

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 384

FINAL READING

Introduced by Speaker Hilgers, 21; at the request of the Governor.

Read first time January 14, 2021

Committee: Appropriations

1 A BILL FOR AN ACT relating to appropriations; to amend sections 71-812,
2 72-729.01, 85-420, 85-426, and 86-594, Reissue Revised Statutes of
3 Nebraska, and sections 9-1,101, 58-706, 61-222, 71-808, 71-7611,
4 81-1220, 82-331, 85-419, 85-421, 85-422, 85-423, 85-424, 85-425,
5 86-324, and 86-1103, Revised Statutes Cumulative Supplement, 2020;
6 to provide and change uses and transfers of funds; to change and
7 provide definitions; to provide for grants; to change and eliminate
8 provisions relating to deferred maintenance; to change provisions
9 relating to the University of Nebraska Facilities Program and the
10 State College Facilities Program; to rename programs; to create
11 funds; to repeal the original sections; to outright repeal sections
12 85-412, 85-413, 85-414, 85-415, 85-416, 85-417, and 85-418, Reissue
13 Revised Statutes of Nebraska; and to declare an emergency.
14 Be it enacted by the people of the State of Nebraska,

1 Section 1. The State Treasurer shall transfer an amount as directed
2 by the budget administrator of the budget division of the Department of
3 Administrative Services, pursuant to subsections (2) and (3) of section
4 82-331, not to exceed \$1,000,000, from the General Fund to the Nebraska
5 Cultural Preservation Endowment Fund on December 31, 2021, or as soon
6 thereafter as administratively possible.

7 Sec. 2. The State Treasurer shall transfer an amount as directed by
8 the budget administrator of the budget division of the Department of
9 Administrative Services, pursuant to subsections (2) and (3) of section
10 82-331, not to exceed \$1,000,000, from the General Fund to the Nebraska
11 Cultural Preservation Endowment Fund on December 31, 2022, or as soon
12 thereafter as administratively possible.

13 Sec. 3. The State Treasurer shall transfer the remaining balance in
14 the University Building Renewal Assessment Fund to the General Fund on or
15 before December 31, 2021, on such dates and in such amounts as directed
16 by the budget administrator of the budget division of the Department of
17 Administrative Services.

18 Sec. 4. The State Treasurer shall transfer the remaining balance in
19 the State College Building Renewal Assessment Fund to the General Fund on
20 or before December 31, 2021, on such dates and in such amounts as
21 directed by the budget administrator of the budget division of the
22 Department of Administrative Services.

23 Sec. 5. The State Treasurer shall transfer \$10,000 from the General
24 Fund to the Hall of Fame Trust Fund on or before July 15, 2021, on such
25 date as directed by the budget administrator of the budget division of
26 the Department of Administrative Services.

27 Sec. 6. The State Treasurer shall transfer \$10,000 from the General
28 Fund to the Hall of Fame Trust Fund on or before July 15, 2022, on such
29 date as directed by the budget administrator of the budget division of
30 the Department of Administrative Services.

31 Sec. 7. Section 9-1,101, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 9-1,101 (1) The Nebraska Bingo Act, the Nebraska County and City
3 Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle
4 Card Lottery Act, the Nebraska Small Lottery and Raffle Act, and section
5 9-701 shall be administered and enforced by the Charitable Gaming
6 Division of the Department of Revenue, which division is hereby created.
7 The Department of Revenue shall make annual reports to the Governor,
8 Legislature, Auditor of Public Accounts, and Attorney General on all tax
9 revenue received, expenses incurred, and other activities relating to the
10 administration and enforcement of such acts. The report submitted to the
11 Legislature shall be submitted electronically.

12 (2) The Charitable Gaming Operations Fund is hereby created. Any
13 money in the fund available for investment shall be invested by the state
14 investment officer pursuant to the Nebraska Capital Expansion Act and the
15 Nebraska State Funds Investment Act.

16 (3)(a) Forty percent of the taxes collected pursuant to sections
17 9-239, 9-344, 9-429, and 9-648 shall be available to the Charitable
18 Gaming Division for administering and enforcing the acts listed in
19 subsection (1) of this section and providing administrative support for
20 the Nebraska Commission on Problem Gambling. The remaining sixty percent
21 shall be transferred to the General Fund. Any portion of the forty
22 percent not used by the division in the administration and enforcement of
23 such acts and section shall be distributed as provided in this
24 subsection.

25 (b) Beginning July 1, 2019, through June 30, ~~2021~~ 2023, on or before
26 the last day of the last month of each calendar quarter, the State
27 Treasurer shall transfer one hundred thousand dollars from the Charitable
28 Gaming Operations Fund to the Compulsive Gamblers Assistance Fund.

29 (c) Any money remaining in the Charitable Gaming Operations Fund
30 after the transfer pursuant to subdivision (b) of this subsection not
31 used by the Charitable Gaming Division in its administration and

1 enforcement duties pursuant to this section may be transferred to the
2 General Fund and the Compulsive Gamblers Assistance Fund at the direction
3 of the Legislature.

4 (4) The Tax Commissioner shall employ investigators who shall be
5 vested with the authority and power of a law enforcement officer to carry
6 out the laws of this state administered by the Tax Commissioner or the
7 Department of Revenue and to enforce sections 28-1101 to 28-1117 relating
8 to possession of a gambling device. For purposes of enforcing sections
9 28-1101 to 28-1117, the authority of the investigators shall be limited
10 to investigating possession of a gambling device, notifying local law
11 enforcement authorities, and reporting suspected violations to the county
12 attorney for prosecution.

13 (5) The Charitable Gaming Division may charge a fee for publications
14 and listings it produces. The fee shall not exceed the cost of
15 publication and distribution of such items. The division may also charge
16 a fee for making a copy of any record in its possession equal to the
17 actual cost per page. The division shall remit the fees to the State
18 Treasurer for credit to the Charitable Gaming Operations Fund.

19 (6) For administrative purposes only, the Nebraska Commission on
20 Problem Gambling shall be located within the Charitable Gaming Division.
21 The division shall provide office space, furniture, equipment, and
22 stationery and other necessary supplies for the commission. Commission
23 staff shall be appointed, supervised, and terminated by the director of
24 the Gamblers Assistance Program pursuant to section 9-1004.

25 Sec. 8. Section 58-706, Revised Statutes Cumulative Supplement,
26 2020, is amended to read:

27 58-706 The following activities are eligible for assistance from the
28 Affordable Housing Trust Fund:

29 (1) New construction, rehabilitation, or acquisition of housing to
30 assist low-income and very low-income families;

31 (2) Matching funds for new construction, rehabilitation, or

1 acquisition of housing units to assist low-income and very low-income
2 families;

3 (3) Technical assistance, design and finance services, and
4 consultation for eligible nonprofit community or neighborhood-based
5 organizations involved in the creation of affordable housing;

6 (4) Matching funds for operating costs for housing assistance groups
7 or organizations when such grant or loan will substantially increase the
8 recipient's ability to produce affordable housing;

9 (5) Mortgage insurance guarantees for eligible projects;

10 (6) Acquisition of housing units for the purpose of preservation of
11 housing to assist low-income or very low-income families;

12 (7) Projects making affordable housing more accessible to families
13 with elderly members or members who have disabilities;

14 (8) Projects providing housing in areas determined by the Department
15 of Economic Development to be of critical importance for the continued
16 economic development and economic well-being of the community and where,
17 as determined by the department, a shortage of affordable housing exists;

18 (9) Infrastructure projects necessary for the development of
19 affordable housing;

20 (10) Downpayment and closing cost assistance;

21 (11) Demolition of existing vacant, condemned, or obsolete housing
22 or industrial buildings or infrastructure;

23 (12) Housing education programs developed in conjunction with
24 affordable housing projects. The education programs must be directed
25 toward:

26 (a) Preparing potential home buyers to purchase affordable housing
27 and postpurchase education;

28 (b) Target audiences eligible to utilize the services of housing
29 assistance groups or organizations; and

30 (c) Developers interested in the rehabilitation, acquisition, or
31 construction of affordable housing;

1 (13) Support for efforts to improve programs benefiting homeless
2 youth;~~and~~

3 (14) Vocational training in the housing and construction trades
4 industries by nonprofit groups; and -

5 (15) Weatherization and solar or other energy improvements to make
6 utilities for housing more affordable.

7 Sec. 9. Section 61-222, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 61-222 The Water Sustainability Fund is created in the Department of
10 Natural Resources. The fund shall be used in accordance with the
11 provisions established in Laws 2014, LB1098, and for costs directly
12 related to the administration of the fund, except that transfers may be
13 made from the fund as provided in this section.

14 The fund shall consist of money transferred to the fund by the
15 Legislature, other funds as appropriated by the Legislature, and money
16 donated as gifts, bequests, or other contributions from public or private
17 entities. Funds made available by any department or agency of the United
18 States may also be credited to the fund if so directed by such department
19 or agency. Any money in the fund available for investment shall be
20 invested by the state investment officer pursuant to the Nebraska Capital
21 Expansion Act and the Nebraska State Funds Investment Act. Investment
22 earnings from investment of money in the fund shall be credited to the
23 fund.

24 It is the intent of the Legislature that twenty-one million dollars
25 be transferred from the General Fund to the Water Sustainability Fund in
26 fiscal year 2014-15 and that eleven million dollars be transferred from
27 the General Fund to the Water Sustainability Fund each fiscal year
28 beginning in fiscal year 2015-16. It is the intent of the Legislature
29 that three million dollars be transferred annually from the Water
30 Sustainability Fund to the Nebraska Resources Development Fund in
31 FY2015-16 and in FY2016-17.

1 The State Treasurer shall transfer one hundred seventy-five thousand
2 dollars from the Water Sustainability Fund to the Department of Natural
3 Resources Cash Fund on or before June 30, 2021, on such dates and in such
4 amounts as directed by the budget administrator of the budget division of
5 the Department of Administrative Services.

6 The State Treasurer shall transfer four hundred twenty-five thousand
7 dollars from the Water Sustainability Fund to the Department of Natural
8 Resources Cash Fund on or before June 30, 2021, on such dates and in such
9 amounts as directed by the budget administrator of the budget division of
10 the Department of Administrative Services.

11 The State Treasurer shall transfer five hundred thousand dollars
12 from the Water Sustainability Fund to the General Fund on or before June
13 30, 2021, on such dates and in such amounts as directed by the budget
14 administrator of the budget division of the Department of Administrative
15 Services.

16 The State Treasurer shall transfer four hundred seventy-five
17 thousand dollars from the Water Sustainability Fund to the Department of
18 Natural Resources Cash Fund on or before June 30, 2022, on such dates and
19 in such amounts as directed by the budget administrator of the budget
20 division of the Department of Administrative Services.

21 The State Treasurer shall transfer four hundred seventy-five
22 thousand dollars from the Water Sustainability Fund to the Department of
23 Natural Resources Cash Fund on or before June 30, 2023, on such dates and
24 in such amounts as directed by the budget administrator of the budget
25 division of the Department of Administrative Services.

26 Sec. 10. Section 71-808, Revised Statutes Cumulative Supplement,
27 2020, is amended to read:

28 71-808 (1) A regional behavioral health authority shall be
29 established in each behavioral health region by counties acting under
30 provisions of the Interlocal Cooperation Act. Each regional behavioral
31 health authority shall be governed by a regional governing board

1 consisting of one county board member from each county in the region.
2 Board members shall serve for staggered terms of three years and until
3 their successors are appointed and qualified. Board members shall serve
4 without compensation but shall be reimbursed for expenses as provided in
5 sections 81-1174 to 81-1177.

6 (2) The regional governing board shall appoint a regional
7 administrator who shall be responsible for the administration and
8 management of the regional behavioral health authority. Each regional
9 behavioral health authority shall encourage and facilitate the
10 involvement of consumers in all aspects of service planning and delivery
11 within the region and shall coordinate such activities with the office of
12 consumer affairs within the division. Each regional behavioral health
13 authority shall establish and utilize a regional advisory committee
14 consisting of consumers, providers, and other interested parties and may
15 establish and utilize such other task forces, subcommittees, or other
16 committees as it deems necessary and appropriate to carry out its duties
17 under this section.

18 (3) Each county in a behavioral health region shall provide funding
19 for the operation of the behavioral health authority and for the
20 provision of behavioral health services in the region. The total amount
21 of funding provided by counties under this subsection shall be equal to
22 one dollar for every three dollars from the General Fund. The division
23 shall annually certify the total amount of county matching funds to be
24 provided. At least forty percent of such amount shall consist of local
25 and county tax revenue, and the remainder shall consist of other
26 nonfederal sources. The regional governing board of each behavioral
27 health authority, in consultation with all counties in the region, shall
28 determine the amount of funding to be provided by each county under this
29 subsection. For purposes of calculating the amount of county matching
30 funds under this subsection, the amount of General Funds shall exclude:
31 Any General Funds transferred from regional centers for the provision of

1 ~~community-based behavioral health services after July 1, 2004, and funds~~
2 ~~received by a regional behavioral health authority for the provision of~~
3 ~~behavioral health services to children under section 71-826 shall be~~
4 ~~excluded from any calculation of county matching funds under this~~
5 ~~subsection.~~

6 (a) An amount equal to two million five hundred ninety-nine thousand
7 six hundred sixty dollars from the General Fund each year, beginning on
8 July 1, 2021;

9 (b) Any General Funds transferred from regional centers for the
10 provision of community-based behavioral health services after July 1,
11 2004; and

12 (c) Funds received by a regional behavioral health authority for the
13 provision of behavioral health services to children under section 71-826.

14 Sec. 11. Section 71-812, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 71-812 (1) The Behavioral Health Services Fund is created. The fund
17 shall be administered by the division and shall contain cash funds
18 appropriated by the Legislature or otherwise received by the department
19 for the provision of behavioral health services from any other public or
20 private source and directed by the Legislature for credit to the fund.

21 (2) The fund shall be used to encourage and facilitate the statewide
22 development and provision of community-based behavioral health services,
23 including, but not limited to, (a) the provision of grants, loans, and
24 other assistance for such purpose and (b) reimbursement to providers of
25 such services.

26 (3)(a) Money transferred to the fund under section 76-903 shall be
27 used for housing-related assistance for very low-income adults with
28 serious mental illness, except that if the division determines that all
29 housing-related assistance obligations under this subsection have been
30 fully satisfied, the division may distribute any excess, up to twenty
31 percent of such money, to regional behavioral health authorities for

1 acquisition or rehabilitation of housing to assist such persons. The
2 division shall manage and distribute such funds based upon a formula
3 established by the division, in consultation with regional behavioral
4 health authorities and the department, in a manner consistent with and
5 reasonably calculated to promote the purposes of the public behavioral
6 health system enumerated in section 71-803. The division shall contract
7 with each regional behavioral health authority for the provision of such
8 assistance. Each regional behavioral health authority may contract with
9 qualifying public, private, or nonprofit entities for the provision of
10 such assistance.

11 (b) For purposes of this subsection:

12 (i) Adult with serious mental illness means a person eighteen years
13 of age or older who has, or at any time during the immediately preceding
14 twelve months has had, a diagnosable mental, behavioral, or emotional
15 disorder of sufficient duration to meet diagnostic criteria identified in
16 the most recent edition of the Diagnostic and Statistical Manual of
17 Mental Disorders and which has resulted in functional impairment that
18 substantially interferes with or limits one or more major life functions.
19 Serious mental illness does not include DSM V codes, substance abuse
20 disorders, or developmental disabilities unless such conditions exist
21 concurrently with a diagnosable serious mental illness;

22 (ii) Housing-related assistance includes rental payments, utility
23 payments, security and utility deposits, landlord risk mitigation
24 payments, and other related costs and payments; ~~and~~

25 (iii) Landlord risk mitigation payment means a payment provided to a
26 landlord who leases or rents property to a very low-income adult with
27 serious mental illness which may be used to pay for excessive damage to
28 the rental property, any lost rent, any legal fees incurred by the
29 landlord in excess of the security deposit, or any other expenses
30 incurred by the landlord as a result of leasing or renting the property
31 to such individual; and

1 (iv) ~~(iii)~~ Very low-income means a household income of fifty percent
2 or less of the applicable median family income estimate as established by
3 the United States Department of Housing and Urban Development.

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

7 Sec. 12. Section 71-7611, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State
10 Treasurer shall transfer (a) sixty million three hundred thousand dollars
11 on or before July 15, 2014, (b) sixty million three hundred fifty
12 thousand dollars on or before July 15, 2015, (c) sixty million three
13 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty
14 million seven hundred thousand dollars on or before July 15, 2017, (e)
15 five hundred thousand dollars on or before May 15, 2018, (f) sixty-one
16 million six hundred thousand dollars on or before July 15, 2018, (g)
17 sixty-two million dollars on or before July 15, 2019, (h) sixty-one
18 million four hundred fifty thousand dollars on or before July 15, 2020,
19 and (i) fifty-one ~~sixty-one~~ million ~~one hundred thousand~~ dollars on or
20 before every July 15 thereafter from the Nebraska Medicaid
21 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust
22 Fund to the Nebraska Health Care Cash Fund, except that such amount shall
23 be reduced by the amount of the unobligated balance in the Nebraska
24 Health Care Cash Fund at the time the transfer is made. The state
25 investment officer shall advise the State Treasurer on the amounts to be
26 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund
27 until the fund balance is depleted and from the Nebraska Tobacco
28 Settlement Trust Fund thereafter in order to sustain such transfers in
29 perpetuity. The state investment officer shall report electronically to
30 the Legislature on or before October 1 of every even-numbered year on the
31 sustainability of such transfers. The Nebraska Health Care Cash Fund

1 shall also include money received pursuant to section 77-2602. Except as
2 otherwise provided by law, no more than the amounts specified in this
3 subsection may be appropriated or transferred from the Nebraska Health
4 Care Cash Fund in any fiscal year.

5 The State Treasurer shall transfer ten million dollars from the
6 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on
7 June 28, 2018, and June 28, 2019.

8 Except as otherwise provided in subsection (6) of this section, it
9 is the intent of the Legislature that no additional programs are funded
10 through the Nebraska Health Care Cash Fund until funding for all programs
11 with an appropriation from the fund during FY2012-13 are restored to
12 their FY2012-13 levels.

13 (2) Any money in the Nebraska Health Care Cash Fund available for
14 investment shall be invested by the state investment officer pursuant to
15 the Nebraska Capital Expansion Act and the Nebraska State Funds
16 Investment Act.

17 (3) The University of Nebraska and postsecondary educational
18 institutions having colleges of medicine in Nebraska and their affiliated
19 research hospitals in Nebraska, as a condition of receiving any funds
20 appropriated or transferred from the Nebraska Health Care Cash Fund,
21 shall not discriminate against any person on the basis of sexual
22 orientation.

23 (4) The State Treasurer shall transfer fifty thousand dollars on or
24 before July 15, 2016, from the Nebraska Health Care Cash Fund to the
25 Board of Regents of the University of Nebraska for the University of
26 Nebraska Medical Center. It is the intent of the Legislature that these
27 funds be used by the College of Public Health for workforce training.

28 (5) It is the intent of the Legislature that the cost of the staff
29 and operating costs necessary to carry out the changes made by Laws 2018,
30 LB439, and not covered by fees or federal funds shall be funded from the
31 Nebraska Health Care Cash Fund for fiscal years 2018-19 and 2019-20.

1 (6) It is the intent of the Legislature to fund the grants to be
2 awarded pursuant to section 75-1101 with the Nebraska Health Care Cash
3 Fund for FY2019-20 and FY2020-21.

4 Sec. 13. Section 72-729.01, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 72-729.01 There is hereby created the Hall of Fame Trust Fund to be
7 administered by the Nebraska Hall of Fame Commission for the purpose of
8 the creation, design, size, configuration, and placement of busts or
9 other appropriate objects as authorized in section 72-729. Deposits to
10 such fund shall include money received from public donation and from
11 funds appropriated specifically for such purpose by the Legislature. It
12 is the intent of the Legislature that ten thousand dollars be transferred
13 from the General Fund to the Hall of Fame Trust Fund annually beginning
14 with fiscal year 2021-22. Any money in the fund available for investment
15 shall be invested by the state investment officer pursuant to the
16 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
17 Act.

18 Sec. 14. Section 81-1220, Revised Statutes Cumulative Supplement,
19 2020, is amended to read:

20 81-1220 (1)(a) The Nebraska Film Office Fund is created. The fund
21 shall be administered by the Department of Economic Development and used
22 for grants for Nebraska-based films as provided in this section.

23 (b) The fund shall consist of funds transferred ~~appropriated~~ by the
24 Legislature, gifts, grants, and bequests. It is the intent of the
25 Legislature to transfer the unexpended and unobligated balance in the
26 Nebraska Film Office Fund on June 30, 2025, to the General Fund.

27 (c) Any money in the Nebraska Film Office Fund ~~fund~~ available for
28 investment shall be invested by the state investment officer pursuant to
29 the Nebraska Capital Expansion Act and the Nebraska State Funds
30 Investment Act.

31 (2)(a) The department shall administer a grant program for Nebraska-

1 based films and shall require applications to be submitted to the
2 department prior to beginning production.

3 (b) To be eligible for a grant under the program, the applicant
4 shall verify that:

5 (i) The film is to be produced in Nebraska;

6 (ii) The film tells a Nebraska story; and

7 (iii) At least fifty percent of the workforce for film production
8 will be composed of Nebraska residents for the duration of the production
9 except as otherwise provided in subdivision (c) of this subsection.

10 (c) The department may lower the fifty-percent requirement in
11 subdivision (b)(iii) of this subsection but shall not waive the
12 requirement. The applicant shall apply to the department to lower the
13 requirement and provide a certification that the requirement is an
14 unreasonable impediment to production of the film. The department shall
15 notify the applicant of the decision under this subdivision.

16 (d) The department shall review each application to determine
17 whether the film qualifies for a grant under this section and shall not
18 award a grant that exceeds twenty-five percent of the projected
19 production cost of the film.

20 Sec. 15. Section 82-331, Revised Statutes Cumulative Supplement,
21 2020, is amended to read:

22 82-331 (1) There is hereby established in the state treasury a trust
23 fund to be known as the Nebraska Cultural Preservation Endowment Fund.
24 The fund shall consist of funds appropriated or transferred by the
25 Legislature, and only the earnings of the fund may be used as provided in
26 this section.

27 ~~(2) On August 1, 1998, the State Treasurer shall transfer five~~
28 ~~million dollars from the General Fund to the Nebraska Cultural~~
29 ~~Preservation Endowment Fund.~~

30 (2) (3) Except as provided in subsection (3) (4) of this section, it
31 is the intent of the Legislature that the State Treasurer shall transfer

1 (a) an amount not to exceed one million dollars from the General Fund to
2 the Nebraska Cultural Preservation Endowment Fund on December 31, 2013,
3 (b) an amount not to exceed five hundred thousand dollars from the
4 General Fund to the Nebraska Cultural Preservation Endowment Fund on
5 December 31, 2014, (c) an amount not to exceed seven hundred fifty
6 thousand dollars from the General Fund to the Nebraska Cultural
7 Preservation Endowment Fund on December 31 of 2015 and 2016, and (d) an
8 amount not to exceed five hundred thousand dollars from the General Fund
9 to the Nebraska Cultural Preservation Endowment Fund ~~annually~~ on December
10 31 ~~of beginning in~~ 2019 and 2020, and (e) an amount not to exceed one
11 million dollars from the General Fund to the Nebraska Cultural
12 Preservation Endowment Fund annually on December 31 beginning in 2021 and
13 continuing through December 31, 2028.

14 (3) (4) Prior to the transfer of funds from any state account into
15 the Nebraska Cultural Preservation Endowment Fund, the Nebraska Arts
16 Council shall provide documentation to the budget division of the
17 Department of Administrative Services that qualified endowments have
18 generated a dollar-for-dollar match of new money, up to the amount of
19 state funds authorized by the Legislature to be transferred to the
20 Nebraska Cultural Preservation Endowment Fund. For purposes of this
21 section, new money means a contribution to a qualified endowment
22 generated after July 1, 2011. Contributions not fully matched by state
23 funds shall be carried forward to succeeding years and remain available
24 to provide a dollar-for-dollar match for state funds. For an endowment to
25 be a qualified endowment (a) the endowment must meet the standards set by
26 the Nebraska Arts Council or Nebraska Humanities Council, (b) the
27 endowment must be intended for long-term stabilization of the
28 organization, and (c) the funds of the endowment must be endowed and only
29 the earnings thereon expended. The budget division of the Department of
30 Administrative Services shall notify the State Treasurer to execute a
31 transfer of state funds up to the amount specified by the Legislature,

1 but only to the extent that the Nebraska Arts Council has provided
2 documentation of a dollar-for-dollar match. State funds not transferred
3 shall be carried forward to the succeeding year and be added to the funds
4 authorized for a dollar-for-dollar match during that year.

5 ~~(4) (5)~~ The Legislature shall not appropriate or transfer money from
6 the Nebraska Cultural Preservation Endowment Fund for any purpose other
7 than the purposes stated in sections 82-330 to 82-333, except that the
8 Legislature may appropriate or transfer money from the fund upon a
9 finding that the purposes of such sections are not being accomplished by
10 the fund.

11 ~~(5) (6)~~ Any money in the Nebraska Cultural Preservation Endowment
12 Fund available for investment shall be invested by the state investment
13 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
14 State Funds Investment Act.

15 ~~(6) (7)~~ All investment earnings from the Nebraska Cultural
16 Preservation Endowment Fund shall be credited to the Nebraska Arts and
17 Humanities Cash Fund.

18 Sec. 16. Section 85-419, Revised Statutes Cumulative Supplement,
19 2020, is amended to read:

20 85-419 (1) The Legislature finds and determines that protecting
21 investments in buildings through the completion of renewal, renovation,
22 replacement, or repair ~~deferred maintenance, repair, renovation, and~~
23 ~~facility replacement construction~~ projects is of critical importance to
24 the State of Nebraska. The Legislature further recognizes that arresting
25 the continued deterioration of buildings and ~~,~~ limiting the effects of
26 inflation on the costs of such renewal, renovation, replacement, or
27 repair of such facilities ~~deferred maintenance, repair, renovation, and~~
28 ~~facility replacement construction, and bringing such buildings into~~
29 ~~compliance with current health and safety requirements~~ at the earliest
30 possible time is necessary for protecting such investment in the
31 buildings of the State of Nebraska. The state, the University of

1 Nebraska, and the Nebraska state colleges have a shared goal of
2 protecting the assets of the state and maintaining them at a level which
3 will attract and retain students and serve Nebraskans effectively. In
4 order to further this critical goal, it is necessary, desirable, and
5 advisable that the Legislature extend the University of Nebraska
6 Facilities Program, the State College Facilities Program, and the other
7 capital appropriations referenced in sections 85-419 to 85-425 and
8 provide the University of Nebraska and the Nebraska state colleges the
9 necessary authority to efficiently pursue prevailing financing strategies
10 and achieve cost savings by authorizing the Board of Regents of the
11 University of Nebraska and the Board of Trustees of the Nebraska State
12 Colleges to enter into long-term financing contracts to finance the
13 facilities referenced in sections 85-419 to 85-425. In order to
14 accomplish these goals, it is necessary, desirable, and advisable that
15 the Legislature confirm and extend such programs to provide for the
16 ~~receipt of~~ funds for such purposes to the University of Nebraska and the
17 Nebraska state colleges as soon as practicable with the repayment of such
18 ~~funds to be made~~ over a period of years.

19 (2) The Legislature recognizes the commitment of ~~(a)~~ the Board of
20 Regents of the University of Nebraska to provide matching funds (a) up to
21 eleven million dollars per year for the period beginning with the fiscal
22 year commencing July 1, 2009, and continuing through the fiscal year
23 ending June 30, 2030, (b) up to two million five hundred thousand dollars
24 per year for the period beginning with the fiscal year commencing July 1,
25 2021, and continuing through the fiscal year ending June 30, 2030, and
26 (c) up to thirteen million five hundred thousand dollars per year for the
27 period beginning with the fiscal year commencing July 1, 2030, and
28 continuing through the fiscal year ending June 30, 2062, for a total of
29 ~~up to two hundred twenty five million eight hundred thousand dollars to~~
30 supplement amounts appropriated from the General Fund pursuant to section
31 85-421 to be applied for the purposes described in section 85-421.

1 (3) The Legislature recognizes the commitment of ~~and (b)~~ the Board
2 of Trustees of the Nebraska State Colleges to provide matching funds up
3 to one million four hundred forty thousand dollars per year for the
4 period beginning with the fiscal year commencing July 1, 2006, and
5 continuing through the fiscal year ending June 30, 2040, ~~2030,~~ ~~for a~~
6 ~~total of up to twenty-eight million eight hundred thousand dollars to~~
7 supplement amounts appropriated from the General Fund pursuant to section
8 85-424 to be applied for the purposes described in section 85-424.

9 (4) The Legislature further acknowledges and reaffirms the directive
10 made by Laws 2019, LB297, section 38, which sets forth the intent of the
11 Legislature to continue the appropriations set forth in Laws 2017, LB330,
12 section 35, in the amount of eight hundred twenty thousand dollars per
13 year through 2050; in Laws 2017, LB330, section 36, in the amount of two
14 million one hundred sixty-five thousand nine hundred twenty-eight dollars
15 per year through 2050; and in Laws 2017, LB330, section 37, in the amount
16 of one million four hundred seventy-seven thousand dollars per year
17 through 2050.

18 (5) The Legislature further acknowledges and affirms the directive
19 made by Laws 2019, LB297, section 37, which sets forth the intent of the
20 Legislature to continue the appropriations set forth in Laws 2013, LB198,
21 section 37, in the amount of two million two hundred sixteen thousand
22 dollars per year through 2035.

23 (6) (2) Sections 85-419 to 85-425 do not modify, reduce, or
24 eliminate any provision of subsection (10) of section 85-1414 requiring
25 the approval of the Coordinating Commission for Postsecondary Education
26 for any renewal, renovation, replacement, or repair ~~deferred maintenance,~~
27 ~~repair, renovation, facility addition, or facility replacement~~
28 ~~construction~~ project authorized by section 85-421 or 85-424 and
29 undertaken by the Board of Regents of the University of Nebraska or the
30 Board of Trustees of the Nebraska State Colleges.

31 Sec. 17. Section 85-420, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 85-420 The University of Nebraska Facilities Program ~~of 2006~~ is
3 created. All funds appropriated to the program by the Legislature shall
4 be used exclusively for the projects listed in section 85-421 or for
5 renewal, renovation, replacement, or repair ~~deferred maintenance, repair,~~
6 ~~renovation, facility renovation, and facility replacement~~ construction
7 projects authorized pursuant to section 85-421.

8 Sec. 18. Section 85-421, Revised Statutes Cumulative Supplement,
9 2020, is amended to read:

10 85-421 (1) The Legislature shall appropriate from the General Fund
11 (a) an amount not less than five million five hundred thousand dollars
12 for each fiscal year for the period beginning with the fiscal year
13 commencing July 1, 2006, and continuing through the fiscal year ending
14 June 30, 2009, ~~and~~ (b) an amount not less than eleven million dollars for
15 each fiscal year for the period beginning with the fiscal year commencing
16 July 1, 2009, and continuing through the fiscal year ending June 30,
17 2030, (c) an amount not less than two million five hundred thousand
18 dollars for each fiscal year for the period beginning with the fiscal
19 year commencing July 1, 2021, and continuing through the fiscal year
20 ending June 30, 2030, (d) an amount not less than thirteen million five
21 hundred thousand dollars for each fiscal year for the period beginning
22 with the fiscal year commencing July 1, 2030, and continuing through the
23 fiscal year ending June 30, 2062, and (e) an amount not less than four
24 million four hundred sixty-two thousand nine hundred twenty-eight dollars
25 in each fiscal year for the appropriations referred to in subsection (4)
26 of section 85-419, which shall be continued through the fiscal year
27 ending June 30, 2062, to the University of Nebraska Facilities Program ~~of~~
28 ~~2006~~ to be used by the Board of Regents of the University of Nebraska to
29 accomplish projects as provided in this section. Through the allotment
30 process established in section 81-1113, the Department of Administrative
31 Services shall make appropriated funds available. Undisbursed

1 appropriations balances existing in the University of Nebraska Facilities
2 Program ~~of 2006~~ at the end of each fiscal year until June 30, 2063 ~~2031~~,
3 shall be and are hereby reappropriated.

4 (2) The Legislature finds and determines that the projects funded
5 through the University of Nebraska Facilities Program ~~of 2006~~ are of
6 critical importance to the State of Nebraska. It is the intent of the
7 Legislature that the appropriations to the program shall not be reduced
8 until all contracts and securities relating to the construction and
9 financing of the projects or portions of the projects funded from such
10 funds or accounts of such funds are completed or paid but in no case
11 shall such appropriations extend beyond the fiscal year ending June 30,
12 2062 ~~2030~~, ~~nor shall the cumulative total of the General Fund~~
13 ~~appropriations for the program exceed two hundred forty-seven million~~
14 ~~five hundred thousand dollars.~~

15 (3) Subject to the receipt of project approval from the Coordinating
16 Commission for Postsecondary Education as required by subsection (10) of
17 section 85-1414 for each of the following University of Nebraska
18 projects, the Board of Regents of the University of Nebraska is
19 authorized to make expenditures from the University of Nebraska
20 Facilities Program ~~of 2006~~ for the following projects: (a) Deferred
21 maintenance, repair, and renovation of University of Nebraska at Kearney
22 Bruner Hall; (b) construction of University of Nebraska at Kearney
23 campus-wide central utilities plant and system; (c) construction of
24 facilities to replace University of Nebraska-Lincoln Behlen, Brace, and
25 Ferguson Halls or deferred maintenance, repair, and renovation of
26 University of Nebraska-Lincoln Behlen, Brace, and Ferguson Halls; (d)
27 construction of a facility to replace University of Nebraska-Lincoln Keim
28 Hall or deferred maintenance, repair, and renovation of University of
29 Nebraska-Lincoln Keim Hall; (e) deferred maintenance, repair, and
30 renovation of University of Nebraska-Lincoln Sheldon Memorial Art
31 Gallery; (f) deferred maintenance, repair, and renovation of University

1 of Nebraska-Lincoln Animal Science Complex; (g) deferred maintenance,
2 repair, and renovation of University of Nebraska Medical Center Poynter,
3 Bennet, and Wittson Halls; (h) deferred maintenance, repair, and
4 renovation of University of Nebraska Medical Center Eppley Institute for
5 Research in Cancer and Allied Diseases or replacement if additional
6 federal or private funds are received; (i) deferred maintenance, repair,
7 and renovation of University of Nebraska Medical Center College of
8 Dentistry; (j) deferred maintenance, repair, and renovation of University
9 of Nebraska at Omaha Library; (k) deferred maintenance, repair, and
10 renovation of University of Nebraska at Omaha utilities infrastructure;
11 (l) University of Nebraska-Lincoln Scott Engineering Center; (m)
12 University of Nebraska-Lincoln Nebraska Hall; (n) University of Nebraska-
13 Lincoln Mabel Lee Hall/Henzlik Hall; (o) University of Nebraska Medical
14 Center Wittson Hall-Phase I; (p) University of Nebraska Medical Center
15 Joseph D. & Millie E. Williams Science Hall (College of Pharmacy); (q)
16 renovation of a privately funded acquisition at the University of
17 Nebraska at Omaha; (r) University of Nebraska at Omaha Strauss Performing
18 Arts Center; (s) University of Nebraska at Omaha Arts and Sciences Hall;
19 ~~and~~ (t) University of Nebraska at Kearney Otto C. Olsen Building; (u) the
20 facilities financed with the appropriations referred to in subsection (4)
21 of section 85-419, including the Nebraska College of Technical
22 Agriculture at Curtis Education Center and the College of Nursing
23 Building on the campus of the University of Nebraska-Lincoln; and (v) any
24 renewal, renovation, replacement, or repair of existing University of
25 Nebraska facilities.

26 (4) Expenditures of matching funds provided for the projects listed
27 in this section by the Board of Regents of the University of Nebraska as
28 provided for in section 85-419 shall be accounted for in the Nebraska
29 State Accounting System through the University of Nebraska Facilities
30 Program ~~of 2006~~ or according to some other reporting process mutually
31 agreed upon by the University of Nebraska and the Department of

1 Administrative Services.

2 (5) The Board of Regents of the University of Nebraska shall record
3 and report, on the Nebraska State Accounting System, expenditure of
4 amounts from the University of Nebraska Facilities Program ~~of 2006~~ and
5 expenditure of proceeds arising from any contract entered into pursuant
6 to this section and section 85-422 in such manner and format as
7 prescribed by the Department of Administrative Services or according to
8 some other reporting process mutually agreed upon by the University of
9 Nebraska and the Department of Administrative Services.

10 (6) At least once every two fiscal years beginning in the fiscal
11 year 2023-24 for the biennial period from fiscal years 2023-25, the The
12 Board of Regents of the University of Nebraska shall report to the
13 Legislature (a) the projects expected to be constructed or newly financed
14 in the next biennium from the University of Nebraska Facilities Program
15 and (b) the projects that were constructed or newly financed in the
16 previous biennium from the University of Nebraska Facilities Program. In
17 addition, at least once every five fiscal years beginning in the fiscal
18 year 2024-25 for the fiscal years 2026-30, the Board of Regents shall
19 provide to the Legislature a copy of its current long-term capital plan
20 for projects to be constructed or newly financed from the University of
21 Nebraska Facilities Program provide to the Task Force for Building
22 Renewal semiannual reports concerning the status of each project
23 authorized by this section.

24 (7) The Board of Regents of the University of Nebraska shall
25 establish a program to deposit annually, beginning with the fiscal year
26 commencing July 1, 2025, an amount equal to two percent of the total
27 project costs of new renewal, renovation, replacement, or repair projects
28 expended during the immediately preceding fiscal year and financed with
29 the University of Nebraska Facilities Program. Such funds may be held by
30 a bank or trust company in trust, and amounts deposited therein shall be
31 invested as the Board of Regents determines in accordance with its

1 investment policies. The Board of Regents shall apply amounts in such
2 fund, together with investment earnings thereon, to pay for renewal,
3 renovation, replacement, or repair projects for university facilities as
4 the Board of Regents shall determine.

5 Sec. 19. Section 85-422, Revised Statutes Cumulative Supplement,
6 2020, is amended to read:

7 85-422 (1) In order to accomplish any projects authorized by section
8 85-421, the Board of Regents of the University of Nebraska may enter into
9 contracts with any person, firm, or corporation providing for the
10 implementation of any such project of the University of Nebraska and
11 providing for the long-term payment of the cost of such project from the
12 University of Nebraska Facilities Program ~~of 2006~~. In no case shall any
13 such contract extend for a period beyond December 31, 2063 ~~2031~~, nor
14 shall any such contract exceed the repayment capabilities implicit in the
15 funding streams authorized in sections 85-419 to 85-422 ~~and 85-421~~.

16 (2) The Board of Regents of the University of Nebraska shall not
17 pledge the credit of the State of Nebraska for the payment of any sum
18 owing on account of such contract, except that there may be pledged for
19 the payment of any such contract any appropriation specifically made by
20 the Legislature for such purpose, together with such funds of the Board
21 of Regents of the University of Nebraska as the board determines. No
22 contract shall be entered into pursuant to this section without prior
23 approval ~~by resolution~~ by the Board of Regents. The Board of Regents may
24 also convey, lease, or lease back all or any part of the projects
25 authorized by section 85-421 and the land on which such projects are
26 situated to such person, firm, or corporation as the Board of Regents may
27 contract with pursuant to this section to facilitate the long-term
28 payment of the cost of such projects. Any such conveyance or lease shall
29 provide that when the cost of such projects has been paid, together with
30 interest and other costs thereon, such projects and the land on which
31 such projects are located shall become the property of the Board of

1 Regents.

2 (3) The Board of Regents of the University of Nebraska is authorized
3 to make expenditures for the purposes stated in this section and section
4 85-421 from investment income balances in any fund created under the
5 authority provided for in any contract or contracts authorized by this
6 section. Any balance existing in the University of Nebraska Facilities
7 Program, whether from appropriations or the designated amounts identified
8 in appropriated amounts and amounts designated or matched by the Board of
9 Regents under section 85-419, in excess of amounts required to meet debt
10 service and any interest thereon for any related financing contract, and
11 excluding amounts on deposit in the trust fund established pursuant to
12 subsection (7) of section 85-421, shall be distributed proportionally
13 between the earnings derived from reserve funds or any other funds
14 created under the authority provided for in any contract or contracts
15 authorized by this section shall be accumulated and applied toward early
16 retirement of debt as authorized under any resolution, indenture, or
17 other contract entered into by the Board of Regents as authorized by this
18 section. The Board of Regents and the Department of Administrative
19 Services as to the total amount contributed to the program by the Board
20 of Regents pursuant to section 85-419 and by the state, beginning in the
21 fiscal year commencing July 1, 2009, through and including the fiscal
22 year ending June 30, 2062, on December 31, 2063 shall, on or before
23 January 1, 2007, enter into an agreement providing for the allocation and
24 distribution of any balances existing in the University of Nebraska
25 Facilities Program of 2006 or any other funds created as part of long-
26 term contracts entered into by the Board of Regents pursuant to this
27 section to the General Fund and any other funds designated by the Board
28 of Regents as a source of funds for the match specified in section 85-419
29 either on December 31, 2031, or when all financial obligations incurred
30 in the contracts entered into by the Board of Regents pursuant to this
31 section are discharged, whichever occurs first.

1 Sec. 20. Section 85-423, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 85-423 The State College Facilities Program ~~of 2006~~ is created. All
4 funds appropriated to the program by the Legislature shall be used
5 exclusively for the projects listed in section 85-424 or for renewal,
6 renovation, replacement, or repair ~~deferred maintenance, repair,~~
7 ~~renovation, and facility replacement~~ construction projects authorized
8 pursuant to section 85-424.

9 Sec. 21. Section 85-424, Revised Statutes Cumulative Supplement,
10 2020, is amended to read:

11 85-424 (1) ~~The Beginning with the fiscal year commencing July 1,~~
12 ~~2006, and continuing through the fiscal year ending June 30, 2030, the~~
13 Legislature shall appropriate ~~each fiscal year~~ from the General Fund (a)
14 an amount not less than one million one hundred twenty-five thousand
15 dollars to the State College Facilities Program for each fiscal year for
16 the period commencing July 1, 2006, and continuing through the fiscal
17 year ending June 30, 2040, and (b) an amount not less than two million
18 two hundred sixteen thousand dollars in each fiscal year for the
19 appropriations referred to in subsection (5) of section 85-419, which
20 shall be continued through the fiscal year ending June 30, 2040, to the
21 State College Facilities Program of 2006 to be used by the Board of
22 Trustees of the Nebraska State Colleges to accomplish projects as
23 provided in this section. Through the allotment process established in
24 section 81-1113, ~~at a minimum,~~ the Department of Administrative Services
25 shall make appropriated funds available. Undisbursed appropriations
26 balances existing in the State College Facilities Program ~~of 2006~~ at the
27 end of each fiscal year until June 30, 2041 ~~2031~~, shall be and are hereby
28 reappropriated.

29 (2) The Legislature finds and determines that the projects funded
30 through the State College Facilities Program ~~program~~ are of critical
31 importance to the State of Nebraska. It is the intent of the Legislature

1 that the appropriations to the program shall not be reduced until all
2 contracts and securities relating to the construction and financing of
3 the projects or portions of the projects funded from such funds or
4 accounts of such funds are completed or paid but in no case shall such
5 appropriations extend beyond the fiscal year ending June 30, ~~2040 2030,~~
6 ~~nor shall the cumulative total of the General Fund appropriations for the~~
7 ~~program exceed twenty-seven million dollars.~~

8 (3) Subject to the receipt of project approval from the Coordinating
9 Commission for Postsecondary Education as required by subsection (10) of
10 section 85-1414 for each of the following state college projects, the
11 Board of Trustees of the Nebraska State Colleges is authorized to make
12 expenditures from the State College Facilities Program ~~of 2006~~ for the
13 following state college projects: (a) Deferred maintenance, repair, and
14 renovation of Chadron State College Academic/Administration Building; (b)
15 design and placement of a new Peru State College emergency power
16 generator; (c) replacement of existing Peru State College Al Wheeler
17 Activity Center bleachers; (d) addition to and deferred maintenance,
18 repair, and renovation of Peru State College Al Wheeler Activity Center;
19 (e) addition to and deferred maintenance, repair, and renovation of Wayne
20 State College Campus Services Building; (f) deferred maintenance, repair,
21 and renovation of Wayne State College Rice Auditorium; (g) deferred
22 maintenance, repair, and renovation of Wayne State College Memorial
23 Stadium; (h) replacement of or deferred maintenance, repair, and
24 renovation of Chadron State College stadium; (i) addition to and deferred
25 maintenance, repair, and renovation of Peru State College Theatre/Event
26 Center; (j) construction of a facility to replace Wayne State College
27 Benthack Hall applied technology programmatic space; ~~and~~ (k) systemwide
28 miscellaneous fire and life safety, energy conservation, deferred repair,
29 federal Americans with Disabilities Act of 1990, and asbestos removal
30 projects; (l) construction of the Math Science Facility at Chadron State
31 College; and (m) any renewal, renovation, replacement, or repair of

1 existing state college facilities.

2 (4) Expenditures of matching funds provided for the projects listed
3 in this section by the Board of Trustees of the Nebraska State Colleges
4 as provided for in section 85-419 shall be accounted for in the Nebraska
5 State Accounting System through the State College Facilities Program ~~of~~
6 ~~2006~~ or according to some other reporting process mutually agreed upon by
7 the state colleges and the Department of Administrative Services.

8 (5) The Board of Trustees of the Nebraska State Colleges shall
9 record and report, on the Nebraska State Accounting System, expenditure
10 of amounts from the State College Facilities Program ~~of 2006~~ and
11 expenditure of proceeds arising from any contract entered into pursuant
12 to this section and section 85-425 in such manner and format as
13 prescribed by the Department of Administrative Services or according to
14 some other reporting process mutually agreed upon by the state colleges
15 and the Department of Administrative Services.

16 (6) At least once every two fiscal years beginning with fiscal year
17 2023-24 for the biennial period from fiscal years 2023-25, the Board
18 of Trustees of the Nebraska State Colleges shall report to the
19 Legislature (a) the projects expected to be constructed or newly financed
20 in the next biennium from the State College Facilities Program and (b)
21 the projects that were constructed or newly financed in the previous
22 biennium from the State College Facilities Program. In addition, at least
23 once every ten fiscal years beginning with fiscal year 2022-23, the Board
24 of Trustees shall provide to the Legislature a copy of its current long-
25 term capital plan for projects to be constructed or newly financed from
26 the State College Facilities Program provide to the Task Force for
27 Building Renewal semiannual reports concerning the status of each project
28 authorized by this section.

29 Sec. 22. Section 85-425, Revised Statutes Cumulative Supplement,
30 2020, is amended to read:

31 85-425 (1) In order to accomplish any projects authorized by section

1 85-424, the Board of Trustees of the Nebraska State Colleges may enter
2 into contracts with any person, firm, or corporation providing for the
3 implementation of any such project of the Nebraska state colleges and
4 providing for the long-term payment of the cost of such project from the
5 State College Facilities Program ~~of 2006~~. In no case shall any such
6 contract extend for a period beyond December 31, 2041 ~~2030~~, nor shall any
7 such contract exceed the repayment capabilities implicit in the funding
8 streams authorized in sections 85-419 and 85-424.

9 (2) The Board of Trustees of the Nebraska State Colleges shall not
10 pledge the credit of the State of Nebraska for the payment of any sum
11 owing on account of such contract, except that there may be pledged for
12 the payment of any such contract any appropriation specifically made by
13 the Legislature for such purpose, together with such funds of the Board
14 of Trustees as the board determines. No contract shall be entered into
15 pursuant to this section without prior approval ~~by resolution~~ by the
16 Board of Trustees. The Board of Trustees may also convey, lease, or lease
17 back all or any part of the projects authorized by section 85-424 and the
18 land on which such projects are situated to such person, firm, or
19 corporation as the Board of Trustees may contract with pursuant to this
20 section to facilitate the long-term payment of the cost of such projects.
21 Any such conveyance or lease shall provide that when the cost of such
22 projects has been paid, together with interest and other costs thereon,
23 such projects and the land on which such projects are located shall
24 become the property of the Board of Trustees.

25 (3) The Board of Trustees of the Nebraska State Colleges is
26 authorized to make expenditures for the purposes stated in this section
27 and section 85-424 from investment interest ~~interest~~ income balances in any fund
28 created under the authority provided for in any contract or contracts
29 authorized by this section. Any balance existing in the State College
30 Facilities Program, whether from appropriations or the designated amounts
31 identified in appropriated amounts and amounts designated or matched by

1 ~~the Board of Trustees under section 85-419, in excess of amounts required~~
2 ~~to meet debt service and any interest thereon for any related financing~~
3 ~~contract, shall be distributed proportionally between the earnings~~
4 ~~derived from reserve funds or any other funds created under the authority~~
5 ~~provided for in any contract or contracts authorized by this section~~
6 ~~shall be accumulated and applied toward early retirement of debt as~~
7 ~~authorized under any resolution, indenture, or other contract entered~~
8 ~~into by the Board of Trustees as authorized by this section. The Board of~~
9 ~~Trustees and the Department of Administrative Services as to the total~~
10 ~~amount contributed to the program by the Board of Trustees pursuant to~~
11 ~~section 85-419 and by the state, beginning in the fiscal year commencing~~
12 ~~July 1, 2006, through and including the fiscal year ending June 30, 2040,~~
13 ~~on December 31, 2041 shall, on or before January 1, 2007, enter into an~~
14 ~~agreement providing for the allocation and distribution of any balances~~
15 ~~existing in the State College Facilities Program of 2006 or any other~~
16 ~~funds created as part of a long-term contract entered into by the Board~~
17 ~~of Trustees pursuant to this section to the General Fund and any other~~
18 ~~funds designated by the Board of Trustees as a source of funds for the~~
19 ~~match specified in section 85-419 either on December 31, 2030, or when~~
20 ~~all financial obligations incurred in the contracts entered into by the~~
21 ~~Board of Trustees pursuant to this section are discharged, whichever~~
22 ~~occurs first.~~

23 Sec. 23. Section 85-426, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 85-426 All capital construction projects, including applicable
26 financing plans, proposed by any nonprofit corporation created by the
27 Board of Regents of the University of Nebraska or the Board of Trustees
28 of the Nebraska State Colleges shall be submitted to the Legislature for
29 review and approval or disapproval by the Legislature, or if the
30 Legislature is not in session, the Executive Board of the Legislative
31 Council, when (1) state general funds, (2) funds received by the

1 University of Nebraska or any state college for the purposes of
2 reimbursing overhead costs and expenses in connection with any federal or
3 other grant or contract, (3) tuition, or (4) the state's operating
4 investment pool investment income constitutes all or any part of the
5 funds used for the repayment of all or any part of the bonds of such
6 nonprofit corporation. This section does not apply to any construction
7 project or financing plan comprising part of the University of Nebraska
8 Facilities Program or the State College Facilities Program to the extent
9 that subsection (6) of section 85-421 and subsection (6) of section
10 85-424 have been complied with by the respective boards referenced in
11 such sections.

12 Sec. 24. Section 86-324, Revised Statutes Cumulative Supplement,
13 2020, is amended to read:

14 86-324 (1) The Nebraska Telecommunications Universal Service Fund is
15 hereby created. The fund shall provide the assistance necessary to make
16 universal access to telecommunications services available to all persons
17 in the state consistent with the policies set forth in the Nebraska
18 Telecommunications Universal Service Fund Act. Only eligible
19 telecommunications companies designated by the commission shall be
20 eligible to receive support to serve high-cost areas from the fund. A
21 telecommunications company that receives such support shall use that
22 support only for the provision, maintenance, and upgrading of facilities
23 and services for which the support is intended. Any such support should
24 be explicit and sufficient to achieve the purpose of the act.

25 (2) Notwithstanding the provisions of section 86-124, in addition to
26 other provisions of the act, and to the extent not prohibited by federal
27 law, the commission:

28 (a) Shall have authority and power to subject eligible
29 telecommunications companies to service quality, customer service, and
30 billing regulations. Such regulations shall apply only to the extent of
31 any telecommunications services or offerings made by an eligible

1 telecommunications company which are eligible for support by the fund.
2 The commission shall be reimbursed from the fund for all costs related to
3 drafting, implementing, and enforcing the regulations and any other
4 services provided on behalf of customers pursuant to this subdivision;

5 (b) Shall have authority and power to issue orders carrying out its
6 responsibilities and to review the compliance of any eligible
7 telecommunications company receiving support for continued compliance
8 with any such orders or regulations adopted pursuant to the act;

9 (c) May withhold all or a portion of the funds to be distributed
10 from any telecommunications company failing to continue compliance with
11 the commission's orders or regulations;

12 (d) Shall require every telecommunications company to contribute to
13 any universal service mechanism established by the commission pursuant to
14 state law. The commission shall require, as reasonably necessary, an
15 annual audit of any telecommunications company to be performed by a
16 third-party certified public accountant to insure the billing,
17 collection, and remittance of a surcharge for universal service. The
18 costs of any audit required pursuant to this subdivision shall be paid by
19 the telecommunications company being audited;

20 (e) Shall require an audit of information provided by a
21 telecommunications company to be performed by a third-party certified
22 public accountant for purposes of calculating universal service fund
23 payments to such telecommunications company. The costs of any audit
24 required pursuant to this subdivision shall be paid by the
25 telecommunications company being audited; and

26 (f) May administratively fine pursuant to section 75-156 any person
27 who violates the Nebraska Telecommunications Universal Service Fund Act.

28 (3) Any money in the fund available for investment shall be invested
29 by the state investment officer pursuant to the Nebraska Capital
30 Expansion Act and the Nebraska State Funds Investment Act, ~~and for the~~
31 ~~period July 1, 2017, through June 30, 2019, any interest earned by the~~

1 ~~fund shall be credited to the General Fund.~~

2 (4) Transfers may be made from earnings on the Nebraska
3 Telecommunications Universal Service Fund to the 211 Cash Fund at the
4 direction of the Legislature. The State Treasurer shall annually transfer
5 three hundred thousand dollars on July 1 beginning in 2021 from the
6 earnings on the Nebraska Telecommunications Universal Service Fund to the
7 211 Cash Fund.

8 Sec. 25. Section 86-594, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 86-594 (1) Except as provided in the Educational Service Units Act
11 and sections 79-1319, 81-1120.01 to 81-1120.28, 85-401 to ~~85-411~~ 85-418,
12 85-1501 to 85-1542, and 86-575, an agency or political subdivision of the
13 state that is not a public power supplier shall not provide on a retail
14 or wholesale basis any broadband services, Internet services,
15 telecommunications services, or video services.

16 (2) The provisions of subsection (1) of this section shall not apply
17 to services which an agency or political subdivision of the state was
18 authorized to provide and was providing prior to January 1, 2005.

19 Sec. 26. Section 86-1103, Revised Statutes Cumulative Supplement,
20 2020, is amended to read:

21 86-1103 The Rural Broadband Task Force Fund is created. The fund
22 shall be used to carry out the purposes of the Rural Broadband Task Force
23 as described in section 86-1102 and to provide for a state broadband
24 coordinator. For administrative purposes, the fund shall be located in
25 the Nebraska Information Technology Commission. The fund shall consist of
26 money appropriated or transferred by the Legislature and gifts, grants,
27 or bequests from any source, including federal, state, public, and
28 private sources. Any money in the fund available for investment shall be
29 invested by the state investment officer pursuant to the Nebraska Capital
30 Expansion Act and the Nebraska State Funds Investment Act.

31 Sec. 27. The United States Space Command Headquarters Assistance

1 Fund is created. The fund shall be used to contribute to the construction
2 of the United States Space Command headquarters if the State of Nebraska
3 is selected as the site for the headquarters. The Adjutant General of the
4 State of Nebraska shall administer the fund. The fund shall consist of
5 transfers authorized by the Legislature and any gifts, grants, or
6 bequests from any source, including federal, state, public, and private
7 sources, for such purposes. Any money in the fund available for
8 investment shall be invested by the state investment officer pursuant to
9 the Nebraska Capital Expansion Act and the Nebraska State Funds
10 Investment Act.

11 Sec. 28. The Prison Overcrowding Contingency Fund is created. The
12 State Treasurer shall transfer fifteen million dollars from the General
13 Fund to the Prison Overcrowding Contingency Fund on or before July 15,
14 2021, on such date as directed by the budget administrator of the budget
15 division of the Department of Administrative Services. It is the intent
16 of the Legislature that these funds remain in the Prison Overcrowding
17 Contingency Fund until sufficient details are provided to the Legislature
18 regarding plans to reduce prison overcrowding, except that the fund may
19 be used for purposes of a study of inmate classification within the
20 Department of Correctional Services. Any money in the fund available for
21 investment shall be invested by the state investment officer pursuant to
22 the Nebraska Capital Expansion Act and the Nebraska State Funds
23 Investment Act.

24 Sec. 29. Original sections 71-812, 72-729.01, 85-420, 85-426, and
25 86-594, Reissue Revised Statutes of Nebraska, and sections 9-1,101,
26 58-706, 61-222, 71-808, 71-7611, 81-1220, 82-331, 85-419, 85-421, 85-422,
27 85-423, 85-424, 85-425, 86-324, and 86-1103, Revised Statutes Cumulative
28 Supplement, 2020, are repealed.

29 Sec. 30. The following sections are outright repealed: Sections
30 85-412, 85-413, 85-414, 85-415, 85-416, 85-417, and 85-418, Reissue
31 Revised Statutes of Nebraska.

1 Sec. 31. Since an emergency exists, this act takes effect when
2 passed and approved according to law.