

LEGISLATIVE BILL 377

Approved by the Governor May 17, 2011

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

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; 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 Second Legislature, First or Second Session, which appropriates funds, FY2010-11 means the period July 1, 2010, through June 30, 2011, FY2011-12 means the period July 1, 2011, through June 30, 2012, FY2012-13 means the period July 1, 2012, through June 30, 2013, FY2013-14 means the period July 1, 2013, through June 30, 2014, and FY2014-15 means the period July 1, 2014, through June 30, 2015.

Sec. 2. APPROPRIATION LANGUAGE.

There are hereby appropriated, for FY2011-12 and FY2012-13, 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, FY2011-12 to FY2012-13.

In addition to the appropriations set forth in this act, there are hereby reappropriated all unexpended appropriation balances existing on June 30, 2012, for FY2012-13 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 FY2011-12 and FY2012-13, which have been designated for planning, require from the agency a complete program statement prepared in accordance with the Procedural Manual for Capital Construction 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 FY2011-12 shall be updated if necessary and resubmitted during the period July 1, 2011, to September 1, 2011. Program statements that have been submitted prior to FY2012-13 shall be updated if necessary and resubmitted during the period July 1, 2012, to September 1, 2012, by agency priority. Such priority shall be subject to final modification by the governing authority of each agency on or before September 15, 2012.

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 State Energy Office 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. 25 - DEPARTMENT OF HEALTH AND HUMAN SERVICES
 Program No. 902 - Bridges Program Relocation

	FY2011-12	FY2012-13	FUTURE
NEBRASKA CAPITAL	450,000	1,049,433	-0-
CONSTRUCTION FUND			
PROGRAM TOTAL	450,000	1,049,433	-0-

The Department of Health and Human Services is hereby authorized to design and construct secure housing for persons with developmental disabilities. The housing authorized in this section shall be used to relocate the Bridges program operated at the Hastings Regional Center.

Sec. 9. AGENCY NO. 33 - GAME AND PARKS COMMISSION
 Program No. 900 - State Park System Facility Improvements

	FY2011-12	FY2012-13	FUTURE
CASH FUND	335,000	325,000	-0-
PROGRAM TOTAL	335,000	325,000	-0-

The Game and Parks Commission is hereby authorized to maintain and improve basic facilities of the state park system. There is included in the appropriation to this program for FY2011-12 \$75,000 cash funds and for FY2012-13 \$75,000 cash funds for this purpose.

The Game and Parks Commission is hereby authorized to develop new, maintain, and improve boating facilities. There is included in the appropriation to this program for FY2011-12 \$260,000 cash funds and for FY2012-13 \$250,000 cash funds for this purpose.

Sec. 10. AGENCY NO. 33 - GAME AND PARKS COMMISSION
 Program No. 901 - State Parks Facilities Deferred Maintenance

	FY2011-12	FY2012-13	FUTURE
CASH FUND	300,000	300,000	-0-
PROGRAM TOTAL	300,000	300,000	-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. 11. AGENCY NO. 33 - GAME AND PARKS COMMISSION
 Program No. 924 - Wildlife Land Acquisition and Improvements

	FY2011-12	FY2012-13	FUTURE
CASH FUND	300,000	300,000	-0-
PROGRAM TOTAL	300,000	300,000	-0-

The Game and Parks Commission is hereby authorized to acquire and develop wildlife lands and waters statewide with the appropriation to this program.

Sec. 12. AGENCY NO. 33 - GAME AND PARKS COMMISSION
 Program No. 955 - Youth Outdoors Skills Camp Facility

	FY2011-12	FY2012-13	FUTURE
CASH FUND	1,000,000	1,000,000	-0-
PROGRAM TOTAL	1,000,000	1,000,000	-0-

The Game and Parks Commission is hereby authorized to develop a youth skills camp facility to provide education and promote outdoor skills.

Sec. 13. AGENCY NO. 33 - GAME AND PARKS COMMISSION
 Program No. 960 - Land Acquisition for Parklands

	FY2011-12	FY2012-13	FUTURE
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CASH FUND	100,000	100,000	-0-
PROGRAM TOTAL	100,000	100,000	-0-

The Game and Parks Commission is hereby authorized to acquire property adjacent to state parks, recreational areas, and historical parks from willing sellers to add recreational opportunities and protect resources.

Sec. 14. AGENCY NO. 33 - GAME AND PARKS COMMISSION
 Program No. 967 - Improvements to State Parks

	FY2011-12	FY2012-13	FUTURE
CASH FUND	241,500	575,400	-0-
PROGRAM TOTAL	241,500	575,400	-0-

The Game and Parks Commission is hereby authorized to make state parks improvements statewide with the appropriation to this program.

It is intended that the following projects be undertaken with funds appropriated to this program for FY2011-12:

- Paint aquatic center equipment - Mahoney State Park - \$30,000
- Cabin renovations - Mahoney State Park - \$150,000
- Outdoor Education Facility - Niobrara State Park - \$50,000

Major state park contingency for cost overruns in Program 967 - Improvements to State Parks - \$11,500

It is intended that the following projects be undertaken with the funds appropriated to this program for FY2012-13:

- Cabin renovations - Mahoney State Park - \$150,000
- Lodge carpet upgrade - Mahoney State Park - \$150,000
- Renovate pavilion flooring - Platte River State Park - \$68,000

Replace heating/air conditioning Comanche Hall - Fort Robinson - \$180,000

Major state park contingency for cost overruns in Program 967 - Improvements to State Parks - \$27,400

Sec. 15. AGENCY NO. 33 - GAME AND PARKS COMMISSION
 Program No. 968 - State Historical Parks

	FY2011-12	FY2012-13	FUTURE
CASH FUND	10,500	-0-	-0-
PROGRAM TOTAL	10,500	-0-	-0-

The Game and Parks Commission is hereby authorized to update the fire alarm system at Buffalo Bill State Historical Park and provide contingency funds for state historical parks.

Sec. 16. AGENCY NO. 33 - GAME AND PARKS COMMISSION
 Program No. 969 - Improvements to State Recreation Areas

	FY2011-12	FY2012-13	FUTURE
CASH FUND	703,500	357,000	-0-
PROGRAM TOTAL	703,500	357,000	-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 FY2011-12:

New sewer lagoon and septic - Fort Kearny State Recreation Area - \$150,000

Addition and upgrade Group Building - Fremont State Recreation Area - \$100,000

Water lines repair and upgrade - Lewis and Clark State Recreation Area - \$20,000

Replace concrete apron at marina - Lewis and Clark State Recreation Area - \$25,000

- Boat ramp repairs - Lake McConaughy/Lake Ogallala - \$60,000
- New cabins - Medicine Creek State Recreation Area - \$215,000
- Contingency funds - State Recreation Areas - \$28,500
- Shower/latrine facility - Lake Wanahoo - \$75,000
- Shop/maintenance facility - Lake Wanahoo - \$30,000

It is intended that the following projects be undertaken with funds

appropriated to this program for FY2012-13:

- Electrical hook-ups – Summit State Recreation Area - \$20,000
 - Expand electrical and upgrade old units – Lake Ogallala - \$50,000
 - Provide electrical service to 57 units – Two Rivers State Recreation Area - \$60,000
 - Shower/latrine facilities – Calamus Reservoir State Recreation Area - \$150,000
 - Electrical hook-ups in Area 4 – Branched Oak State Recreation Area - \$60,000
 - Contingency funds – State Recreation Areas - \$17,000
- Sec. 17. AGENCY NO. 33 – GAME AND PARKS COMMISSION
 Program No. 971 - Improvements to Special Use Areas (Wildlife Management Areas)

	FY2011-12	FY2012-13	FUTURE
CASH FUND	325,000	325,000	-0-
PROGRAM TOTAL	325,000	325,000	-0-

The Game and Parks Commission is hereby authorized to make improvements statewide to basic facilities at wildlife management areas.
 Sec. 18. AGENCY NO. 33 – GAME AND PARKS COMMISSION
 Program No. 972 - Improvements to Administrative Facilities

	FY2011-12	FY2012-13	FUTURE
CASH FUND	155,000	75,000	-0-
PROGRAM TOTAL	155,000	75,000	-0-

The Game and Parks Commission is hereby authorized to make general improvements and repairs to administrative offices.
 Sec. 19. AGENCY NO. 33 – GAME AND PARKS COMMISSION
 Program No. 973 - Improvements to Fish Production Facilities

	FY2011-12	FY2012-13	FUTURE
CASH FUND	75,000	75,000	-0-
PROGRAM TOTAL	75,000	75,000	-0-

The Game and Parks Commission is hereby authorized to make fisheries improvements statewide, such as improvements to hatcheries and the acquisition and development of fishing access facilities, with the appropriation to this program.

Sec. 20. AGENCY NO. 33 – GAME AND PARKS COMMISSION
 Program No. 975 - Emergency Repairs to State Park System Areas

	FY2011-12	FY2012-13	FUTURE
CASH FUND	75,000	75,000	-0-
PROGRAM TOTAL	75,000	75,000	-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. 21. AGENCY NO. 33 – GAME AND PARKS COMMISSION
 Program No. 976 - Emergency Repairs to Fish and Wildlife Facilities

	FY2011-12	FY2012-13	FUTURE
CASH FUND	50,000	50,000	-0-
PROGRAM TOTAL	50,000	50,000	-0-

The Game and Parks Commission is hereby authorized to make emergency repairs statewide to hatcheries, wildlife management areas, refuges, and other facilities related to fish and wildlife management with the appropriation to this program.

Sec. 22. AGENCY NO. 33 – GAME AND PARKS COMMISSION
 Program No. 979 - Cowboy Trail - Emergency and Deferred Maintenance

	FY2011-12	FY2012-13	FUTURE
CASH FUND	175,000	-0-	-0-
PROGRAM TOTAL	175,000	-0-	-0-

The Game and Parks Commission is hereby authorized to make repairs to the Cowboy Trail.

Sec. 23. AGENCY NO. 33 - GAME AND PARKS COMMISSION
 Program No. 981 - Aquatic Habitat Enhancement and Restoration

	FY2011-12	FY2012-13	FUTURE
CASH FUND	3,500,000	2,500,000	-0-
PROGRAM TOTAL	3,500,000	2,500,000	-0-

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

Sec. 24. 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. 25. AGENCY NO. 46 - DEPARTMENT OF CORRECTIONAL SERVICES
 Program No. 913 - Security Systems Upgrade

	FY2011-12	FY2012-13	FUTURE
GENERAL FUND	500,000	500,000	500,000
PROGRAM TOTAL	500,000	500,000	500,000

The Department of Correctional Services is hereby authorized to upgrade security system components at various Department of Correctional Services Facilities statewide.

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

- Replace Perimeter Security Lights on the Old Campus - Nebraska Correctional Center for Women
- Replace Perimeter Security Fencing on Old Campus - Nebraska Correctional Center for Women
- Replace Perimeter Detection System - Lincoln Correctional Center/Diagnostic and Evaluation Center
- Install Rooftop Security Fence Above Front Entrance - Lincoln Correctional Center
- Install Rooftop Security Fence Above Entrance - Diagnostic and Evaluation Center
- Replace Razor Ribbon on Exterior Security Fence - Omaha Correctional Center
- Install Exterior Security Lights - Community Corrections Center at Omaha
- Replace Exterior Security Lights - Nebraska State Penitentiary
- Control Center Modifications in Buildings A and C for Department of Correctional Services Inmate Population - Work Ethic Camp
- Closed Circuit Surveillance Camera Improvements - Various Facilities

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

Program No. 910 - Transition from Satellite to Fiber Delivery

	FY2011-12	FY2012-13	FUTURE
GENERAL FUND	225,000	-0-	-0-
PROGRAM TOTAL	225,000	-0-	-0-

The Nebraska Educational Telecommunications Commission is hereby authorized to transition from a satellite distribution system to a fiber optic distribution system. Funding is provided to partially offset nonrecurring startup costs for the telecommunication equipment, facilities, and hardware to convert to a fiber optic distribution system.

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

Program No. 926 - KLNE Transmission Tower Replacement

	FY2011-12	FY2012-13	FUTURE
CASH FUND	202,631	-0-	-0-
PROGRAM TOTAL	202,631	-0-	-0-

Additional funding is provided in order to enable the Nebraska Educational Telecommunications Commission to expend additional funding provided by the Corporation for Public Broadcasting.

Sec. 28. AGENCY NO. 50 - BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES

Program No. 919 - State College Facilities Program

	FY2011-12	FY2012-13	FUTURE
GENERAL FUND	1,125,000	1,125,000	7,875,000
REVOLVING FUND est.	1,200,000	1,200,000	8,400,000
PROGRAM TOTAL	2,325,000	2,325,000	16,275,000

The Legislature hereby acknowledges and reaffirms the directive made by Laws 2006, LB 605, sections 5, 6, and 7, which authorizes the Board of Trustees of the Nebraska State Colleges to make expenditures from the State College Facilities Program exclusively for deferred maintenance, repair, and renovation projects outlined in section 6 of LB 605.

Sec. 29. AGENCY NO. 50 - BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES

Program No. 920 - Board Facilities Fee Fund Projects

	FY2011-12	FY2012-13	FUTURE
REVOLVING FUND est.	915,000	915,000	8,235,000
PROGRAM TOTAL	915,000	915,000	8,235,000

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. 30. AGENCY NO. 51 - UNIVERSITY OF NEBRASKA

Program No. 920 - University of Nebraska Facilities Program

	FY2011-12	FY2012-13	FUTURE
GENERAL FUND	11,000,000	11,000,000	77,000,000
CASH FUND est.	11,000,000	11,000,000	72,632,546
PROGRAM TOTAL	22,000,000	22,000,000	149,632,546

The Legislature hereby acknowledges and reaffirms the directive made by Laws 2006, LB 605, sections 2, 3, and 4, which authorizes the Board of Regents to make expenditures from appropriated funds for the University of Nebraska Facilities Program exclusively for deferred maintenance, repair, renovation, facility renovation, and facility replacement projects as outlined in section 3 of LB 605.

Sec. 31. AGENCY NO. 51 - UNIVERSITY OF NEBRASKA

Program No. 921 - Nebraska Innovation Campus, University of Nebraska-Lincoln

	FY2011-12	FY2012-13	FUTURE
NEBRASKA CAPITAL	16,862,500	8,137,500	-0-
CONSTRUCTION FUND			
PROGRAM TOTAL	16,862,500	8,137,500	-0-

The Board of Regents of the University of Nebraska is hereby authorized to design and renovate the 4-H Building on the University of Nebraska-Lincoln's Innovation Campus, subject to the receipt of any required project approval from the Coordinating Commission for Postsecondary Education as found in subsection (10) of section 85-1414. The total project cost to be supported from state funds is \$10,000,000. Nonstate tax funds may be used to supplement the project. The total project cost is estimated at \$20,000,000.

The Board of Regents of the University of Nebraska is hereby authorized to design and build the Food, Fuel, and Water Research Building on the University of Nebraska-Lincoln's Innovation Campus, subject to the receipt of any required project approval from the Coordinating Commission for Postsecondary Education as found in subsection (10) of section 85-1414. The total project cost to be supported from state funds is \$15,000,000. Nonstate tax funds may be used to supplement the project. The total project cost is estimated at \$40,000,000.

Sec. 32. AGENCY NO. 51 - UNIVERSITY OF NEBRASKA

Program No. 930 - Nebraska College of Technical Agriculture at Curtis Education Center

	FY2011-12	FY2012-13	FUTURE
GENERAL FUND	-0-	800,000	10,386,135
NEBRASKA CAPITAL	800,000	-0-	-0-
CONSTRUCTION FUND			
PROGRAM TOTAL	800,000	800,000	10,386,135

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. 33. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE SERVICES

Program No. 901 - State Capitol Improvements

	FY2011-12	FY2012-13	FUTURE
GENERAL FUND	150,000	150,000	-0-
PROGRAM TOTAL	150,000	150,000	-0-

There is included in the appropriation to this program for FY2011-12 \$150,000 from the General Fund and for FY2012-13 \$150,000 from the General Fund for conservation and restoration of Capitol space occupied by the Legislature.

Sec. 34. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE SERVICES

Program No. 935 - Nebraska Public Safety Communication System Towers and Network Equipment Financing

	FY2011-12	FY2012-13	FUTURE
GENERAL FUND	1,027,233	1,027,233	-0-
PROGRAM TOTAL	1,027,233	1,027,233	-0-

The Legislature hereby acknowledges and reaffirms the directive made by Laws 2007, LB 320, section 46, which authorized the Chief

Information Officer to enter into a master lease financing agreement through the Department of Administrative Services for costs of radio towers and network equipment associated with implementing the Nebraska Public Safety Communication System. Total project costs may change as user partners are added to the system, but the State of Nebraska portion of the System Towers and Network Equipment Project cost, including financing, shall not exceed \$10,680,754.

There is included in the appropriation to this program for FY2011-12 \$1,027,233 from the General Fund for costs of radio towers and network equipment and to initiate and continue repayment of project financing.

There is included in the appropriation to this program for FY2012-13 \$1,027,233 from the General Fund for costs of radio towers and network equipment and to initiate and continue repayment of project financing.

Sec. 35. AGENCY NO. 65 – DEPARTMENT OF ADMINISTRATIVE SERVICES
 Program No. 940 - Task Force for Building Renewal

	FY2011-12	FY2012-13
CASH FUND	21,273,930	21,273,930
PROGRAM TOTAL	21,273,930	21,273,930

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 FY2011-12 and FY2012-13. There is included in the appropriation to this program for FY2011-12 an amount not to exceed \$200,000 cash funds and for FY2012-13 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. 36. There is hereby appropriated, unless otherwise specified, for FY2011-12 and for FY2012-13 from undisbursed balances existing on June 30, 2011, and on June 30, 2012, respectively, to each agency for each program from the respective funds for capital construction as follows:

(1) Agency No. 25 – Department of Health and Human Services
 Program Nos. 902, 906, 923, 926, and 931.

(2) Agency No. 27 – Department of Roads

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.

(3) Agency No. 28 – Department of Veterans' Affairs
 Program No. 937 - Alliance State Veterans' Cemetery.

(4) Agency No. 31 – Military Department
 Program Nos. 905, 906, 910, and 925.

(5) 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, and 981.

(6) Agency No. 46 - Department of Correctional Services
 Program Nos. 913, 916, and 920.

(7) Agency No. 47 - Nebraska Educational Telecommunications Commission
 Program Nos. 922, 925, and 926.

(8) Agency No. 50 - Board of Trustees of the Nebraska State Colleges
 Program Nos. 901, 919, 920, 921, 941, 942, 951, 952, 954, and 993, 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.

(9) Agency No. 51 - University of Nebraska
 Program Nos. 901, 902, 903, 905, 906, 907, 908, 909, 912, 915, 917, 918, 920, 921, 922, 925, 927, 928, 930, 932, 934, 937, 941, 942, 943, 944, 946, 947, 948, 949, 951, 952, 953, 954, 955, 956, 958, 959, 960, 962, 963, 964, 965, 966, 967, 968, 969, 970, 973, 974, 975, 976, 978, 980, 982, 983, 985, 988, 989, 990, 991, 992, 993, 994, 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.

(10) Agency No. 65 - Department of Administrative Services
 Program Nos. 901, 924, 933, 935, 939, 940, 980, 981, and 982
 Appropriations to program numbers pertaining to funding for the Deferred Building Renewal Act are hereby reappropriated.

Sec. 37. 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. 38. 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) Any gift, bequest, or devise the proceeds of which are used to acquire real property, a structure, or an improvement shall be approved by the Governor and the Legislature before acceptance pursuant to sections 81-176 and 81-1108.33.

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. 39. The One Hundred Second 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, 2011, are null and void unless specifically reaffirmed by this Legislature.

Sec. 40. This act becomes operative on July 1, 2011.

Sec. 41. Since an emergency exists, this act takes effect when passed and approved according to law.