

LEGISLATIVE BILL 410

Approved by the Governor May 16, 1983

Introduced by Warner, 25

AN ACT relating to the colleges and universities; to amend sections 85-122 and 85-130, Reissue Revised Statutes of Nebraska, 1943, and section 77-2602, Revised Statutes Supplement, 1982; to modify provisions relating to the distribution of cigarette tax; to designate funds; to eliminate a restriction on disbursement of funds; to create funds; to provide powers and duties for the Board of Regents and the Board of Trustees of the Nebraska State Colleges; and to repeal the original sections.

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

Section 1. That section 77-2602, Revised Statutes Supplement, 1982, 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 (1) for two years, commencing on May 1, 1982, 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 and eighteen cents for each twenty cigarettes or fractional part thereof in excess of twenty cigarettes and (2) commencing two years after May 1, 1982, fifteen cents per package containing not more than twenty cigarettes, and on packages containing more than twenty cigarettes a tax of fifteen cents for the first twenty cigarettes and fifteen cents for each twenty cigarettes or fractional part thereof in excess of twenty cigarettes. For two years commencing on May 1, 1982, the proceeds of thirteen cents of such tax shall be placed in the General Fund and commencing two years after May 1, 1982, the proceeds of ten cents of such tax

shall be placed in the General Fund. The proceeds of the remaining five cents of such tax shall be 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 85-4,400. There is hereby appropriated two million four hundred thousand dollars from the Nebraska Capital Construction Fund for the fiscal year ending June 30, 1977, for the purposes stated in this subdivision;

Second 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;

Third 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;

Fourth 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;

Fifth Fourth, beginning July 1, 1983, the equivalent of one cent of such tax shall be used to fund and carry out the provisions of sections 81-637 to 81-640; and

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. Such amounts are hereby appropriated and the unexpended balances existing in such funds at the end of each fiscal year through June 30, 1995, 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 4 to 7 of this act; 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. 2. That section 85-122, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-122. The several funds for the support of the university shall be constituted and designated as follows: (1) The Permanent Endowment Fund, (2) the Temporary University Fund, (3) the University Cash Fund, (4) the United States Morrill Fund, (5) the United States Experiment Station Fund, (6) the University Trust Fund, (7) the United States Agricultural Extension Fund, and (8) the Veterinary School Fund, (9) the University of Nebraska at Omaha Cash Fund, (10) the University of Nebraska at Omaha Trust Fund, (11) the Agricultural Field Laboratory Fund, (12) the Animal Research and Diagnosis Revolving Fund, and (13) the University Buildings Renovation and Land Acquisition Fund. No portion of the funds designated above derived from taxation shall be disbursed for mileage or other traveling expenses except as provided authorized by sections 84-306 to 84-306.05. No expenditure for traveling expenses to other states shall be made by the Board of Regents, the chancellor or any professor, tutor, or employee thereof, unless authority for such trip is first granted in a written resolution adopted by the board, stating the purpose of such trip, which resolution shall be submitted to and approved in writing by the chancellor. No expenditures shall be made for or on behalf of the School of Veterinary Medicine and Surgery except from money appropriated to the Veterinary School Fund. Any money in these eight the funds designated in this section available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259 72-1269.

Sec. 3. That section 85-130, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-130. The university funds, other than those created by taxation, shall be held subject to the order of the Board of Regents, and shall be disbursed for the purposes prescribed by law, upon presentation of warrants to the Director of Administrative Services, to be issued on certificates of the Board of Regents

executed as required by law; PROVIDED, that no portion of said funds, not created by taxation, shall be disbursed for mileage or other traveling expenses, save and except as provided in sections 84-306 to 84-306.05. No expenditure for traveling expenses within the State of Nebraska, or to other states, shall be made or allowed by the board, or by the chancellor or by any professor, tutor, officer, agent or any employee thereof, unless authority for such trip shall first be granted in a written resolution adopted by the board, stating the purpose of such trip, said resolution to be submitted to the chancellor and by him approved in writing. The foregoing provisions shall be construed to govern and control the disbursement of expenditures for mileage purposes and traveling expenses from any and all funds directly or indirectly under the control of the board for student activity purposes, such as athletic association funds and memorial stadium funds.

Sec. 4. 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: (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.

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. 5. In order to accomplish any projects authorized by section 4 of this act, 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. 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. 6. There is hereby created a State College Buildings Renovation and Land Acquisition Fund. All money accruing to this fund is hereby appropriated to the Board of Trustees of the Nebraska State Colleges and shall be used exclusively for those projects of repair, remodeling, and renovation of buildings belonging to the state colleges and for those land acquisition projects of the state colleges pursuant to this section, as long as no such repair, remodeling, or renovation 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 Trustees of the Nebraska State Colleges. The board of trustees is authorized to make expenditures from the State College Buildings Renovation and Land Acquisition Fund for the following projects: (1) Repair, remodel, and renovate the east wing of the West Center Main Building at Kearney State College, one million one hundred three thousand one hundred four dollars; (2) repair, remodel, and renovate the Fine Arts Building at Chadron State College, nine hundred ninety thousand dollars; and (3) acquire certain real property for public use by Kearney State College, three hundred fifty thousand dollars.

In addition to those building repair,

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

Sec. 7. In order to accomplish any projects authorized by section 6 of this act, the Board of Trustees of the Nebraska State Colleges may enter into contracts with any person, firm, or corporation providing for the implementation of any such project of the state colleges and providing for the long-term payment of the cost of such project from the State College Buildings Renovation and Land Acquisition Fund. In no case shall any such contract run for a period longer than ten years or exceed two million four hundred forty thousand dollars. The board of trustees 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 trustees.

Sec. 8. That original sections 85-122 and 85-130, Reissue Revised Statutes of Nebraska, 1943, and section 77-2602, Revised Statutes Supplement, 1982, are repealed.