

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1012

FINAL READING

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

Read first time January 13, 2022

Committee: Appropriations

1 A BILL FOR AN ACT relating to appropriations; to amend sections
2 81-1210.02 and 81-12,145, Reissue Revised Statutes of Nebraska,
3 sections 75-1101, 81-829.33, 81-1210.01, 81-1210.04, 81-12,153,
4 81-12,154, 81-12,156, 81-12,162, and 83-904, Revised Statutes
5 Cumulative Supplement, 2020, and sections 71-7611, 81-12,147,
6 81-12,148, 81-12,149, 81-12,213, 81-12,218, 82-331, 83-973, 85-424,
7 and 86-324, Revised Statutes Supplement, 2021; to provide for and
8 change fund transfer provisions; to create and change permitted uses
9 of funds; to provide for and change grant provisions; to change
10 provisions relating to internship programs, capital construction,
11 the Business Innovation Act, and the Nebraska Rural Projects Act; to
12 eliminate provisions regarding state agency postage reimbursement
13 and obsolete provisions regarding fund transfers; to harmonize
14 provisions; to repeal the original sections; to outright repeal
15 section 81-167, Reissue Revised Statutes of Nebraska; and to declare
16 an emergency.

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

1 Section 1. The State Treasurer shall transfer \$500,000 from the
2 General Fund to the Community College State Dependents Fund on or before
3 April 30, 2022, on such dates and in such amounts as directed by the
4 budget administrator of the budget division of the Department of
5 Administrative Services.

6 Sec. 2. The State Treasurer shall transfer \$1,000,000 from the
7 General Fund to the Community College State Dependents Fund on July 1,
8 2022, or as soon thereafter as administratively possible, as directed by
9 the budget administrator of the budget division of the Department of
10 Administrative Services.

11 Sec. 3. The Community College State Dependents Fund is created. The
12 fund shall be used to reimburse tuition expenses for dependents of
13 Nebraska state employees enrolled in one of the state's six community
14 colleges. The Department of Administrative Services shall administer the
15 fund through the benefits administration program. The fund shall consist
16 of transfers authorized by the Legislature and any gifts, grants, or
17 bequests for such purposes from any source, including federal, state,
18 public, and private sources. Any money in the fund available for
19 investment shall be invested by the state investment officer pursuant to
20 the Nebraska Capital Expansion Act and the Nebraska State Funds
21 Investment Act.

22 Sec. 4. (1) The Perkins County Canal Project Fund is created. The
23 fund shall be administered by the Department of Natural Resources. The
24 State Treasurer shall credit to the fund any money transferred by the
25 Legislature and such grants, loans, donations, gifts, bequests, or other
26 money received from any federal or state agency or public or private
27 source for use by the department for the canal project. Any money in the
28 Perkins County Canal Project 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. Any investment
31 earnings from investment of money in the fund shall be credited to the

1 fund.

2 (2)(a) The department shall use the fund for design, engineering,
3 permitting, and options to purchase land related to building a canal as
4 outlined by the South Platte River Compact and to contract with an
5 independent firm for the purposes of completing a study of such canal.
6 The study shall include, but may not be limited to, the following:

7 (i) Costs of completion of a canal and adjoining reservoirs as
8 outlined in the South Platte River Compact;

9 (ii) A timeline for completion of a canal and adjoining reservoirs
10 as outlined in the South Platte River Compact;

11 (iii) A cost-effectiveness study examining alternatives, including
12 alternatives that may reduce environmental or financial impacts; and

13 (iv) The impacts of the canal on drinking water supplies for the
14 cities of Lincoln and Omaha.

15 (b) The department shall provide the findings of such study
16 electronically to the Clerk of the Legislature and present the findings
17 at a public hearing held by the Appropriations Committee of the
18 Legislature on or before December 31, 2022.

19 Sec. 5. (1) The Military Base Development and Support Fund is
20 created. The fund shall be used to contribute to construction,
21 development, or support on any military base, located in Nebraska, for
22 purposes of improving mission retention and recruitment; supporting the
23 morale, health, and mental wellness of military members and families; and
24 growing the economic impact of military bases in Nebraska. The Department
25 of Veterans' Affairs shall administer the fund. The fund shall consist of
26 transfers authorized by the Legislature and any gifts, grants, or
27 bequests from any source, including federal, state, public, and private
28 sources, for such purposes. Any money in the fund available for
29 investment shall be invested by the state investment officer pursuant to
30 the Nebraska Capital Expansion Act and the Nebraska State Funds
31 Investment Act.

1 (2) The fund may be used for projects on military bases located in
2 Nebraska, including, but not limited to:

3 (a) An outdoor airman amenity pavilion;

4 (b) Track and field stadium improvements;

5 (c) A parade-ground walking trail;

6 (d) Improvements at Willow Lakes Golf Course;

7 (e) Base Lake improvements;

8 (f) Landscape enhancements;

9 (g) Deterrence Park;

10 (h) Looking Glass Heritage Park;

11 (i) Quarters 13 comprehensive repairs, design, and construction; and

12 (j) B1000 Rooftop Garden.

13 (3) The Department of Veterans' Affairs shall require a match of
14 private funding in an amount equal to or greater than one-half of the
15 total cost of any project listed in subsection (2) of this section prior
16 to authorizing an expenditure from the fund.

17 Sec. 6. The Trail Development and Maintenance Fund is hereby
18 created. The fund shall consist of transfers at the direction of the
19 Legislature and any gifts, bequests, or other contributions to such fund
20 from public or private entities. The Game and Parks Commission shall
21 administer the fund to provide grants to natural resources districts to
22 assist in completing the Missouri-Pacific trail between the cities of
23 Lincoln and Omaha. Any money in the fund available for investment shall
24 be invested by the state investment officer pursuant to the Nebraska
25 Capital Expansion Act and the Nebraska State Funds Investment Act.

26 Sec. 7. (1) The Jobs and Economic Development Initiative Fund is
27 created. The fund shall be administered by the Department of Natural
28 Resources. The State Treasurer shall credit to the fund any money
29 transferred to the fund by the Legislature and such donations, gifts,
30 bequests, or other money received from any federal or state agency or
31 public or private source. The fund shall be used for water and

1 recreational projects pursuant to the Jobs and Economic Development
2 Initiative Act. Any money in the fund available for investment shall be
3 invested by the state investment officer pursuant to the Nebraska Capital
4 Expansion Act and the Nebraska State Funds Investment Act. Any investment
5 earnings from investment of money in the fund shall be credited to the
6 fund.

7 (2) An amount, not to exceed twenty million dollars, shall be
8 available for site selection costs, feasibility and public water supply
9 studies, and flood mitigation costs of the Department of Natural
10 Resources related to any projects pursuant to the Jobs and Economic
11 Development Initiative Act. The Department of Natural Resources shall, in
12 cooperation with impacted communities, including, but not limited to, any
13 city of the primary class and metropolitan utilities district, contract
14 with an independent consultant to conduct a study on the consequences of
15 any lake located in the Lower Platte River Basin to the public water
16 supply of such communities. Such study shall consider all aspects of
17 water quality, water quantity, and water infrastructure, and any other
18 issues necessary to protect the public water supply, including the impact
19 to future water supply opportunities to the impacted communities.

20 (3) No funds shall be expended for any project, other than those
21 enumerated in subsection (2) of this section, from the Jobs and Economic
22 Development Initiative Fund unless the Director of Natural Resources
23 certifies to the budget administrator of the budget division of the
24 Department of Administrative Services that the Department of Natural
25 Resources has conducted any environmental, hydrological, or other
26 feasibility studies the director deems necessary to establish the
27 feasibility of any projects pursuant to the Jobs and Economic Development
28 Initiative Act and that, based on the results of such studies, the
29 director has deemed the projects feasible.

30 Sec. 8. (1) The Water Recreation Enhancement Fund is created. The
31 fund shall be administered by the Game and Parks Commission. The State

1 Treasurer shall credit to the fund any money transferred to the fund by
2 the Legislature and such donations, gifts, bequests, or other money
3 received from any federal or state agency or public or private source.
4 The fund shall be used for water and recreational projects pursuant to
5 the Water Recreation Enhancement Act. Any money in the fund available for
6 investment shall be invested by the state investment officer pursuant to
7 the Nebraska Capital Expansion Act and the Nebraska State Funds
8 Investment Act. Any investment earnings from investment of money in the
9 fund shall be credited to the fund.

10 (2) For any amount credited to the fund from a source other than a
11 transfer authorized by the Legislature, the State Treasurer shall
12 transfer an equal amount from the Water Recreation Enhancement Fund to
13 the Jobs and Economic Development Initiative Fund at the end of the
14 fiscal year in which such funds were credited, on such dates as directed
15 by the budget administrator of the budget division of the Department of
16 Administrative Services to be used pursuant to section 7 of this act.

17 Sec. 9. There is hereby created the Surface Water Irrigation
18 Infrastructure Fund to be administered by the Department of Natural
19 Resources. The fund shall be used to provide grants in accordance with
20 section 10 of this act to irrigation districts. There shall be a one-time
21 transfer of fifty million dollars from the Cash Reserve Fund to the
22 Surface Water Irrigation Infrastructure Fund to carry out the purposes of
23 section 10 of this act. Any money in the Surface Water Irrigation
24 Infrastructure Fund available for investment shall be invested by the
25 state investment officer pursuant to the Nebraska Capital Expansion Act
26 and the Nebraska State Funds Investment Act.

27 Sec. 10. The Department of Natural Resources shall establish
28 procedures and criteria for awarding grants to irrigation districts from
29 the Surface Water Irrigation Infrastructure Fund to be used for repair or
30 construction of any headgate, flume, diversion structure, check valve, or
31 any other physical structure used for irrigation projects. The department

1 may award grants, not to exceed five million dollars per applicant, to an
2 irrigation district that applies to the department based on criteria and
3 procedures established by the department. In order to receive a grant
4 under this section, a grant applicant shall provide matching funds equal
5 to ten percent of the grant amount awarded for such project.

6 Sec. 11. Section 71-7611, Revised Statutes Supplement, 2021, is
7 amended to read:

8 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State
9 Treasurer shall transfer (a) sixty million three hundred thousand dollars
10 on or before July 15, 2014, (b) sixty million three hundred fifty
11 thousand dollars on or before July 15, 2015, (c) sixty million three
12 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty
13 million seven hundred thousand dollars on or before July 15, 2017, (e)
14 five hundred thousand dollars on or before May 15, 2018, (f) sixty-one
15 million six hundred thousand dollars on or before July 15, 2018, (g)
16 sixty-two million dollars on or before July 15, 2019, (h) sixty-one
17 million four hundred fifty thousand dollars on or before July 15, 2020,
18 ~~and~~ (i) sixty-six million two hundred thousand dollars on or before July
19 15, 2022, and (j) fifty-one million dollars on or before every July 15
20 thereafter from the Nebraska Medicaid Intergovernmental Trust Fund and
21 the Nebraska Tobacco Settlement Trust Fund to the Nebraska Health Care
22 Cash Fund, except that such amount shall be reduced by the amount of the
23 unobligated balance in the Nebraska Health Care Cash Fund at the time the
24 transfer is made. The state investment officer shall advise the State
25 Treasurer on the amounts to be transferred first from the Nebraska
26 Medicaid Intergovernmental Trust Fund until the fund balance is depleted
27 and from the Nebraska Tobacco Settlement Trust Fund thereafter in order
28 to sustain such transfers in perpetuity. The state investment officer
29 shall report electronically to the Legislature on or before October 1 of
30 every even-numbered year on the sustainability of such transfers. The
31 Nebraska Health Care Cash Fund shall also include money received pursuant

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

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

7 Except as otherwise provided in subsections (6) and (7) ~~subsection~~
8 ~~(6)~~ of this section, it is the intent of the Legislature that no
9 additional programs are funded through the Nebraska Health Care Cash Fund
10 until funding for all programs with an appropriation from the fund during
11 FY2012-13 are restored to their FY2012-13 levels.

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

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

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

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

31 (6) It is the intent of the Legislature to fund the grants to be

1 awarded pursuant to section 75-1101 with the Nebraska Health Care Cash
2 Fund for FY2019-20 and FY2020-21.

3 (7) The State Treasurer shall transfer fifteen million dollars from
4 the Nebraska Health Care Cash Fund on or after July 1, 2022, but before
5 June 30, 2023, to the Board of Regents of the University of Nebraska for
6 the University of Nebraska Medical Center for pancreatic cancer research
7 at the University of Nebraska Medical Center. Transfers from the Nebraska
8 Health Care Cash Fund in this subsection shall be contingent upon receipt
9 of any matching funds from private or other sources, up to fifteen
10 million dollars, certified by the budget administrator of the budget
11 division of the Department of Administrative Services. Upon receipt of
12 any matching funds certified by the budget administrator, the State
13 Treasurer shall transfer an equal amount of funds to the Board of Regents
14 of the University of Nebraska.

15 Sec. 12. Section 75-1101, Revised Statutes Cumulative Supplement,
16 2020, is amended to read:

17 75-1101 (1) For purposes of this section, 211 Information and
18 Referral Network means a statewide information and referral network
19 providing information to the public regarding disaster and emergency
20 response and health and human services provided by public and private
21 entities throughout the state.

22 (2) The Public Service Commission shall award a grant annually to a
23 211 Information and Referral Network which submits an application and
24 meets the requirements of this section. Beginning July 1, 2022, the The
25 amount of each grant shall be nine ~~three~~ hundred fifty-five thousand
26 dollars.

27 (3) To be eligible for a grant, the 211 Information and Referral
28 Network shall update the information and referral services on the network
29 at least annually, shall geographically index the services to provide
30 information on a county-by-county basis, and shall be accredited as
31 meeting the standards for service delivery and quality by the Alliance of

1 Information and Referral Systems or a similar organization approved by
2 the commission.

3 (4) The grant may be used to establish a website which includes
4 links to providers of health and human services, the name, address, and
5 telephone number of any organization listed on the website, a description
6 of the type of services provided by the organization, and other
7 information to educate the public about the health and human services
8 available on a geographic basis. The grant may also be used to provide
9 access to the network twenty-four hours per day, seven days per week,
10 through telephone access and website access.

11 (5) There is hereby created the 211 Cash Fund. The fund shall be
12 used solely for the purpose of providing grants pursuant to this section
13 and associated administrative costs. All money received by the Public
14 Service Commission for such grants shall be remitted to the State
15 Treasurer for credit to such fund. Any money in the fund available for
16 investment shall be invested by the state investment officer pursuant to
17 the Nebraska Capital Expansion Act and the Nebraska State Funds
18 Investment Act.

19 Sec. 13. Section 81-829.33, Revised Statutes Cumulative Supplement,
20 2020, is amended to read:

21 81-829.33 The Governor's Emergency Cash Fund is created. The fund
22 shall consist of federal reimbursements received by the state for
23 eligible state administrative costs incurred by the Nebraska Emergency
24 Management Agency for administering federal emergency disaster
25 declarations and revenue from all other nonfederal government sources.
26 Except as provided in section 90-270, the fund shall be used to pay
27 eligible costs related to state emergency disaster declarations. The fund
28 shall be administered by the State Administrator of the Nebraska
29 Emergency Management Agency. Any money in the fund available for
30 investment shall be invested by the state investment officer pursuant to
31 the Nebraska Capital Expansion Act and the Nebraska State Funds

1 Investment Act.

2 Transfers may be made from the Governor's Emergency Cash Fund to the
3 Cash Reserve Fund and General Fund at the direction of the Legislature.
4 The State Treasurer shall transfer fourteen million dollars from the
5 Governor's Emergency Cash Fund to the Cash Reserve Fund by June 30, 2023,
6 on such dates and in such amounts as directed by the budget administrator
7 of the budget division of the Department of Administrative Services.

8 ~~Transfers may be made from the Governor's Emergency Cash Fund to the~~
9 ~~Cash Reserve Fund at the direction of the Legislature through June 30,~~
10 ~~2021. The State Treasurer shall transfer sixty million dollars from the~~
11 ~~Governor's Emergency Cash Fund to the Cash Reserve Fund between August 7,~~
12 ~~2020, and June 30, 2021, on such dates and in such amounts as directed by~~
13 ~~the budget administrator of the budget division of the Department of~~
14 ~~Administrative Services.~~

15 Sec. 14. Section 81-1210.01, Revised Statutes Cumulative Supplement,
16 2020, is amended to read:

17 81-1210.01 For purposes of sections 81-1210.01 to 81-1210.03:

18 (1) Department means the Department of Economic Development;

19 (2) Internship means employment of a student in a professional or
20 technical position for a limited period of time, by a business in
21 Nebraska, in which the student:

22 (a) ~~Gains gains~~ valuable applied work experiences; work experience,

23 (b) ~~Increases increases~~ knowledge and develops connections that
24 assist that assists with career decisionmaking; ~~and~~

25 (c) Has the opportunity to match with an employer seeking talent to
26 evaluate, develop, and retain; or

27 (d) Receives credited or certified training for skilled positions
28 that will help resolve skilled workforce shortages and create talent
29 pipelines for Nebraska industries ~~assists the business in accelerating~~
30 ~~short-term business objectives; and~~

31 (3) Student means any person who:

1 (a) Is in eleventh or twelfth grade in a public or private high
2 school or a school which elects pursuant to section 79-1601 not to meet
3 accreditation or approval requirements in Nebraska;

4 (b) Is enrolled ~~full-time~~ in a college, a university, a certified
5 training institution, or some other institution of higher education; or

6 (c) Applies for an internship within twelve ~~six~~ months following
7 graduation from a public or private secondary school, a school that
8 elects pursuant to section 79-1601 not to meet accreditation or approval
9 requirements in Nebraska, or a college, a university, a certified
10 training institution, or some other institution of higher education.

11 Sec. 15. Section 81-1210.02, Reissue Revised Statutes of Nebraska,
12 is amended to read:

13 81-1210.02 (1) The intent of sections 81-1210.01 to 81-1210.03 is to
14 provide students with valuable internship opportunities in order to
15 retain such students in the State of Nebraska at institutions of higher
16 education, convert students to full-time employment in Nebraska, and
17 attract workers to Nebraska by assisting Nebraska businesses willing to
18 provide paid internships.

19 (2) A business may apply to the department for a grant to assist in
20 providing a student an internship if:

21 (a) The business certifies that the internship meets the definition
22 of internship in section 81-1210.01;

23 (b) The business will pay the student at least the state federal
24 minimum hourly wage for the internship;

25 (c) The internship will be completed within the State of Nebraska;

26 (d) The internship will be completed within a period of no more than
27 twenty-four ~~twelve~~ months; and

28 (e) The internship will be for a duration sufficient to allow the
29 student to gain significant valuable work experience and knowledge.

30 (3)(a) (3) The department may provide grants for internships to
31 reimburse the cost of wages paid to businesses with less than fifty full-

1 time-equivalent employees.

2 (b) The department may also provide grants for internships to any
3 business to reimburse the costs for any of the following:

4 (i) Tuition reimbursement for courses at institutions of higher
5 education;

6 (ii) Internship housing;

7 (iii) Transportation expenses relating to internships; and

8 (iv) Internship administrative or recruitment costs.

9 (c) The maximum grant award per internship is seven thousand five
10 hundred dollars. in the following amounts:

11 ~~(a) If the student receiving the internship is a Federal Pell Grant~~
12 ~~recipient at the time of grant application, the grant may be up to the~~
13 ~~lesser of seventy-five percent of the cost of the internship or seven~~
14 ~~thousand five hundred dollars. The business applying for the grant shall~~
15 ~~provide the department with documentation to prove that the student is a~~
16 ~~Federal Pell Grant recipient; and~~

17 ~~(b) For all other students, the grant may be up to the lesser of~~
18 ~~seventy-five percent of the cost of the internship or five thousand~~
19 ~~dollars.~~

20 (4) A business may apply for no more than two grants for the same
21 student, ~~shall not be awarded more than five grants at any one location~~
22 ~~in any twelve-month period,~~ and shall not be awarded more than one
23 hundred ~~ten~~ grants total in any twelve-month period.

24 (5) A business may allow a student to telecommute if the business is
25 located more than thirty miles from the college, university, or other
26 institution of higher education in which the student is enrolled and if
27 the college, university, or other institution of higher education is in
28 Nebraska.

29 (6) The department shall, to the extent possible, assure that the
30 distribution of grants under sections 81-1210.01 to 81-1210.03 provides
31 equitable access to the grants by all geographic areas of the state.

1 (7) The department shall, to the extent possible, assure that the
2 grants awarded pursuant to sections 81-1210.01 to 81-1210.03 are for
3 internships which provide valuable learning opportunities for students
4 who will be seeking employment in a professional or technical field.

5 (8) The department shall not allocate more than one million five
6 hundred thousand dollars in any one fiscal year from the Job Training
7 Cash Fund or its subaccounts for purposes of this section. The department
8 may receive funds from public, private, or other sources for purposes of
9 this section.

10 (9) The department shall develop a qualified action plan by January
11 1 of each even-numbered year. The plan shall, at a minimum, set forth the
12 department's priorities and selection criteria for awarding grants for
13 internships. In order to encourage students from across Nebraska to
14 pursue internships, the plan shall also include strategies for
15 affirmatively marketing internships to Nebraska students in high schools,
16 colleges, universities, and other institutions of higher education in
17 Nebraska. Such strategies shall place an emphasis on marketing to
18 underserved student populations as defined by the department in the plan.
19 The department shall submit the plan to the Governor for approval.

20 (10) The department shall execute a memorandum of understanding with
21 the Department of Labor before December 31, 2022, to ensure the exchange
22 of available Department of Labor data throughout the continuum from
23 prekindergarten to postsecondary education to the workforce. The
24 department may utilize data and agreements under sections 79-776, 85-110,
25 85-309, and 85-1511.

26 (11) The department shall submit an annual report to the Governor
27 and the Legislature on or before July 1 of each year which includes, but
28 is not limited to, a description of the demand for internship grants and
29 programs under sections 81-1210.01 to 81-1210.03 from all geographic
30 regions in Nebraska, a listing of the recipients and amounts of
31 internship grants awarded in the previous fiscal year, the impact of the

1 internship grants, and an evaluation of the internship grants and
2 programs under sections 81-1210.01 to 81-1210.03 based on the documented
3 goals of the recipients. The report submitted to the Legislature shall be
4 submitted electronically. The department may require recipients to
5 provide periodic performance reports to enable the department to fulfill
6 the requirements of this subsection. The report shall contain no
7 information that is protected by state or federal confidentiality laws.

8 (12) The department may enter into a contract with a Nebraska-based
9 nonprofit entity for the purposes of carrying out any or all of the
10 provisions of sections 81-1210.01 to 81-1210.03.

11 Sec. 16. Section 81-1210.04, Revised Statutes Cumulative Supplement,
12 2020, is amended to read:

13 81-1210.04 (1) The Intern Nebraska Cash Fund is created. The fund
14 shall be used to carry out sections 81-1210.01 to 81-1210.03. The fund
15 shall consist of money transferred to the fund by the Legislature, ~~other~~
16 ~~funds as appropriated by the Legislature,~~ and money donated as gifts,
17 bequests, or other contributions from public or private entities. Any
18 money in the fund available for investment shall be invested by the state
19 investment officer pursuant to the Nebraska Capital Expansion Act and the
20 Nebraska State Funds Investment Act.

21 (2) The Department of Economic Development, or any entity with which
22 the department contracts for such purpose, may use up to five percent of
23 any appropriation to carry out sections 81-1210.01 to 81-1210.03 for
24 administrative services.

25 Sec. 17. Section 81-12,145, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 81-12,145 (1) The Legislature finds that current economic
28 conditions, lack of available industrial sites and buildings, and
29 declining resources at all levels of government adversely affect the
30 ability of Nebraska's cities and villages to obtain viable industrial
31 sites on which to build businesses, obtain buildings, and create jobs.

1 Lack of industrial sites and buildings also affects the ability of
2 communities to maintain and develop stable and growth-prone economies.

3 (2) The Furthermore, the Legislature finds that Nebraska is at a
4 competitive disadvantage for business development relative to other
5 states in the nation due to a lack of appropriately sized industrial
6 sites and buildings available for business relocations to Nebraska and
7 expansions. The future of investment and jobs in Nebraska will suffer
8 should the state continue to ignore this challenge.

9 (3) The Legislature finds that development of a public-private-
10 partnership facility in conjunction with the United States Strategic
11 Command will enhance the economic conditions and create conditions
12 favorable to the industrial readiness of the state.

13 (4) To enhance the economic development of the state and to provide
14 for the general prosperity of all of Nebraska's citizens, it is in the
15 public interest to assist in the provision of industrial-ready sites and
16 buildings in all areas of the state. The establishment of the Site and
17 Building Development Fund will assist in creating conditions favorable to
18 meeting the industrial readiness of the state.

19 Sec. 18. Section 81-12,147, Revised Statutes Supplement, 2021, is
20 amended to read:

21 81-12,147 (1) Except as provided in subsection (2) of this section,
22 the Department of Economic Development shall use the Site and Building
23 Development Fund to finance loans, grants, subsidies, credit
24 enhancements, and other financial assistance for industrial site and
25 building development and for expenses of the department as appropriated
26 by the Legislature for administering the fund. The following activities
27 are eligible for assistance from the fund:

28 (a) Grants or zero-interest loans to villages, cities, or counties
29 to acquire land, infuse infrastructure, or otherwise make large sites and
30 buildings ready for industrial development;

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

1 acquisition of land and buildings to assist villages, cities, and
2 counties;

3 (c) Technical assistance, design and finance services, and
4 consultation for villages, cities, and counties for the preparation and
5 creation of industrial-ready sites and buildings;

6 (d) Loan guarantees for eligible projects;

7 (e) Projects making industrial-ready sites and buildings more
8 accessible to business and industry;

9 (f) Infrastructure projects necessary for the development of
10 industrial-ready sites and buildings;

11 (g) Projects that mitigate the economic impact of a closure or
12 downsizing of a private-sector entity by making necessary improvements to
13 buildings and infrastructure; and

14 (h) Public and private sector initiatives that will improve the
15 military value of military installations by making necessary improvements
16 to buildings and infrastructure, including, but not limited to, a grant
17 for the establishment of the United States Strategic Command Nuclear
18 Command, Control, and Communications public-private-partnership facility.

19 (2) The Department of Economic Development shall use the subaccount
20 of the Site and Building Development Fund described in subsection (2) of
21 section 81-12,146 to provide financial assistance to any inland port
22 authority created under the Municipal Inland Port Authority Act to help
23 finance large shovel-ready commercial and industrial sites developed
24 under such act.

25 Sec. 19. Section 81-12,148, Revised Statutes Supplement, 2021, is
26 amended to read:

27 81-12,148 (1) Governmental subdivisions and Nebraska nonprofit
28 organizations are eligible to receive assistance under the Site and
29 Building Development Act. Any entity receiving assistance under
30 subsection (1) of section 81-12,147 ~~the act~~ shall provide, or cause to be
31 provided, matching funds for the eligible activity in an amount

1 determined by the Department of Economic Development, which amount shall
2 be at least equal to one hundred percent of the amount of assistance
3 provided by the Site and Building Development Fund. Nothing in the act
4 shall be construed to allow individuals or businesses to receive direct
5 loans from the fund.

6 (2) An applicant for a grant for development of a public-private-
7 partnership facility under subdivision (1)(h) of section 81-12,147 shall
8 provide the Director of Economic Development with a letter of support
9 from the United States Strategic Command prior to approval of the
10 application and with proof of the availability of twenty million dollars
11 in private or other funds for the facility. No funds shall be expended or
12 grants awarded until receipt of proof of the availability of twenty
13 million dollars in private or other funds for the facility and
14 certification is provided by the Director of Economic Development to the
15 budget administrator of the budget division of the Department of
16 Administrative Services.

17 (3) {2} This section does not apply to any inland port authority
18 receiving assistance under subsection (2) of section 81-12,147.

19 Sec. 20. Section 81-12,149, Revised Statutes Supplement, 2021, is
20 amended to read:

21 81-12,149 (1) During each calendar year in which funds are available
22 from the Site and Building Development Fund for use by the Department of
23 Economic Development pursuant to subdivisions (1)(a) through (g) of
24 section 81-12,147, the department shall allocate a specific amount of
25 funds, not less than forty percent, to nonmetropolitan areas. For
26 purposes of this section, nonmetropolitan areas means counties with fewer
27 than one hundred thousand inhabitants according to the most recent
28 federal decennial census. In selecting projects to receive such fund
29 assistance, the department shall develop a qualified action plan by
30 January 1 of each even-numbered year. The plan shall give first priority
31 to financially viable projects that have an agreement with a business

1 that will locate a site within ninety days of the signed agreement and to
2 financially viable projects located in whole or in part within an
3 enterprise zone designated pursuant to the Enterprise Zone Act or an
4 opportunity zone designated pursuant to the federal Tax Cuts and Jobs
5 Act, Public Law 115-97. The plan shall set forth selection criteria to be
6 used to determine priorities of the fund for activities pursuant to
7 subdivisions (1)(a) through (g) of section 81-12,147 which are
8 appropriate to local conditions, including the community's immediate need
9 for site and building development, proposed increases in jobs and
10 investment, private dollars leveraged, level of local government support
11 and participation, and repayment, in part or in whole, of financial
12 assistance awarded by the fund. The Director of Economic Development
13 shall submit the plan to the Governor for approval.

14 (2) The department shall fund in order of priority as many
15 applications for activities pursuant to subdivisions (1)(a) through (g)
16 of section 81-12,147 as will utilize available money in the Site and
17 Building Development Fund funds less actual administrative costs of the
18 department in administering the fund program. In administering the fund,
19 program the department may contract for services or directly provide
20 money funds to other governmental entities or instrumentalities.

21 (3) This section does not apply to any inland port authority
22 receiving assistance under subsection (2) of section 81-12,147.

23 Sec. 21. Section 81-12,153, Revised Statutes Cumulative Supplement,
24 2020, is amended to read:

25 81-12,153 For purposes of the Business Innovation Act:

26 (1) Department means the Department of Economic Development;

27 (2) Economic redevelopment area means an area in the State of
28 Nebraska in which:

29 (a) The average rate of unemployment in the area during the period
30 covered by the most recent federal decennial census or American Community
31 Survey 5-Year Estimate by the United States Bureau of the Census is at

1 least one hundred fifty percent of the average rate of unemployment in
2 the state during the same period; and

3 (b) The average poverty rate in the area is twenty percent or more
4 for the federal census tract in the area;

5 (3) (2) Federal grant program means the federal Small Business
6 Administration's Small Business Innovation Research grant program or
7 Small Business Technology Transfer grant program;

8 (4) (3) Microenterprise means a for-profit business entity with not
9 more than ten full-time equivalent employees;

10 (5) (4) Prototype means an original model on which something is
11 patterned by a resident of Nebraska or a company located in Nebraska; and

12 (6) (5) Value-added agriculture means increasing the net worth of
13 food or nonfood agricultural products by processing, alternative
14 production and handling methods, collective marketing, or other
15 innovative practices.

16 Sec. 22. Section 81-12,154, Revised Statutes Cumulative Supplement,
17 2020, is amended to read:

18 81-12,154 The purpose of the Business Innovation Act is to encourage
19 and support the transfer of Nebraska-based technology and innovation in
20 rural and urban areas of Nebraska in order to create high growth, high
21 technological companies, small businesses, and microenterprises and to
22 enhance creation of wealth and quality jobs. The Legislature finds that
23 the act will:

24 (1) Provide technical assistance planning grants pursuant to section
25 81-12,157 to facilitate phase one applications for the federal grant
26 program;

27 (2) Provide financial assistance pursuant to section 81-12,157 to
28 companies receiving phase one and phase two grants pursuant to the
29 federal grant program;

30 (3) Provide financial assistance pursuant to section 81-12,158 to
31 companies or individuals creating prototypes;

1 (4) Establish a financial assistance program pursuant to section
2 81-12,159 for innovation in value-added agriculture;

3 (5) Establish a financial assistance program for innovation in
4 biosciences;

5 (6) Establish a financial assistance program pursuant to section
6 81-12,160 to identify commercial products and processes;

7 (7) Provide financial assistance pursuant to section 81-12,161 to
8 companies using Nebraska public or private college and university
9 researchers and facilities for applied research projects;

10 (8) Provide support and funding pursuant to section 81-12,162 for
11 microlending entities, ~~and~~ microenterprise entities, and innovation hubs;
12 and

13 (9) Provide support for locally owned and operated Nebraska-based,
14 high growth businesses by providing technical resources to foster
15 development, growth, and high wage creation. For purposes of this
16 subdivision, Nebraska-based, high growth business means a corporation,
17 partnership, limited liability company, limited partnership, or limited
18 liability partnership registered with the Secretary of State that has two
19 to fifty employees and has annual sales of no less than five hundred
20 thousand dollars and no more than two million five hundred thousand
21 dollars.

22 Sec. 23. Section 81-12,156, Revised Statutes Cumulative Supplement,
23 2020, is amended to read:

24 81-12,156 When selecting projects for funding under the Business
25 Innovation Act, the department shall give a preference to projects
26 located in whole or in part within an economic redevelopment area, an
27 enterprise zone designated pursuant to the Enterprise Zone Act, or an
28 opportunity zone designated pursuant to the federal Tax Cuts and Jobs
29 Act, Public Law 115-97.

30 Sec. 24. Section 81-12,162, Revised Statutes Cumulative Supplement,
31 2020, is amended to read:

1 81-12,162 (1) The department shall establish a small business
2 investment program. The program:

3 (a) Shall provide grants to microloan delivery organizations, ~~or~~
4 microloan technical assistance organizations, and innovation hubs to:

5 (i) Better assure that Nebraska's microenterprises are able to
6 realize their full potential to create jobs, enhance entrepreneurial
7 skills and activity, and increase low-income households' capacity to
8 become self-sufficient;

9 (ii) Provide funding to foster the creation of microenterprises;

10 (iii) Establish the department as the coordinating office for the
11 facilitation of microlending and microenterprise development;

12 (iv) Facilitate the development of a permanent, statewide
13 infrastructure of microlending support organizations to serve Nebraska's
14 microenterprise and self-employment sectors;

15 (v) Enable the department to provide grants to community-based
16 microenterprise development organizations in order to encourage the
17 development and growth of microenterprises throughout Nebraska; and

18 (vi) Enable the department to engage in contractual relationships
19 with statewide microlending support organizations and innovation hubs
20 which have the capacity to leverage additional nonstate funds for
21 microenterprise lending.

22 To the maximum extent possible, the selection process should assure
23 that the distribution of such financial assistance provides equitable
24 access to the benefits of the Business Innovation Act by all geographic
25 areas of the state; and

26 (b) May identify and coordinate other state and federal sources of
27 funds which may be available to the department to enhance the state's
28 ability to facilitate financial assistance pursuant to the program.

29 (2) To establish the criteria for making an award to a microloan
30 delivery organization, ~~or~~ microloan technical assistance organization, or
31 innovation hub, the department shall consider:

1 (a) The plan for providing business development services and
2 microloans to microenterprises;

3 (b) The scope of services to be provided by the microloan delivery
4 organization, or microloan technical assistance organization, or
5 innovation hub;

6 (c) The plan for coordinating the services and loans provided by the
7 microloan delivery organization, or microloan technical assistance
8 organization, or innovation hub with commercial lending institutions;

9 (d) The geographic representation of all regions of the state,
10 including both urban and rural communities and neighborhoods;

11 (e) The ability of the microloan delivery organization, or microloan
12 technical assistance organization, or innovation hub to provide for
13 business development in areas of chronic economic distress and low-income
14 regions of the state;

15 (f) The ability of the microloan delivery organization, or microloan
16 technical assistance organization, or innovation hub to provide business
17 training and technical assistance to microenterprise clients;

18 (g) The ability of the microloan delivery organization, or microloan
19 technical assistance organization, or innovation hub to monitor and
20 provide financial oversight of recipients of microloans; and

21 (h) Sources and sufficiency of operating funds for the
22 microenterprise development organization.

23 (3) Awards made by the department to a microloan delivery
24 organization, or microloan technical assistance organization, or
25 innovation hub may be used to:

26 (a) Satisfy matching fund requirements for other federal or private
27 grants;

28 (b) Establish a revolving loan fund from which the microloan
29 delivery organization, or microloan technical assistance organization, or
30 innovation hub may make loans to microenterprises;

31 (c) Establish a guaranty fund from which the microloan delivery

1 ~~organization,~~ or microloan technical assistance organization, or
2 innovation hub may guarantee loans made by commercial lending
3 institutions to microenterprises;

4 (d) Provide funding for the operating costs of a microloan delivery
5 ~~organization,~~ or microloan technical assistance organization, or
6 innovation hub not to exceed twenty percent; and

7 (e) Provide grants to establish loan-loss reserve funds to match
8 loan capital borrowed from other sources, including federal
9 microenterprise loan programs.

10 (4) Any award of financial assistance to a microloan delivery
11 ~~organization,~~ or microloan technical assistance organization, or
12 innovation hub shall meet the following qualifications:

13 (a) Funds shall be matched by nonstate funds equivalent in money or
14 in-kind contributions or a combination of both equal to thirty-five
15 percent of the grant funds requested. Such matching funds may be from any
16 nonstate source, including private foundations, federal or local
17 government sources, quasi-governmental entities, or commercial lending
18 institutions, or any other funds whose source does not include funds
19 appropriated by the Legislature;

20 (b) Microloan funds shall be disbursed in microloans which do not
21 exceed one hundred fifty thousand dollars or used to capitalize loan-loss
22 reserve funds for such loans; and

23 (c) A minimum of fifty percent of the microloan funds shall be used
24 by a microenterprise development assistance organization for small
25 business technical assistance.

26 The department shall contract with a statewide microenterprise
27 development assistance organization to carry out this section.

28 (5) Each year the department may award up to three ~~two~~ million
29 dollars under this section.

30 Sec. 25. Section 81-12,213, Revised Statutes Supplement, 2021, is
31 amended to read:

1 81-12,213 (1) The right to receive matching funds under the Nebraska
2 Rural Projects Act:

3 (a) Shall be subject to the limitations on matching funds provided
4 in subsections (3) and (2) through (4) of this section and any other
5 limitations provided in the act;

6 (b) Shall be subject to funds being appropriated by the Legislature;
7 and

8 (c) Shall not be transferable.

9 (2) No less ~~more~~ than fifty million dollars of matching funds shall
10 be paid in total under the Nebraska Rural Projects Act.

11 (3) No more than thirty million dollars of matching funds shall be
12 paid for any one project out of the initial fifty million dollars
13 appropriated pursuant to subsection (7) of this section. If more than
14 fifty million dollars are appropriated under the act, no one project
15 shall receive more than sixty percent of the amount appropriated in
16 excess of fifty million dollars.

17 (4) An applicant shall not receive more matching funds than the
18 amount of matching funds approved under the applicant's agreement.

19 (5) For any year in which more than one applicant qualifies for
20 matching funds, the applicant with the earlier date of application shall
21 receive the full amount of matching funds to which he or she is entitled
22 before any matching funds may be paid to the applicant with the later
23 date of application. If an applicant cannot be paid in full in any given
24 year, then the matching funds shall be paid in later years until fully
25 funded, subject to the limitations provided in this section.

26 (6) It is the intent of the Legislature that all matching funds owed
27 to applicants under agreements signed pursuant to the Nebraska Rural
28 Projects Act shall be paid by the state in full if the applicant has met
29 all requirements for such funds.

30 (7) It is further the intent of the Legislature to appropriate
31 twenty-five ~~five~~ million dollars for fiscal year 2021-22 and twenty-five

1 five million dollars for fiscal year 2022-23 to the Department of
2 Economic Development for purposes of carrying out the Nebraska Rural
3 Projects Act.

4 Sec. 26. Section 81-12,218, Revised Statutes Supplement, 2021, is
5 amended to read:

6 81-12,218 (1) The Nebraska Rural Projects Fund is hereby created.
7 The fund shall receive money from application fees paid under the
8 Nebraska Rural Projects Act and from transfers authorized by
9 ~~appropriations from~~ the Legislature, grants, private contributions,
10 repayments of matching funds, and all other sources. Any money in the
11 fund available for investment shall be invested by the state investment
12 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
13 State Funds Investment Act.

14 (2) Distributions of matching funds shall only be made from the fund
15 in amounts determined pursuant to subsection (1) of section 81-12,211.

16 Sec. 27. Section 82-331, Revised Statutes Supplement, 2021, is
17 amended to read:

18 82-331 (1) There is hereby established in the state treasury a trust
19 fund to be known as the Nebraska Cultural Preservation Endowment Fund.
20 The fund shall consist of funds appropriated or transferred by the
21 Legislature, and only the earnings of the fund may be used as provided in
22 this section.

23 (2) Except as provided in subsection (3) of this section, it is the
24 intent of the Legislature that the State Treasurer shall transfer (a) an
25 amount not to exceed one million dollars from the General Fund to the
26 Nebraska Cultural Preservation Endowment Fund on December 31, 2013, (b)
27 an amount not to exceed five hundred thousand dollars from the General
28 Fund to the Nebraska Cultural Preservation Endowment Fund on December 31,
29 2014, (c) an amount not to exceed seven hundred fifty thousand dollars
30 from the General Fund to the Nebraska Cultural Preservation Endowment
31 Fund on December 31 of 2015 and 2016, (d) an amount not to exceed five

1 hundred thousand dollars from the General Fund to the Nebraska Cultural
2 Preservation Endowment Fund on December 31 of 2019 and 2020, and (e) an
3 amount not to exceed one million dollars from the General Fund to the
4 Nebraska Cultural Preservation Endowment Fund annually on December 31
5 beginning in 2021 and continuing through December 31, ~~2030~~ 2028.

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

28 (4) The Legislature shall not appropriate or transfer money from the
29 Nebraska Cultural Preservation Endowment Fund for any purpose other than
30 the purposes stated in sections 82-330 to 82-333, except that the
31 Legislature may appropriate or transfer money from the fund upon a

1 finding that the purposes of such sections are not being accomplished by
2 the fund.

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

7 (6) All investment earnings from the Nebraska Cultural Preservation
8 Endowment Fund shall be credited to the Nebraska Arts and Humanities Cash
9 Fund.

10 Sec. 28. Section 83-904, Revised Statutes Cumulative Supplement,
11 2020, is amended to read:

12 83-904 (1) The Vocational and Life Skills Program is created within
13 the Department of Correctional Services, in consultation with the Board
14 of Parole. The program shall provide funding to aid in the establishment
15 and provision of community-based vocational training and life skills
16 training for adults who are incarcerated, formerly incarcerated, or
17 serving a period of supervision on either probation or parole.

18 (2) The Vocational and Life Skills Programming Fund is created. The
19 fund shall consist of transfers authorized by appropriations from the
20 Legislature, funds donated by nonprofit entities, funds from the federal
21 government, and funds from other sources. ~~The Up to thirty percent of the~~
22 ~~fund may be used for staffing the reentry program created under section~~
23 ~~83-903 and to provide treatment to individuals preparing for release from~~
24 ~~incarceration. At least seventy percent of the fund shall be used to~~
25 provide grants to community-based organizations, community colleges,
26 federally recognized or state-recognized Indian tribes, or nonprofit
27 organizations that provide vocational and life skills programming and
28 services to adults and juveniles who are incarcerated, who have been
29 incarcerated within the prior eighteen months, or who are serving a
30 period of supervision on either probation or parole. The department, in
31 awarding grants, shall give priority to programs, services, or training

1 that results in meaningful employment or that provides reentry or
2 transitional housing, wrap-around services, family support, or
3 restorative justice programming, and no money from the fund shall be used
4 for capital construction. Any money in the fund available for investment
5 shall be invested by the state investment officer pursuant to the
6 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
7 Act. Investment earnings from investment of money in the fund shall be
8 credited to the fund. Beginning July 1, 2022, and each July 1 thereafter
9 until July 1, 2024, the State Treasurer shall transfer five million
10 dollars annually from the Prison Overcrowding Contingency Fund to the
11 Vocational and Life Skills Programming Fund, on such dates as directed by
12 the budget administrator of the budget division of the Department of
13 Administrative Services.

14 (3) The department, in consultation with the Board of Parole, shall
15 adopt and promulgate rules and regulations to carry out the Vocational
16 and Life Skills Program. The rules and regulations shall include, but not
17 be limited to, a plan for evaluating the effectiveness of programs,
18 services, and training that receive funding and a reporting process for
19 aid recipients. The reentry program administrator shall report quarterly
20 to the Governor and the Clerk of the Legislature beginning October 1,
21 2014, on the distribution and use of the aid distributed under the
22 Vocational and Life Skills Program, including how many individuals
23 received programming, the types of programming, the cost per individual
24 for each program, service, or training provided, how many individuals
25 successfully completed their programming, and information on any funds
26 that have not been used. The report to the Clerk of the Legislature shall
27 be submitted electronically. Any funds not distributed to community-based
28 organizations, community colleges, federally recognized or state-
29 recognized Indian tribes, or nonprofit organizations under this
30 subsection shall be retained by the department to be distributed on a
31 competitive basis under the Vocational and Life Skills Program. These

1 funds shall not be expended by the department for any other purpose.

2 Sec. 29. Section 83-973, Revised Statutes Supplement, 2021, is
3 amended to read:

4 83-973 The Prison Overcrowding Contingency Fund is created. The
5 State Treasurer shall transfer fifteen million dollars from the General
6 Fund to the Prison Overcrowding Contingency Fund on or before July 15,
7 2021, on such date as directed by the budget administrator of the budget
8 division of the Department of Administrative Services. It is the intent
9 of the Legislature that these funds remain in the Prison Overcrowding
10 Contingency Fund until sufficient details are provided to the Legislature
11 regarding plans to reduce prison overcrowding, except that (1) the fund
12 may be used for purposes of a study of inmate classification within the
13 Department of Correctional Services and (2) transfers may be made to the
14 Vocational and Life Skills Programming Fund at the direction of the
15 Legislature. Any money in the Prison Overcrowding Contingency Fund fund
16 available for investment shall be invested by the state investment
17 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
18 State Funds Investment Act.

19 Sec. 30. Section 85-424, Revised Statutes Supplement, 2021, is
20 amended to read:

21 85-424 (1) The Legislature shall appropriate from the General Fund
22 (a) an amount not less than one million one hundred twenty-five thousand
23 dollars to the State College Facilities Program for each fiscal year for
24 the period commencing July 1, 2006, and continuing through the fiscal
25 year ending June 30, 2040, and (b) an amount not less than two million
26 two hundred sixteen thousand dollars in each fiscal year for the
27 appropriations referred to in subsection (5) of section 85-419, which
28 shall be continued through the fiscal year ending June 30, 2040, to the
29 State College Facilities Program to be used by the Board of Trustees of
30 the Nebraska State Colleges to accomplish projects as provided in this
31 section. Through the allotment process established in section 81-1113 the

1 Department of Administrative Services shall make appropriated funds
2 available. Undisbursed appropriations balances existing in the State
3 College Facilities Program at the end of each fiscal year until June 30,
4 2041, shall be and are hereby reappropriated.

5 (2) The Legislature finds and determines that the projects funded
6 through the State College Facilities Program are of critical importance
7 to the State of Nebraska. It is the intent of the Legislature that the
8 appropriations to the program shall not be reduced until all contracts
9 and securities relating to the construction and financing of the projects
10 or portions of the projects funded from such funds or accounts of such
11 funds are completed or paid but in no case shall such appropriations
12 extend beyond the fiscal year ending June 30, 2040.

13 (3) Subject to the receipt of project approval from the Coordinating
14 Commission for Postsecondary Education as required by subsection (10) of
15 section 85-1414 for each of the following state college projects, the
16 Board of Trustees of the Nebraska State Colleges is authorized to make
17 expenditures from the State College Facilities Program for the following
18 state college projects: (a) Deferred maintenance, repair, and renovation
19 of Chadron State College Academic/Administration Building; (b) design and
20 placement of a new Peru State College emergency power generator; (c)
21 replacement of existing Peru State College Al Wheeler Activity Center
22 bleachers; (d) addition to and deferred maintenance, repair, and
23 renovation of Peru State College Al Wheeler Activity Center; (e) addition
24 to and deferred maintenance, repair, and renovation of Wayne State
25 College Campus Services Building; (f) deferred maintenance, repair, and
26 renovation of Wayne State College Rice Auditorium; (g) deferred
27 maintenance, repair, and renovation of Wayne State College Memorial
28 Stadium; (h) replacement of or deferred maintenance, repair, and
29 renovation of Chadron State College stadium; (i) addition to and deferred
30 maintenance, repair, and renovation of Peru State College Theatre/Event
31 Center; (j) construction of a facility to replace Wayne State College

1 Benthack Hall applied technology programmatic space; (k) systemwide
2 miscellaneous fire and life safety, energy conservation, deferred repair,
3 federal Americans with Disabilities Act of 1990, and asbestos removal
4 projects; (l) construction of the Math Science Facility at Chadron State
5 College; (m) construction and renovation of the Indoor/Outdoor Recreation
6 Complex at Peru State College; (n) addition to and renovation of Wayne
7 State College Rice Auditorium and Kirk Gardner Indoor Athletic Complex;
8 and (o) ~~(m)~~ any renewal, renovation, replacement, or repair of existing
9 state college facilities.

10 (4) Expenditures of matching funds provided for the projects listed
11 in this section by the Board of Trustees of the Nebraska State Colleges
12 as provided for in section 85-419 shall be accounted for in the Nebraska
13 State Accounting System through the State College Facilities Program or
14 according to some other reporting process mutually agreed upon by the
15 state colleges and the Department of Administrative Services.

16 (5) The Board of Trustees of the Nebraska State Colleges shall
17 record and report, on the Nebraska State Accounting System, expenditure
18 of amounts from the State College Facilities Program and expenditure of
19 proceeds arising from any contract entered into pursuant to this section
20 and section 85-425 in such manner and format as prescribed by the
21 Department of Administrative Services or according to some other
22 reporting process mutually agreed upon by the state colleges and the
23 Department of Administrative Services.

24 (6) At least once every two fiscal years beginning with fiscal year
25 2023-24 for the biennial period from fiscal years 2023-25, the Board of
26 Trustees of the Nebraska State Colleges shall report to the Legislature
27 (a) the projects expected to be constructed or newly financed in the next
28 biennium from the State College Facilities Program and (b) the projects
29 that were constructed or newly financed in the previous biennium from the
30 State College Facilities Program. In addition, at least once every ten
31 fiscal years beginning with fiscal year 2022-23, the Board of Trustees

1 shall provide to the Legislature a copy of its current long-term capital
2 plan for projects to be constructed or newly financed from the State
3 College Facilities Program.

4 Sec. 31. Section 86-324, Revised Statutes Supplement, 2021, is
5 amended to read:

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

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

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

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

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

4 (d) Shall require every telecommunications company to contribute to
5 any universal service mechanism established by the commission pursuant to
6 state law. The commission shall require, as reasonably necessary, an
7 annual audit of any telecommunications company to be performed by a
8 third-party certified public accountant to insure the billing,
9 collection, and remittance of a surcharge for universal service. The
10 costs of any audit required pursuant to this subdivision shall be paid by
11 the telecommunications company being audited;

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

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

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

23 (4) Transfers may be made from earnings on the Nebraska
24 Telecommunications Universal Service Fund to the 211 Cash Fund at the
25 direction of the Legislature. The State Treasurer shall ~~annually~~
26 nine hundred fifty-five ~~three hundred~~ thousand dollars on July 1
27 beginning in 2022 ~~2021~~ from the earnings on the Nebraska
28 Telecommunications Universal Service Fund to the 211 Cash Fund.

29 Sec. 32. Original sections 81-1210.02 and 81-12,145, Reissue
30 Revised Statutes of Nebraska, sections 75-1101, 81-829.33, 81-1210.01,
31 81-1210.04, 81-12,153, 81-12,154, 81-12,156, 81-12,162, and 83-904,

1 Revised Statutes Cumulative Supplement, 2020, and sections 71-7611,
2 81-12,147, 81-12,148, 81-12,149, 81-12,213, 81-12,218, 82-331, 83-973,
3 85-424, and 86-324, Revised Statutes Supplement, 2021, are repealed.

4 Sec. 33. The following section is outright repealed: Section
5 81-167, Reissue Revised Statutes of Nebraska.

6 Sec. 34. Since an emergency exists, this act takes effect when
7 passed and approved according to law.