is placed in the University of Nebraska at Lincoln Field House Fund, there shall be set aside by the State Treasurer out of the proceeds of the tax increase provided by this section the sum of six hundred ninety five thousand dollars to the Department of Public Institutions for construction of an activities building at the Beatrice State Home, which sum is hereby appropriated for the biennium ending June 30, 1974, and any unexpended balance thereof on June 30, 1974, is hereby reappropriated for the fiscal year July 1, 1974, to June 30, 1975. distributed in the following order:~~

First, in each fiscal year beginning with the fiscal year commencing July 1, 1972, there shall be first transferred to the University of Nebraska at Lincoln Field House Fund, which is hereby created, the sum of two million four hundred thousand dollars, and the money in such fund shall be used to make the annual payments on the lease of the field house building constructed pursuant to the provisions of section 85-1,100. All money in such fund is hereby appropriated for the fiscal year ending June 30, 1973, for the purposes stated in this subdivision;

Second, for the fiscal year beginning July 1, 1972, there shall be placed in a special fund to be known as the State Board of Agriculture Improvement Fund the sum of one million two hundred thousand dollars and for the fiscal year beginning July 1, 1973, there shall be placed in such fund the additional sum of one million two hundred thousand dollars, which fund is hereby created and which shall be used by the State Board of Agriculture to pay its costs resulting from the construction of the University of Nebraska at Lincoln Field House and the use of related parking facilities for such field house. All money in the State Board of Agriculture Improvement Fund is hereby appropriated for the fiscal year ending June 30, 1973, for the purpose stated in this subdivision; and

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

Sec. 2. That section 85-1,100, Revised Statutes Supplement, 1971, be amended to read as follows:

85-1,100. The new field house for the Department of Athletics of the University of Nebraska at Lincoln shall be constructed on the State Fairgrounds. The cost of such construction, excluding interest on indebtedness,

shall not exceed the sum of twelve million dollars. Such field house may be constructed and financed in the manner set forth in sections 85-401 and 85-402. The land necessary for erection of the field house shall be selected by agreement between the Board of Regents of the University of Nebraska and the State Board of Agriculture. Permission is hereby given for a person, firm or corporation to construct such field house on the land so selected, which may be leased by the State of Nebraska to such person, firm or corporation. The field house so constructed shall be leased to the Board of Regents of the University of Nebraska pursuant to the provisions of sections 85-401 and 85-402. The liability of the Board of Regents of the University of Nebraska under such lease shall be limited to the revenue of the field house and the money appropriated from time to time from the University of Nebraska at Lincoln Field House Fund. The State Board of Agriculture shall be reimbursed out of the University of Nebraska at Lincoln Field House Fund for ~~all its~~ costs ~~reasonably incurred by the latter~~ as a result of the field house construction and use of related parking facilities in the manner and amount set forth in section 77-2602.

Sec. 3. That section 85-401, Revised Statutes Supplement, 1971, be amended to read as follows:

85-401. The Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges are authorized to lease to any persons, firm or corporations, such portions of the campus of the respective institutions under their control as may be necessary to be used as sites for the construction of fireproof buildings for dormitories and for boarding, housing, and student activity purposes, for athletic structures, and for parking, or as sites for the establishment of parking facilities and they may acquire lands adjacent to the campus of any such institution by donation or purchase with any funds they may have available for that purpose to be leased as sites for such buildings and facilities. The Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges may also lease from any person, firm or corporation an athletic structure or structures constructed on a site or sites owned by the State of Nebraska when the person, firm or corporation has the permission of the Legislature to construct on such site or sites. The State of Nebraska shall incur no liability by reason of the exercise of the authority herein granted to the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges other than is hereinafter specifically set forth. The buildings and facilities so erected or established shall

be used solely for dormitories and for boarding, housing, and student activity purposes, athletic structures, and for parking, as the case may be. The Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges are hereby authorized to contract with the owners of the buildings and facilities so erected or established on said leased grounds or state sites to pay as rental or otherwise for the use of said buildings and facilities a sum sufficient to pay, on the amortization plan, the principal and interest thereon of the cost of construction or establishment of said buildings and facilities, such contracts to run not over forty years. The rate of interest allowed on the cost of construction or establishment shall be fixed by the Board of Regents or Board of Trustees of the Nebraska State Colleges, payable annually or semiannually as may be determined by the Board of Regents of the University of Nebraska or the Board of Trustees of the Nebraska State Colleges. Said contract shall provide that when the cost of construction or establishment has been paid, together with interest thereon, the buildings and facilities so constructed or established shall become the property of the State of Nebraska.

Sec. 4. That section 85-402, Revised Statutes Supplement, 1969, be amended to read as follows:

85-402. The Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges are hereby authorized to expend on the amortization plan any part of the rentals on any and all rooms, dormitories, dining rooms, and housing or student activity facility buildings or parking buildings or facilities so constructed or established and any part of the revenue of any athletic structure so constructed or established, and, in the case of the construction of buildings for dormitories and for boarding and housing purposes, to expend any part of the net rentals received from other buildings, theretofore constructed on the same campus for dormitories and for boarding and housing purposes, connected with the respective institutions under their control, and in the case of the construction or establishment of buildings or facilities for parking, to expend any part of the net revenue received from other parking buildings and facilities, including parking registration fees, theretofore constructed or established on the same campus, connected with respective institutions under their control, in the payment of said construction or establishment charges and interest thereon, and to pledge on behalf of the respective institutions aforesaid the net income from said rentals for the payment of such construction or establishment charges and interest; Provided, that in no case shall

said contracts run for a longer period than forty years, and in no case is the Board of Regents of the University of Nebraska or the Board of Trustees of the Nebraska State Colleges authorized to pledge the credit of the State of Nebraska for the payment of any sum or sums over and above the net income derived from the use of said building or buildings or facility or facilities; and provided further, that there may be pledged for the payment of such contracts any appropriations specifically made for such purposes by the Legislature.

Sec. 5. No bonds shall be issued under the provisions of this act until they shall first have been offered to the state investment officer for purchase in whole or in part. Any such bonds not purchased by the state investment officer shall be sold, at public or private sale, upon the best terms that may be obtained.

Sec. 6. All unexpended balances as of the effective date of this act in the University of Nebraska at Lincoln Field House Fund and the State Office Building Fund are hereby transferred to the State of Nebraska Capital Construction Fund created by section 77-2602.

Sec. 7. That original section 85-402, Revised Statutes Supplement, 1969, and sections 77-2602, 85-1,100, and 85-401, Revised Statutes Supplement, 1971, and also sections 85-1,101 and 85-1,102, Revised Statutes Supplement, 1971, are repealed.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.