

AMENDMENTS TO LB384

Introduced by Appropriations.

1           1. Strike the original sections and insert the following new  
2 sections:

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

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

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

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

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

1 the Department of Administrative Services.

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

6       Sec. 7. Section 9-1,101, Revised Statutes Cumulative Supplement,  
7 2020, is amended to read:

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

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

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

31       (b) Beginning July 1, 2019, through June 30, ~~2023~~ 2021, on or before

1 the last day of the last month of each calendar quarter, the State  
2 Treasurer shall transfer one hundred thousand dollars from the Charitable  
3 Gaming Operations Fund to the Compulsive Gamblers Assistance Fund.

4 (c) Any money remaining in the Charitable Gaming Operations Fund  
5 after the transfer pursuant to subdivision (b) of this subsection not  
6 used by the Charitable Gaming Division in its administration and  
7 enforcement duties pursuant to this section may be transferred to the  
8 General Fund and the Compulsive Gamblers Assistance Fund at the direction  
9 of the Legislature.

10 (4) The Tax Commissioner shall employ investigators who shall be  
11 vested with the authority and power of a law enforcement officer to carry  
12 out the laws of this state administered by the Tax Commissioner or the  
13 Department of Revenue and to enforce sections 28-1101 to 28-1117 relating  
14 to possession of a gambling device. For purposes of enforcing sections  
15 28-1101 to 28-1117, the authority of the investigators shall be limited  
16 to investigating possession of a gambling device, notifying local law  
17 enforcement authorities, and reporting suspected violations to the county  
18 attorney for prosecution.

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

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

31 Sec. 8. Section 58-706, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 58-706 The following activities are eligible for assistance from the  
3 Affordable Housing Trust Fund:

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

6 (2) Matching funds for new construction, rehabilitation, or  
7 acquisition of housing units to assist low-income and very low-income  
8 families;

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

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

15 (5) Mortgage insurance guarantees for eligible projects;

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

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

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

24 (9) Infrastructure projects necessary for the development of  
25 affordable housing;

26 (10) Downpayment and closing cost assistance;

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

29 (12) Housing education programs developed in conjunction with  
30 affordable housing projects. The education programs must be directed  
31 toward:

1 (a) Preparing potential home buyers to purchase affordable housing  
2 and postpurchase education;

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

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

7 (13) Support for efforts to improve programs benefiting homeless  
8 youth; ~~and~~

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

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

13 Sec. 9. Section 61-222, Revised Statutes Cumulative Supplement,  
14 2020, is amended to read:

15 61-222 The Water Sustainability Fund is created in the Department of  
16 Natural Resources. The fund shall be used in accordance with the  
17 provisions established in Laws 2014, LB1098, and for costs directly  
18 related to the administration of the fund, except that transfers may be  
19 made from the fund as provided in this section.

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

30 It is the intent of the Legislature that twenty-one million dollars  
31 be transferred from the General Fund to the Water Sustainability Fund in

1 fiscal year 2014-15 and that eleven million dollars be transferred from  
2 the General Fund to the Water Sustainability Fund each fiscal year  
3 beginning in fiscal year 2015-16. It is the intent of the Legislature  
4 that three million dollars be transferred annually from the Water  
5 Sustainability Fund to the Nebraska Resources Development Fund in  
6 FY2015-16 and in FY2016-17.

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

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

17 The State Treasurer shall transfer five hundred thousand dollars  
18 from the Water Sustainability Fund to the General Fund on or before June  
19 30, 2021, on such dates and in such amounts as directed by the budget  
20 administrator of the budget division of the Department of Administrative  
21 Services.

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

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

1           Sec. 10. Section 71-812, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           71-812 (1) The Behavioral Health Services Fund is created. The fund  
4 shall be administered by the division and shall contain cash funds  
5 appropriated by the Legislature or otherwise received by the department  
6 for the provision of behavioral health services from any other public or  
7 private source and directed by the Legislature for credit to the fund.

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

13           (3)(a) Money transferred to the fund under section 76-903 shall be  
14 used for housing-related assistance for very low-income adults with  
15 serious mental illness, except that if the division determines that all  
16 housing-related assistance obligations under this subsection have been  
17 fully satisfied, the division may distribute any excess, up to twenty  
18 percent of such money, to regional behavioral health authorities for  
19 acquisition or rehabilitation of housing to assist such persons. The  
20 division shall manage and distribute such funds based upon a formula  
21 established by the division, in consultation with regional behavioral  
22 health authorities and the department, in a manner consistent with and  
23 reasonably calculated to promote the purposes of the public behavioral  
24 health system enumerated in section 71-803. The division shall contract  
25 with each regional behavioral health authority for the provision of such  
26 assistance. Each regional behavioral health authority may contract with  
27 qualifying public, private, or nonprofit entities for the provision of  
28 such assistance.

29           (b) For purposes of this subsection:

30           (i) Adult with serious mental illness means a person eighteen years  
31 of age or older who has, or at any time during the immediately preceding

1 twelve months has had, a diagnosable mental, behavioral, or emotional  
2 disorder of sufficient duration to meet diagnostic criteria identified in  
3 the most recent edition of the Diagnostic and Statistical Manual of  
4 Mental Disorders and which has resulted in functional impairment that  
5 substantially interferes with or limits one or more major life functions.  
6 Serious mental illness does not include DSM V codes, substance abuse  
7 disorders, or developmental disabilities unless such conditions exist  
8 concurrently with a diagnosable serious mental illness;

9 (ii) Housing-related assistance includes rental payments, utility  
10 payments, security and utility deposits, landlord risk mitigation  
11 payments, and other related costs and payments;~~and~~

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

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

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

25 Sec. 11. Section 71-7611, Revised Statutes Cumulative Supplement,  
26 2020, is amended to read:

27 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State  
28 Treasurer shall transfer (a) sixty million three hundred thousand dollars  
29 on or before July 15, 2014, (b) sixty million three hundred fifty  
30 thousand dollars on or before July 15, 2015, (c) sixty million three  
31 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty



1 million seven hundred thousand dollars on or before July 15, 2017, (e)  
2 five hundred thousand dollars on or before May 15, 2018, (f) sixty-one  
3 million six hundred thousand dollars on or before July 15, 2018, (g)  
4 sixty-two million dollars on or before July 15, 2019, (h) sixty-one  
5 million four hundred fifty thousand dollars on or before July 15, 2020,  
6 and (i) fifty-one ~~sixty-one~~ million ~~one hundred thousand~~ dollars on or  
7 before every July 15 thereafter from the Nebraska Medicaid  
8 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust  
9 Fund to the Nebraska Health Care Cash Fund, except that such amount shall  
10 be reduced by the amount of the unobligated balance in the Nebraska  
11 Health Care Cash Fund at the time the transfer is made. The state  
12 investment officer shall advise the State Treasurer on the amounts to be  
13 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund  
14 until the fund balance is depleted and from the Nebraska Tobacco  
15 Settlement Trust Fund thereafter in order to sustain such transfers in  
16 perpetuity. The state investment officer shall report electronically to  
17 the Legislature on or before October 1 of every even-numbered year on the  
18 sustainability of such transfers. The Nebraska Health Care Cash Fund  
19 shall also include money received pursuant to section 77-2602. Except as  
20 otherwise provided by law, no more than the amounts specified in this  
21 subsection may be appropriated or transferred from the Nebraska Health  
22 Care Cash Fund in any fiscal year.

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

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

31 (2) Any money in the Nebraska Health Care Cash Fund available for

1 investment shall be invested by the state investment officer pursuant to  
2 the Nebraska Capital Expansion Act and the Nebraska State Funds  
3 Investment Act.

4 (3) The University of Nebraska and postsecondary educational  
5 institutions having colleges of medicine in Nebraska and their affiliated  
6 research hospitals in Nebraska, as a condition of receiving any funds  
7 appropriated or transferred from the Nebraska Health Care Cash Fund,  
8 shall not discriminate against any person on the basis of sexual  
9 orientation.

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

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

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

22 Sec. 12. Section 72-729.01, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 72-729.01 There is hereby created the Hall of Fame Trust Fund to be  
25 administered by the Nebraska Hall of Fame Commission for the purpose of  
26 the creation, design, size, configuration, and placement of busts or  
27 other appropriate objects as authorized in section 72-729. Deposits to  
28 such fund shall include money received from public donation and from  
29 funds appropriated specifically for such purpose by the Legislature. It  
30 is the intent of the Legislature that ten thousand dollars be transferred  
31 from the General Fund to the Hall of Fame Trust Fund annually beginning

1 with fiscal year 2021-22. Any money in the fund available for investment  
2 shall be invested by the state investment officer pursuant to the  
3 Nebraska Capital Expansion Act and the Nebraska State Funds Investment  
4 Act.

5 Sec. 13. Section 81-1220, Revised Statutes Cumulative Supplement,  
6 2020, is amended to read:

7 81-1220 (1)(a) The Nebraska Film Office Fund is created. The fund  
8 shall be administered by the Department of Economic Development and used  
9 for grants for Nebraska-based films as provided in this section.

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

14 (c) Any money in the Nebraska Film Office Fund fund available for  
15 investment shall be invested by the state investment officer pursuant to  
16 the Nebraska Capital Expansion Act and the Nebraska State Funds  
17 Investment Act.

18 (2)(a) The department shall administer a grant program for Nebraska-  
19 based films and shall require applications to be submitted to the  
20 department prior to beginning production.

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

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

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

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

28 (c) The department may lower the fifty-percent requirement in  
29 subdivision (b)(iii) of this subsection but shall not waive the  
30 requirement. The applicant shall apply to the department to lower the  
31 requirement and provide a certification that the requirement is an

1 unreasonable impediment to production of the film. The department shall  
2 notify the applicant of the decision under this subdivision.

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

7 Sec. 14. Section 82-331, Revised Statutes Cumulative Supplement,  
8 2020, is amended to read:

9 82-331 (1) There is hereby established in the state treasury a trust  
10 fund to be known as the Nebraska Cultural Preservation Endowment Fund.  
11 The fund shall consist of funds appropriated or transferred by the  
12 Legislature, and only the earnings of the fund may be used as provided in  
13 this section.

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

17 (2) (3) Except as provided in subsection (3) (4) of this section, it  
18 is the intent of the Legislature that the State Treasurer shall transfer  
19 (a) an amount not to exceed one million dollars from the General Fund to  
20 the Nebraska Cultural Preservation Endowment Fund on December 31, 2013,  
21 (b) an amount not to exceed five hundred thousand dollars from the  
22 General Fund to the Nebraska Cultural Preservation Endowment Fund on  
23 December 31, 2014, (c) an amount not to exceed seven hundred fifty  
24 thousand dollars from the General Fund to the Nebraska Cultural  
25 Preservation Endowment Fund on December 31 of 2015 and 2016, and (d) an  
26 amount not to exceed five hundred thousand dollars from the General Fund  
27 to the Nebraska Cultural Preservation Endowment Fund annually on December  
28 31 of beginning in 2019 and 2020, and (e) an amount not to exceed one  
29 million dollars from the General Fund to the Nebraska Cultural  
30 Preservation Endowment Fund annually on December 31 beginning in 2021 and  
31 continuing through December 31, 2028.

1           ~~(3)~~ ~~(4)~~ Prior to the transfer of funds from any state account into  
2 the Nebraska Cultural Preservation Endowment Fund, the Nebraska Arts  
3 Council shall provide documentation to the budget division of the  
4 Department of Administrative Services that qualified endowments have  
5 generated a dollar-for-dollar match of new money, up to the amount of  
6 state funds authorized by the Legislature to be transferred to the  
7 Nebraska Cultural Preservation Endowment Fund. For purposes of this  
8 section, new money means a contribution to a qualified endowment  
9 generated after July 1, 2011. Contributions not fully matched by state  
10 funds shall be carried forward to succeeding years and remain available  
11 to provide a dollar-for-dollar match for state funds. For an endowment to  
12 be a qualified endowment (a) the endowment must meet the standards set by  
13 the Nebraska Arts Council or Nebraska Humanities Council, (b) the  
14 endowment must be intended for long-term stabilization of the  
15 organization, and (c) the funds of the endowment must be endowed and only  
16 the earnings thereon expended. The budget division of the Department of  
17 Administrative Services shall notify the State Treasurer to execute a  
18 transfer of state funds up to the amount specified by the Legislature,  
19 but only to the extent that the Nebraska Arts Council has provided  
20 documentation of a dollar-for-dollar match. State funds not transferred  
21 shall be carried forward to the succeeding year and be added to the funds  
22 authorized for a dollar-for-dollar match during that year.

23           ~~(4)~~ ~~(5)~~ The Legislature shall not appropriate or transfer money from  
24 the Nebraska Cultural Preservation Endowment Fund for any purpose other  
25 than the purposes stated in sections 82-330 to 82-333, except that the  
26 Legislature may appropriate or transfer money from the fund upon a  
27 finding that the purposes of such sections are not being accomplished by  
28 the fund.

29           ~~(5)~~ ~~(6)~~ Any money in the Nebraska Cultural Preservation Endowment  
30 Fund available for investment shall be invested by the state investment  
31 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska

1 State Funds Investment Act.

2 ~~(6)~~ ~~(7)~~ All investment earnings from the Nebraska Cultural  
3 Preservation Endowment Fund shall be credited to the Nebraska Arts and  
4 Humanities Cash Fund.

5 Sec. 15. Section 85-419, Revised Statutes Cumulative Supplement,  
6 2020, is amended to read:

7 85-419 (1) The Legislature finds and determines that protecting  
8 investments in buildings through the completion of renewal, renovation,  
9 replacement, or repair ~~deferred maintenance, repair, renovation, and~~  
10 ~~facility replacement construction~~ projects is of critical importance to  
11 the State of Nebraska. The Legislature further recognizes that arresting  
12 the continued deterioration of buildings, and limiting the effects of  
13 inflation on the costs of such renewal, renovation, replacement, or  
14 repair of such facilities ~~deferred maintenance, repair, renovation, and~~  
15 ~~facility replacement construction, and bringing such buildings into~~  
16 ~~compliance with current health and safety requirements~~ at the earliest  
17 possible time is necessary for protecting such investment in the  
18 buildings of the State of Nebraska. The state, the University of  
19 Nebraska, and the Nebraska state colleges have a shared goal of  
20 protecting the assets of the state and maintaining them at a level which  
21 will attract and retain students and serve Nebraskans effectively. In  
22 order to further this critical goal, it is necessary, desirable, and  
23 advisable that the Legislature extend the University of Nebraska  
24 Facilities Program, the State College Facilities Program, and the other  
25 capital appropriations referenced in sections 85-419 to 85-425 and  
26 provide the University of Nebraska and the Nebraska state colleges the  
27 necessary authority to efficiently pursue prevailing financing strategies  
28 and achieve cost savings by authorizing the Board of Regents of the  
29 University of Nebraska and the Board of Trustees of the Nebraska State  
30 Colleges to enter into long-term financing contracts to finance the  
31 facilities referenced in sections 85-419 to 85-425. In order to

1 accomplish these goals, it is necessary, desirable, and advisable that  
2 the Legislature confirm and extend such programs to provide for the  
3 receipt of funds for such purposes to the University of Nebraska and the  
4 Nebraska state colleges as soon as practicable with the repayment of such  
5 funds to be made over a period of years.

6 (2) The Legislature recognizes the commitment of ~~(a)~~ the Board of  
7 Regents of the University of Nebraska to provide matching funds (a) up to  
8 eleven million dollars per year for the period beginning with the fiscal  
9 year commencing July 1, 2009, and continuing through the fiscal year  
10 ending June 30, 2030, (b) up to two million five hundred thousand dollars  
11 per year for the period beginning with the fiscal year commencing July 1,  
12 2021, and continuing through the fiscal year ending June 30, 2030, and  
13 (c) up to thirteen million five hundred thousand dollars per year for the  
14 period beginning with the fiscal year commencing July 1, 2030, and  
15 continuing through the fiscal year ending June 30, 2062, for a total of  
16 up to two hundred twenty-five million eight hundred thousand dollars to  
17 supplement amounts appropriated from the General Fund pursuant to section  
18 85-421 to be applied for the purposes described in section 85-421.

19 (3) The Legislature recognizes the commitment of and (b) the Board  
20 of Trustees of the Nebraska State Colleges to provide matching funds up  
21 to one million four hundred forty thousand dollars per year for the  
22 period beginning with the fiscal year commencing July 1, 2006, and  
23 continuing through the fiscal year ending June 30, 2040, 2030, for a  
24 total of up to twenty-eight million eight hundred thousand dollars to  
25 supplement amounts appropriated from the General Fund pursuant to section  
26 85-424 to be applied for the purposes described in section 85-424.

27 (4) The Legislature further acknowledges and reaffirms the directive  
28 made by Laws 2019, LB297, section 38, which sets forth the intent of the  
29 Legislature to continue the appropriations set forth in Laws 2017, LB330,  
30 section 35, in the amount of eight hundred twenty thousand dollars per  
31 year through 2050; in Laws 2017, LB330, section 36, in the amount of two

1 million one hundred sixty-five thousand nine hundred twenty-eight dollars  
2 per year through 2050; and in Laws 2017, LB330, section 37, in the amount  
3 of one million four hundred seventy-seven thousand dollars per year  
4 through 2050.

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

10 (6) (2) Sections 85-419 to 85-425 do not modify, reduce, or  
11 eliminate any provision of subsection (10) of section 85-1414 requiring  
12 the approval of the Coordinating Commission for Postsecondary Education  
13 for any ~~renewal, renovation, replacement, or repair deferred maintenance,~~  
14 ~~repair, renovation, facility addition, or facility replacement~~  
15 ~~construction~~ project authorized by section 85-421 or 85-424 and  
16 undertaken by the Board of Regents of the University of Nebraska or the  
17 Board of Trustees of the Nebraska State Colleges.

18 Sec. 16. Section 85-420, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 85-420 The University of Nebraska Facilities Program ~~of 2006~~ is  
21 created. All funds appropriated to the program by the Legislature shall  
22 be used exclusively for the projects listed in section 85-421 or for  
23 renewal, renovation, replacement, or repair ~~deferred maintenance, repair,~~  
24 renovation, facility renovation, and facility replacement ~~construction~~  
25 projects authorized pursuant to section 85-421.

26 Sec. 17. Section 85-421, Revised Statutes Cumulative Supplement,  
27 2020, is amended to read:

28 85-421 (1) The Legislature shall appropriate from the General Fund  
29 (a) an amount not less than five million five hundred thousand dollars  
30 for each fiscal year for the period beginning with the fiscal year  
31 commencing July 1, 2006, and continuing through the fiscal year ending



1 June 30, 2009, ~~and~~ (b) an amount not less than eleven million dollars for  
2 each fiscal year for the period beginning with the fiscal year commencing  
3 July 1, 2009, and continuing through the fiscal year ending June 30,  
4 2030, (c) an amount not less than two million five hundred thousand  
5 dollars for each fiscal year for the period beginning with the fiscal  
6 year commencing July 1, 2021, and continuing through the fiscal year  
7 ending June 30, 2030, (d) an amount not less than thirteen million five  
8 hundred thousand dollars for each fiscal year for the period beginning  
9 with the fiscal year commencing July 1, 2030, and continuing through the  
10 fiscal year ending June 30, 2062, and (e) an amount not less than four  
11 million four hundred sixty-two thousand nine hundred twenty-eight dollars  
12 in each fiscal year for the appropriations referred to in subsection (4)  
13 of section 85-419, which shall be continued through the fiscal year  
14 ending June 30, 2062, to the University of Nebraska Facilities Program of  
15 ~~2006~~ to be used by the Board of Regents of the University of Nebraska to  
16 accomplish projects as provided in this section. Through the allotment  
17 process established in section 81-1113, the Department of Administrative  
18 Services shall make appropriated funds available. Undisbursed  
19 appropriations balances existing in the University of Nebraska Facilities  
20 Program ~~of 2006~~ at the end of each fiscal year until June 30, ~~2063~~ 2031,  
21 shall be and are hereby reappropriated.

22 (2) The Legislature finds and determines that the projects funded  
23 through the University of Nebraska Facilities Program ~~of 2006~~ are of  
24 critical importance to the State of Nebraska. It is the intent of the  
25 Legislature that the appropriations to the program shall not be reduced  
26 until all contracts and securities relating to the construction and  
27 financing of the projects or portions of the projects funded from such  
28 funds or accounts of such funds are completed or paid but in no case  
29 shall such appropriations extend beyond the fiscal year ending June 30,  
30 ~~2062~~ 2030, nor shall the cumulative total of the General Fund  
31 appropriations for the program exceed two hundred forty-seven million

1 ~~five hundred thousand dollars.~~

2 (3) Subject to the receipt of project approval from the Coordinating  
3 Commission for Postsecondary Education as required by subsection (10) of  
4 section 85-1414 for each of the following University of Nebraska  
5 projects, the Board of Regents of the University of Nebraska is  
6 authorized to make expenditures from the University of Nebraska  
7 Facilities Program ~~of 2006~~ for the following projects: (a) Deferred  
8 maintenance, repair, and renovation of University of Nebraska at Kearney  
9 Bruner Hall; (b) construction of University of Nebraska at Kearney  
10 campus-wide central utilities plant and system; (c) construction of  
11 facilities to replace University of Nebraska-Lincoln Behlen, Brace, and  
12 Ferguson Halls or deferred maintenance, repair, and renovation of  
13 University of Nebraska-Lincoln Behlen, Brace, and Ferguson Halls; (d)  
14 construction of a facility to replace University of Nebraska-Lincoln Keim  
15 Hall or deferred maintenance, repair, and renovation of University of  
16 Nebraska-Lincoln Keim Hall; (e) deferred maintenance, repair, and  
17 renovation of University of Nebraska-Lincoln Sheldon Memorial Art  
18 Gallery; (f) deferred maintenance, repair, and renovation of University  
19 of Nebraska-Lincoln Animal Science Complex; (g) deferred maintenance,  
20 repair, and renovation of University of Nebraska Medical Center Poynter,  
21 Bennet, and Wittson Halls; (h) deferred maintenance, repair, and  
22 renovation of University of Nebraska Medical Center Eppley Institute for  
23 Research in Cancer and Allied Diseases or replacement if additional  
24 federal or private funds are received; (i) deferred maintenance, repair,  
25 and renovation of University of Nebraska Medical Center College of  
26 Dentistry; (j) deferred maintenance, repair, and renovation of University  
27 of Nebraska at Omaha Library; (k) deferred maintenance, repair, and  
28 renovation of University of Nebraska at Omaha utilities infrastructure;  
29 (l) University of Nebraska-Lincoln Scott Engineering Center; (m)  
30 University of Nebraska-Lincoln Nebraska Hall; (n) University of Nebraska-  
31 Lincoln Mabel Lee Hall/Henzlik Hall; (o) University of Nebraska Medical

1 Center Wittson Hall-Phase I; (p) University of Nebraska Medical Center  
2 Joseph D. & Millie E. Williams Science Hall (College of Pharmacy); (q)  
3 renovation of a privately funded acquisition at the University of  
4 Nebraska at Omaha; (r) University of Nebraska at Omaha Strauss Performing  
5 Arts Center; (s) University of Nebraska at Omaha Arts and Sciences Hall;  
6 ~~and~~ (t) University of Nebraska at Kearney Otto C. Olsen Building; (u) the  
7 facilities financed with the appropriations referred to in subsection (4)  
8 of section 85-419, including the Nebraska College of Technical  
9 Agriculture at Curtis Education Center and the College of Nursing  
10 Building on the campus of the University of Nebraska-Lincoln; and (v) any  
11 renewal, renovation, replacement, or repair of existing University of  
12 Nebraska facilities.

13 (4) Expenditures of matching funds provided for the projects listed  
14 in this section by the Board of Regents of the University of Nebraska as  
15 provided for in section 85-419 shall be accounted for in the Nebraska  
16 State Accounting System through the University of Nebraska Facilities  
17 Program ~~of 2006~~ or according to some other reporting process mutually  
18 agreed upon by the University of Nebraska and the Department of  
19 Administrative Services.

20 (5) The Board of Regents of the University of Nebraska shall record  
21 and report, on the Nebraska State Accounting System, expenditure of  
22 amounts from the University of Nebraska Facilities Program ~~of 2006~~ and  
23 expenditure of proceeds arising from any contract entered into pursuant  
24 to this section and section 85-422 in such manner and format as  
25 prescribed by the Department of Administrative Services or according to  
26 some other reporting process mutually agreed upon by the University of  
27 Nebraska and the Department of Administrative Services.

28 (6) At least once every two fiscal years beginning in the fiscal  
29 year 2023-24 for the biennial period from fiscal years 2023-25, the The  
30 Board of Regents of the University of Nebraska shall report to the  
31 Legislature (a) the projects expected to be constructed or newly financed

1 in the next biennium from the University of Nebraska Facilities Program  
2 and (b) the projects that were constructed or newly financed in the  
3 previous biennium from the University of Nebraska Facilities Program. In  
4 addition, at least once every five fiscal years beginning in the fiscal  
5 year 2024-25 for the fiscal years 2026-30, the Board of Regents shall  
6 provide to the Legislature a copy of its current long-term capital plan  
7 for projects to be constructed or newly financed from the University of  
8 Nebraska Facilities Program provide to the Task Force for Building  
9 Renewal semiannual reports concerning the status of each project  
10 authorized by this section.

11 (7) The Board of Regents of the University of Nebraska shall  
12 establish a program to deposit annually, beginning with the fiscal year  
13 commencing July 1, 2025, an amount equal to two percent of the total  
14 project costs of new renewal, renovation, replacement, or repair projects  
15 expended during the immediately preceding fiscal year and financed with  
16 the University of Nebraska Facilities Program. Such funds may be held by  
17 a bank or trust company in trust, and amounts deposited therein shall be  
18 invested as the Board of Regents determines in accordance with its  
19 investment policies. The Board of Regents shall apply amounts in such  
20 fund, together with investment earnings thereon, to pay for renewal,  
21 renovation, replacement, or repair projects for university facilities as  
22 the Board of Regents shall determine.

23 Sec. 18. Section 85-422, Revised Statutes Cumulative Supplement,  
24 2020, is amended to read:

25 85-422 (1) In order to accomplish any projects authorized by section  
26 85-421, the Board of Regents of the University of Nebraska may enter into  
27 contracts with any person, firm, or corporation providing for the  
28 implementation of any such project of the University of Nebraska and  
29 providing for the long-term payment of the cost of such project from the  
30 University of Nebraska Facilities Program ~~of 2006~~. In no case shall any  
31 such contract extend for a period beyond December 31, 2063 ~~2031~~, nor

1 shall any such contract exceed the repayment capabilities implicit in the  
2 funding streams authorized in sections 85-419 to 85-422 and 85-421.

3 (2) The Board of Regents of the University of Nebraska shall not  
4 pledge the credit of the State of Nebraska for the payment of any sum  
5 owing on account of such contract, except that there may be pledged for  
6 the payment of any such contract any appropriation specifically made by  
7 the Legislature for such purpose, together with such funds of the Board  
8 of Regents of the University of Nebraska as the board determines. No  
9 contract shall be entered into pursuant to this section without prior  
10 approval ~~by resolution~~ by the Board of Regents. The Board of Regents may  
11 also convey, lease, or lease back all or any part of the projects  
12 authorized by section 85-421 and the land on which such projects are  
13 situated to such person, firm, or corporation as the Board of Regents may  
14 contract with pursuant to this section to facilitate the long-term  
15 payment of the cost of such projects. Any such conveyance or lease shall  
16 provide that when the cost of such projects has been paid, together with  
17 interest and other costs thereon, such projects and the land on which  
18 such projects are located shall become the property of the Board of  
19 Regents.

20 (3) The Board of Regents of the University of Nebraska is authorized  
21 to make expenditures for the purposes stated in this section and section  
22 85-421 from investment income balances in any fund created under the  
23 authority provided for in any contract or contracts authorized by this  
24 section. Any balance existing in the University of Nebraska Facilities  
25 Program, whether from appropriations or the designated amounts identified  
26 in appropriated amounts and amounts designated or matched by the Board of  
27 Regents under section 85-419, in excess of amounts required to meet debt  
28 service and any interest thereon for any related financing contract, and  
29 excluding amounts on deposit in the trust fund established pursuant to  
30 subsection (7) of section 85-421, shall be distributed proportionally  
31 between the earnings derived from reserve funds or any other funds

1 ~~created under the authority provided for in any contract or contracts~~  
2 ~~authorized by this section shall be accumulated and applied toward early~~  
3 ~~retirement of debt as authorized under any resolution, indenture, or~~  
4 ~~other contract entered into by the Board of Regents as authorized by this~~  
5 ~~section. The Board of Regents and the Department of Administrative~~  
6 ~~Services as to the total amount contributed to the program by the Board~~  
7 ~~of Regents pursuant to section 85-419 and by the state, beginning in the~~  
8 ~~fiscal year commencing July 1, 2009, through and including the fiscal~~  
9 ~~year ending June 30, 2062, on December 31, 2063 shall, on or before~~  
10 ~~January 1, 2007, enter into an agreement providing for the allocation and~~  
11 ~~distribution of any balances existing in the University of Nebraska~~  
12 ~~Facilities Program of 2006 or any other funds created as part of long-~~  
13 ~~term contracts entered into by the Board of Regents pursuant to this~~  
14 ~~section to the General Fund and any other funds designated by the Board~~  
15 ~~of Regents as a source of funds for the match specified in section 85-419~~  
16 ~~either on December 31, 2031, or when all financial obligations incurred~~  
17 ~~in the contracts entered into by the Board of Regents pursuant to this~~  
18 ~~section are discharged, whichever occurs first.~~

19       Sec. 19. Section 85-423, Revised Statutes Cumulative Supplement,  
20 2020, is amended to read:

21       85-423 The State College Facilities Program ~~of 2006~~ is created. All  
22 funds appropriated to the program by the Legislature shall be used  
23 exclusively for the projects listed in section 85-424 or for renewal,  
24 renovation, replacement, or repair ~~deferred maintenance, repair,~~  
25 ~~renovation, and facility replacement~~ construction projects authorized  
26 pursuant to section 85-424.

27       Sec. 20. Section 85-424, Revised Statutes Cumulative Supplement,  
28 2020, is amended to read:

29       85-424 (1) ~~The Beginning with the fiscal year commencing July 1,~~  
30 ~~2006, and continuing through the fiscal year ending June 30, 2030, the~~  
31 Legislature shall appropriate each fiscal year from the General Fund (a)

1 an amount not less than one million one hundred twenty-five thousand  
2 dollars to the State College Facilities Program for each fiscal year for  
3 the period commencing July 1, 2006, and continuing through the fiscal  
4 year ending June 30, 2040, and (b) an amount not less than two million  
5 two hundred sixteen thousand dollars in each fiscal year for the  
6 appropriations referred to in subsection (5) of section 85-419, which  
7 shall be continued through the fiscal year ending June 30, 2040, to the  
8 State College Facilities Program ~~of 2006~~ to be used by the Board of  
9 Trustees of the Nebraska State Colleges to accomplish projects as  
10 provided in this section. Through the allotment process established in  
11 section 81-1113, ~~at a minimum,~~ the Department of Administrative Services  
12 shall make appropriated funds available. Undisbursed appropriations  
13 balances existing in the State College Facilities Program ~~of 2006~~ at the  
14 end of each fiscal year until June 30, 2041 ~~2031~~, shall be and are hereby  
15 reappropriated.

16 (2) The Legislature finds and determines that the projects funded  
17 through the State College Facilities Program ~~program~~ are of critical  
18 importance to the State of Nebraska. It is the intent of the Legislature  
19 that the appropriations to the program shall not be reduced until all  
20 contracts and securities relating to the construction and financing of  
21 the projects or portions of the projects funded from such funds or  
22 accounts of such funds are completed or paid but in no case shall such  
23 appropriations extend beyond the fiscal year ending June 30, 2040 ~~2030~~,  
24 ~~nor shall the cumulative total of the General Fund appropriations for the~~  
25 ~~program exceed twenty-seven million dollars.~~

26 (3) Subject to the receipt of project approval from the Coordinating  
27 Commission for Postsecondary Education as required by subsection (10) of  
28 section 85-1414 for each of the following state college projects, the  
29 Board of Trustees of the Nebraska State Colleges is authorized to make  
30 expenditures from the State College Facilities Program ~~of 2006~~ for the  
31 following state college projects: (a) Deferred maintenance, repair, and

1 renovation of Chadron State College Academic/Administration Building; (b)  
2 design and placement of a new Peru State College emergency power  
3 generator; (c) replacement of existing Peru State College Al Wheeler  
4 Activity Center bleachers; (d) addition to and deferred maintenance,  
5 repair, and renovation of Peru State College Al Wheeler Activity Center;  
6 (e) addition to and deferred maintenance, repair, and renovation of Wayne  
7 State College Campus Services Building; (f) deferred maintenance, repair,  
8 and renovation of Wayne State College Rice Auditorium; (g) deferred  
9 maintenance, repair, and renovation of Wayne State College Memorial  
10 Stadium; (h) replacement of or deferred maintenance, repair, and  
11 renovation of Chadron State College stadium; (i) addition to and deferred  
12 maintenance, repair, and renovation of Peru State College Theatre/Event  
13 Center; (j) construction of a facility to replace Wayne State College  
14 Benthack Hall applied technology programmatic space; and (k) systemwide  
15 miscellaneous fire and life safety, energy conservation, deferred repair,  
16 federal Americans with Disabilities Act of 1990, and asbestos removal  
17 projects; (l) construction of the Math Science Facility at Chadron State  
18 College; and (m) any renewal, renovation, replacement, or repair of  
19 existing state college facilities.

20 (4) Expenditures of matching funds provided for the projects listed  
21 in this section by the Board of Trustees of the Nebraska State Colleges  
22 as provided for in section 85-419 shall be accounted for in the Nebraska  
23 State Accounting System through the State College Facilities Program of  
24 ~~2006~~ or according to some other reporting process mutually agreed upon by  
25 the state colleges and the Department of Administrative Services.

26 (5) The Board of Trustees of the Nebraska State Colleges shall  
27 record and report, on the Nebraska State Accounting System, expenditure  
28 of amounts from the State College Facilities Program of ~~2006~~ and  
29 expenditure of proceeds arising from any contract entered into pursuant  
30 to this section and section 85-425 in such manner and format as  
31 prescribed by the Department of Administrative Services or according to



1 some other reporting process mutually agreed upon by the state colleges  
2 and the Department of Administrative Services.

3 (6) At least once every two fiscal years beginning with fiscal year  
4 2023-24 for the biennial period from fiscal years 2023-25, the ~~The~~ Board  
5 of Trustees of the Nebraska State Colleges shall report to the  
6 Legislature (a) the projects expected to be constructed or newly financed  
7 in the next biennium from the State College Facilities Program and (b)  
8 the projects that were constructed or newly financed in the previous  
9 biennium from the State College Facilities Program. In addition, at least  
10 once every ten fiscal years beginning with fiscal year 2022-23, the Board  
11 of Trustees shall provide to the Legislature a copy of its current long-  
12 term capital plan for projects to be constructed or newly financed from  
13 the State College Facilities Program ~~provide to the Task Force for~~  
14 ~~Building Renewal semiannual reports concerning the status of each project~~  
15 ~~authorized by this section.~~

16 Sec. 21. Section 85-425, Revised Statutes Cumulative Supplement,  
17 2020, is amended to read:

18 85-425 (1) In order to accomplish any projects authorized by section  
19 85-424, the Board of Trustees of the Nebraska State Colleges may enter  
20 into contracts with any person, firm, or corporation providing for the  
21 implementation of any such project of the Nebraska state colleges and  
22 providing for the long-term payment of the cost of such project from the  
23 State College Facilities Program ~~of 2006~~. In no case shall any such  
24 contract extend for a period beyond December 31, 2041 ~~2030~~, nor shall any  
25 such contract exceed the repayment capabilities implicit in the funding  
26 streams authorized in sections 85-419 and 85-424.

27 (2) The Board of Trustees of the Nebraska State Colleges shall not  
28 pledge the credit of the State of Nebraska for the payment of any sum  
29 owing on account of such contract, except that there may be pledged for  
30 the payment of any such contract any appropriation specifically made by  
31 the Legislature for such purpose, together with such funds of the Board

1 of Trustees as the board determines. No contract shall be entered into  
2 pursuant to this section without prior approval ~~by resolution~~ by the  
3 Board of Trustees. The Board of Trustees may also convey, lease, or lease  
4 back all or any part of the projects authorized by section 85-424 and the  
5 land on which such projects are situated to such person, firm, or  
6 corporation as the Board of Trustees may contract with pursuant to this  
7 section to facilitate the long-term payment of the cost of such projects.  
8 Any such conveyance or lease shall provide that when the cost of such  
9 projects has been paid, together with interest and other costs thereon,  
10 such projects and the land on which such projects are located shall  
11 become the property of the Board of Trustees.

12 (3) The Board of Trustees of the Nebraska State Colleges is  
13 authorized to make expenditures for the purposes stated in this section  
14 and section 85-424 from investment interest income balances in any fund  
15 created under the authority provided for in any contract or contracts  
16 authorized by this section. Any balance existing in the State College  
17 Facilities Program, whether from appropriations or the designated amounts  
18 identified in appropriated amounts and amounts designated or matched by  
19 the Board of Trustees under section 85-419, in excess of amounts required  
20 to meet debt service and any interest thereon for any related financing  
21 contract, shall be distributed proportionally between the earnings  
22 derived from reserve funds or any other funds created under the authority  
23 provided for in any contract or contracts authorized by this section  
24 shall be accumulated and applied toward early retirement of debt as  
25 authorized under any resolution, indenture, or other contract entered  
26 into by the Board of Trustees as authorized by this section. The Board of  
27 Trustees and the Department of Administrative Services as to the total  
28 amount contributed to the program by the Board of Trustees pursuant to  
29 section 85-419 and by the state, beginning in the fiscal year commencing  
30 July 1, 2006, through and including the fiscal year ending June 30, 2040,  
31 on December 31, 2041 shall, on or before January 1, 2007, enter into an

1 ~~agreement providing for the allocation and distribution of any balances~~  
2 ~~existing in the State College Facilities Program of 2006 or any other~~  
3 ~~funds created as part of a long-term contract entered into by the Board~~  
4 ~~of Trustees pursuant to this section to the General Fund and any other~~  
5 ~~funds designated by the Board of Trustees as a source of funds for the~~  
6 ~~match specified in section 85-419 either on December 31, 2030, or when~~  
7 all financial obligations incurred in the contracts entered into by the  
8 Board of Trustees pursuant to this section are discharged, whichever  
9 occurs first.

10 Sec. 22. Section 85-426, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 85-426 All capital construction projects, including applicable  
13 financing plans, proposed by any nonprofit corporation created by the  
14 Board of Regents of the University of Nebraska or the Board of Trustees  
15 of the Nebraska State Colleges shall be submitted to the Legislature for  
16 review and approval or disapproval by the Legislature, or if the  
17 Legislature is not in session, the Executive Board of the Legislative  
18 Council, when (1) state general funds, (2) funds received by the  
19 University of Nebraska or any state college for the purposes of  
20 reimbursing overhead costs and expenses in connection with any federal or  
21 other grant or contract, (3) tuition, or (4) the state's operating  
22 investment pool investment income constitutes all or any part of the  
23 funds used for the repayment of all or any part of the bonds of such  
24 nonprofit corporation. This section does not apply to any construction  
25 project or financing plan comprising part of the University of Nebraska  
26 Facilities Program or the State College Facilities Program to the extent  
27 that subsection (6) of section 85-421 and subsection (6) of section  
28 85-424 have been complied with by the respective boards referenced in  
29 such sections.

30 Sec. 23. Section 86-324, Revised Statutes Cumulative Supplement,  
31 2020, is amended to read:

1           86-324 (1) The Nebraska Telecommunications Universal Service Fund is  
2 hereby created. The fund shall provide the assistance necessary to make  
3 universal access to telecommunications services available to all persons  
4 in the state consistent with the policies set forth in the Nebraska  
5 Telecommunications Universal Service Fund Act. Only eligible  
6 telecommunications companies designated by the commission shall be  
7 eligible to receive support to serve high-cost areas from the fund. A  
8 telecommunications company that receives such support shall use that  
9 support only for the provision, maintenance, and upgrading of facilities  
10 and services for which the support is intended. Any such support should  
11 be explicit and sufficient to achieve the purpose of the act.

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

15           (a) Shall have authority and power to subject eligible  
16 telecommunications companies to service quality, customer service, and  
17 billing regulations. Such regulations shall apply only to the extent of  
18 any telecommunications services or offerings made by an eligible  
19 telecommunications company which are eligible for support by the fund.  
20 The commission shall be reimbursed from the fund for all costs related to  
21 drafting, implementing, and enforcing the regulations and any other  
22 services provided on behalf of customers pursuant to this subdivision;

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

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

30           (d) Shall require every telecommunications company to contribute to  
31 any universal service mechanism established by the commission pursuant to

1 state law. The commission shall require, as reasonably necessary, an  
2 annual audit of any telecommunications company to be performed by a  
3 third-party certified public accountant to insure the billing,  
4 collection, and remittance of a surcharge for universal service. The  
5 costs of any audit required pursuant to this subdivision shall be paid by  
6 the telecommunications company being audited;

7 (e) Shall require an audit of information provided by a  
8 telecommunications company to be performed by a third-party certified  
9 public accountant for purposes of calculating universal service fund  
10 payments to such telecommunications company. The costs of any audit  
11 required pursuant to this subdivision shall be paid by the  
12 telecommunications company being audited; and

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

15 (3) Any money in the fund available for investment shall be invested  
16 by the state investment officer pursuant to the Nebraska Capital  
17 Expansion Act and the Nebraska State Funds Investment Act, ~~and for the~~  
18 ~~period July 1, 2017, through June 30, 2019, any interest earned by the~~  
19 ~~fund shall be credited to the General Fund.~~

20 (4) Transfers may be made from earnings on the Nebraska  
21 Telecommunications Universal Service Fund to the 211 Cash Fund at the  
22 direction of the Legislature. The State Treasurer shall annually transfer  
23 three hundred thousand dollars on July 1 beginning in 2021 from the  
24 earnings on the Nebraska Telecommunications Universal Service Fund to the  
25 211 Cash Fund.

26 Sec. 24. Section 86-594, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 86-594 (1) Except as provided in the Educational Service Units Act  
29 and sections 79-1319, 81-1120.01 to 81-1120.28, 85-401 to ~~85-411~~ 85-418,  
30 85-1501 to 85-1542, and 86-575, an agency or political subdivision of the  
31 state that is not a public power supplier shall not provide on a retail

1 or wholesale basis any broadband services, Internet services,  
2 telecommunications services, or video services.

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

6 Sec. 25. Section 86-1103, Revised Statutes Cumulative Supplement,  
7 2020, is amended to read:

8 86-1103 The Rural Broadband Task Force Fund is created. The fund  
9 shall be used to carry out the purposes of the Rural Broadband Task Force  
10 as described in section 86-1102 and to provide for a state broadband  
11 coordinator. For administrative purposes, the fund shall be located in  
12 the Nebraska Information Technology Commission. The fund shall consist of  
13 money appropriated or transferred by the Legislature and gifts, grants,  
14 or bequests from any source, including federal, state, public, and  
15 private sources. Any money in the fund available for investment shall be  
16 invested by the state investment officer pursuant to the Nebraska Capital  
17 Expansion Act and the Nebraska State Funds Investment Act.

18 Sec. 26. The United States Space Command Headquarters Assistance  
19 Fund is created. The fund shall be used to contribute to the construction  
20 of the United States Space Command headquarters if the State of Nebraska  
21 is selected as the site for the headquarters. The Adjutant General of the  
22 State of Nebraska shall administer the fund. The fund shall consist of  
23 transfers authorized by the Legislature and any gifts, grants, or  
24 bequests from any source, including federal, state, public, and private  
25 sources, for such purposes. Any money in the fund available for  
26 investment shall be invested by the state investment officer pursuant to  
27 the Nebraska Capital Expansion Act and the Nebraska State Funds  
28 Investment Act.

29 Sec. 27. Original sections 71-812, 72-729.01, 85-420, 85-426, and  
30 86-594, Reissue Revised Statutes of Nebraska, and sections 9-1,101,  
31 58-706, 61-222, 71-7611, 81-1220, 82-331, 85-419, 85-421, 85-422, 85-423,

1 85-424, 85-425, 86-324, and 86-1103, Revised Statutes Cumulative  
2 Supplement, 2020, are repealed.

3 Sec. 28. The following sections are outright repealed: Sections  
4 85-412, 85-413, 85-414, 85-415, 85-416, 85-417, and 85-418, Reissue  
5 Revised Statutes of Nebraska.

6 Sec. 29. Since an emergency exists, this act takes effect when  
7 passed and approved according to law.