

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 298**

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

Read first time January 15, 2019

Committee:

- 1 A BILL FOR AN ACT relating to appropriations; to amend sections 61-218,  
2 71-7611, and 86-563, Reissue Revised Statutes of Nebraska, and  
3 sections 45-621, 81-15,175, and 84-1227, Revised Statutes Cumulative  
4 Supplement, 2018; to authorize, provide, change, and eliminate fund  
5 transfer provisions; to repeal funds; to harmonize provisions; to  
6 repeal the original sections; to outright repeal sections 81-1327  
7 and 86-566, Reissue Revised Statutes of Nebraska; and to declare an  
8 emergency.
- 9 Be it enacted by the people of the State of Nebraska,

1           Section 1. The State Treasurer shall transfer \$272,000,000 from the  
2 General Fund to the Property Tax Credit Cash Fund on or before December  
3 15, 2019, on such date as directed by the budget administrator of the  
4 budget division of the Department of Administrative Services.

5           Sec. 2. The State Treasurer shall transfer \$272,000,000 from the  
6 General Fund to the Property Tax Credit Cash Fund on or before December  
7 15, 2020, on such date as directed by the budget administrator of the  
8 budget division of the Department of Administrative Services.

9           Sec. 3. The State Treasurer shall transfer \$11,000,000 from the  
10 General Fund to the Water Sustainability Fund on or before June 30, 2020,  
11 on such dates and in such amounts as directed by the budget administrator  
12 of the budget division of the Department of Administrative Services.

13           Sec. 4. The State Treasurer shall transfer \$11,000,000 from the  
14 General Fund to the Water Sustainability Fund on or before June 30, 2021,  
15 on such dates and in such amounts as directed by the budget administrator  
16 of the budget division of the Department of Administrative Services.

17           Sec. 5. The State Treasurer shall transfer \$3,300,000 from the  
18 General Fund to the Water Resources Cash Fund on or before June 30, 2020,  
19 on such dates and in such amounts as directed by the budget administrator  
20 of the budget division of the Department of Administrative Services.

21           Sec. 6. The State Treasurer shall transfer \$3,300,000 from the  
22 General Fund to the Water Resources Cash Fund on or before June 30, 2021,  
23 on such dates and in such amounts as directed by the budget administrator  
24 of the budget division of the Department of Administrative Services.

25           Sec. 7. The State Treasurer shall transfer the remaining balance of  
26 the Accounting Division Cash Fund to the Election Administration Fund on  
27 or before June 30, 2020, on such date as directed by the budget  
28 administrator of the budget division of the Department of Administrative  
29 Services.

30           Sec. 8. The State Treasurer shall transfer \$255,540 from the  
31 Records Management Cash Fund to the Election Administration Fund on or

1 before June 30, 2020, on such dates and in such amounts as directed by  
2 the budget administrator of the budget division of the Department of  
3 Administrative Services.

4       Sec. 9. The State Treasurer shall transfer \$10,594 from the Records  
5 Management Cash Fund to the Election Administration Fund on or before  
6 June 30, 2021, on such dates and in such amounts as directed by the  
7 budget administrator of the budget division of the Department of  
8 Administrative Services.

9       Sec. 10. The State Treasurer shall transfer \$55,290 from the  
10 Nebraska Collection Agency Fund to the Secretary of State Administration  
11 Cash Fund on or before June 30, 2020, on such dates and in such amounts  
12 as directed by the budget administrator of the budget division of the  
13 Department of Administrative Services.

14       Sec. 11. The State Treasurer shall transfer the remaining balance  
15 of human resources management system assessment revenue plus related  
16 accumulated interest from the Personnel Division Revolving Fund to the  
17 Accounting Division Revolving Fund on or before June 30, 2020, on such  
18 date as directed by the budget administrator of the budget division of  
19 the Department of Administrative Services.

20       Sec. 12. Section 45-621, Revised Statutes Cumulative Supplement,  
21 2018, is amended to read:

22       45-621 (1) All fees collected under the Collection Agency Act shall  
23 be remitted to the State Treasurer for credit to a special fund to be  
24 known as the Nebraska Collection Agency Fund. The board may use the fund  
25 as may be necessary for the proper administration and enforcement of the  
26 act. The fund shall be paid out only on proper vouchers approved by the  
27 board and upon warrants issued by the Director of Administrative Services  
28 and countersigned by the State Treasurer as provided by law. All fees and  
29 expenses of the Attorney General in representing the board pursuant to  
30 the act shall be paid out of such fund. Transfers from the fund to the  
31 Election Administration Fund, the Secretary of State Administration Cash

1 Fund, or the General Fund may be made at the direction of the  
2 Legislature. Any money in the Nebraska Collection Agency Fund available  
3 for investment shall be invested by the state investment officer pursuant  
4 to the Nebraska Capital Expansion Act and the Nebraska State Funds  
5 Investment Act.

6 (2) On or before July 5, 2013, the State Treasurer shall transfer  
7 one hundred thousand dollars from the Nebraska Collection Agency Fund to  
8 the Election Administration Fund.

9 Sec. 13. Section 61-218, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 61-218 (1) The Water Resources Cash Fund is created. The fund shall  
12 be administered by the Department of Natural Resources. Any money in the  
13 fund available for investment shall be invested by the state investment  
14 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
15 State Funds Investment Act.

16 (2) The State Treasurer shall credit to the fund such money as is  
17 (a) transferred to the fund by the Legislature, (b) paid to the state as  
18 fees, deposits, payments, and repayments relating to the fund, both  
19 principal and interest, (c) donated as gifts, bequests, or other  
20 contributions to such fund from public or private entities, (d) made  
21 available by any department or agency of the United States if so directed  
22 by such department or agency, (e) allocated pursuant to section  
23 81-15,175, and (f) received by the state for settlement of claims  
24 regarding Colorado's past use of water under the Republican River  
25 Compact.

26 (3) The fund shall be expended by the department (a) to aid  
27 management actions taken to reduce consumptive uses of water or to  
28 enhance streamflows or ground water recharge in river basins, subbasins,  
29 or reaches which are deemed by the department overappropriated pursuant  
30 to section 46-713 or fully appropriated pursuant to section 46-714 or are  
31 bound by an interstate compact or decree or a formal state contract or

1 agreement, (b) for purposes of projects or proposals described in the  
2 grant application as set forth in subdivision (2)(h) of section  
3 81-15,175, and (c) to the extent funds are not expended pursuant to  
4 subdivisions (a) and (b) of this subsection, the department may conduct a  
5 statewide assessment of short-term and long-term water management  
6 activities and funding needs to meet statutory requirements in sections  
7 46-713 to 46-718 and 46-739 and any requirements of an interstate compact  
8 or decree or formal state contract or agreement. The fund shall not be  
9 used to pay for administrative expenses or any salaries for the  
10 department or any political subdivision.

11 (4) It is the intent of the Legislature that three million three  
12 hundred thousand dollars be transferred each fiscal year from the General  
13 Fund to the Water Resources Cash Fund for FY2011-12 through FY2022-23  
14 ~~FY2018-19~~, except that for FY2012-13 it is the intent of the Legislature  
15 that four million seven hundred thousand dollars be transferred from the  
16 General Fund to the Water Resources Cash Fund. It is the intent of the  
17 Legislature that the State Treasurer credit any money received from any  
18 Republican River Compact settlement to the Water Resources Cash Fund in  
19 the fiscal year in which it is received.

20 (5)(a) Expenditures from the Water Resources Cash Fund may be made  
21 to natural resources districts eligible under subsection (3) of this  
22 section for activities to either achieve a sustainable balance of  
23 consumptive water uses or assure compliance with an interstate compact or  
24 decree or a formal state contract or agreement and shall require a match  
25 of local funding in an amount equal to or greater than forty percent of  
26 the total cost of carrying out the eligible activity. The department  
27 shall, no later than August 1 of each year, beginning in 2007, determine  
28 the amount of funding that will be made available to natural resources  
29 districts from the Water Resources Cash Fund and notify natural resources  
30 districts of this determination. The department shall adopt and  
31 promulgate rules and regulations governing application for and use of the

1 Water Resources Cash Fund by natural resources districts. Such rules and  
2 regulations shall, at a minimum, include the following components:

3 (i) Require an explanation of how the planned activity will achieve  
4 a sustainable balance of consumptive water uses or will assure compliance  
5 with an interstate compact or decree or a formal state contract or  
6 agreement as required by section 46-715 and the controls, rules, and  
7 regulations designed to carry out the activity; and

8 (ii) A schedule of implementation of the activity or its components,  
9 including the local match as set forth in subdivision (5)(a) of this  
10 section.

11 (b) Any natural resources district that fails to implement and  
12 enforce its controls, rules, and regulations as required by section  
13 46-715 shall not be eligible for funding from the Water Resources Cash  
14 Fund until it is determined by the department that compliance with the  
15 provisions required by section 46-715 has been established.

16 (6) The Department of Natural Resources shall submit electronically  
17 an annual report to the Legislature no later than October 1 of each year,  
18 beginning in the year 2007, that shall detail the use of the Water  
19 Resources Cash Fund in the previous year. The report shall provide:

20 (a) Details regarding the use and cost of activities carried out by  
21 the department; and

22 (b) Details regarding the use and cost of activities carried out by  
23 each natural resources district that received funds from the Water  
24 Resources Cash Fund.

25 (7)(a) Prior to the application deadline for fiscal year 2011-12,  
26 the Department of Natural Resources shall apply for a grant of nine  
27 million nine hundred thousand dollars from the Nebraska Environmental  
28 Trust Fund, to be paid out in three annual installments of three million  
29 three hundred thousand dollars. The purposes listed in the grant  
30 application shall be consistent with the uses of the Water Resources Cash  
31 Fund provided in this section and shall be used to aid management actions

1 taken to reduce consumptive uses of water, to enhance streamflows, to  
2 recharge ground water, or to support wildlife habitat in any river basin  
3 determined to be fully appropriated pursuant to section 46-714 or  
4 designated as overappropriated pursuant to section 46-713.

5 (b) If the application is granted, funds received from such grant  
6 shall be remitted to the State Treasurer for credit to the Water  
7 Resources Cash Fund for the purpose of supporting the projects set forth  
8 in the grant application. The department shall include in its grant  
9 application documentation that the Legislature has authorized a transfer  
10 of three million three hundred thousand dollars from the General Fund  
11 into the Water Resources Cash Fund for each of fiscal years 2011-12 and  
12 2012-13 and has stated its intent to transfer three million three hundred  
13 thousand dollars to the Water Resources Cash Fund for fiscal year  
14 2013-14.

15 (c) It is the intent of the Legislature that the department apply  
16 for an additional three-year grant that would begin in fiscal year  
17 2014-15, ~~and~~ an additional three-year grant from the Nebraska  
18 Environmental Trust Fund that would begin in fiscal year 2017-18, and an  
19 additional three-year grant from the Nebraska Environmental Trust Fund  
20 that would begin in fiscal year 2020-21 if the criteria established in  
21 subsection (4) of section 81-15,175 are achieved.

22 (8) The department shall establish a subaccount within the Water  
23 Resources Cash Fund for the accounting of all money received as a grant  
24 from the Nebraska Environmental Trust Fund as the result of an  
25 application made pursuant to subsection (7) of this section. At the end  
26 of each calendar month, the department shall calculate the amount of  
27 interest earnings accruing to the subaccount and shall notify the State  
28 Treasurer who shall then transfer a like amount from the Water Resources  
29 Cash Fund to the Nebraska Environmental Trust Fund.

30 Sec. 14. Section 71-7611, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           71-7611 (1) The Nebraska Health Care Cash Fund is created. The State  
2 Treasurer shall transfer (a) sixty million three hundred thousand dollars  
3 on or before July 15, 2014, (b) sixty million three hundred fifty  
4 thousand dollars on or before July 15, 2015, (c) sixty million three  
5 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty  
6 million seven hundred thousand dollars on or before July 15, 2017, (e)  
7 five hundred thousand dollars on or before May 15, 2018, (f) sixty-one  
8 million six hundred thousand dollars on or before July 15, 2018, and (g)  
9 sixty-one million three hundred fifty thousand dollars on or before July  
10 ~~15, 2019, and (h) sixty million four hundred fifty thousand dollars on or~~  
11 ~~before every July 15 thereafter from the Nebraska Medicaid~~  
12 ~~Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust~~  
13 ~~Fund to the Nebraska Health Care Cash Fund, except that such amount shall~~  
14 ~~be reduced by the amount of the unobligated balance in the Nebraska~~  
15 ~~Health Care Cash Fund at the time the transfer is made. The state~~  
16 ~~investment officer shall advise the State Treasurer on the amounts to be~~  
17 ~~transferred first from the Nebraska Medicaid Intergovernmental Trust Fund~~  
18 ~~until the fund balance is depleted and from the Nebraska Tobacco~~  
19 ~~Settlement Trust Fund thereafter in order to sustain such transfers in~~  
20 ~~perpetuity. The state investment officer shall report electronically to~~  
21 ~~the Legislature on or before October 1 of every even-numbered year on the~~  
22 ~~sustainability of such transfers. The Nebraska Health Care Cash Fund~~  
23 ~~shall also include money received pursuant to section 77-2602. Except as~~  
24 ~~otherwise provided by law, no more than the amounts specified in this~~  
25 ~~subsection may be appropriated or transferred from the Nebraska Health~~  
26 ~~Care Cash Fund in any fiscal year.~~

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

30           It is the intent of the Legislature that no additional programs are  
31 funded through the Nebraska Health Care Cash Fund until funding for all

1 programs with an appropriation from the fund during FY2012-13 are  
2 restored to their FY2012-13 levels.

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

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

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

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

22 Sec. 15. Section 81-15,175, Revised Statutes Cumulative Supplement,  
23 2018, is amended to read:

24 81-15,175 (1) The board may make an annual allocation each fiscal  
25 year from the Nebraska Environmental Trust Fund to the Nebraska  
26 Environmental Endowment Fund as provided in section 81-15,174.01. The  
27 board shall make annual allocations from the Nebraska Environmental Trust  
28 Fund and may make annual allocations each fiscal year from the Nebraska  
29 Environmental Endowment Fund for projects which conform to the  
30 environmental categories of the board established pursuant to section  
31 81-15,176 and to the extent the board determines those projects to have

1 merit. The board shall establish a calendar annually for receiving and  
2 evaluating proposals and awarding grants. To evaluate the economic,  
3 financial, and technical feasibility of proposals, the board may  
4 establish subcommittees, request or contract for assistance, or establish  
5 advisory groups. Private citizens serving on advisory groups shall be  
6 reimbursed for their actual and necessary expenses pursuant to sections  
7 81-1174 to 81-1177.

8 (2) The board shall establish rating systems for ranking proposals  
9 which meet the board's environmental categories and other criteria. The  
10 rating systems shall include, but not be limited to, the following  
11 considerations:

12 (a) Conformance with categories established pursuant to section  
13 81-15,176;

14 (b) Amount of funds committed from other funding sources;

15 (c) Encouragement of public-private partnerships;

16 (d) Geographic mix of projects over time;

17 (e) Cost-effectiveness and economic impact;

18 (f) Direct environmental impact;

19 (g) Environmental benefit to the general public and the long-term  
20 nature of such public benefit; and

21 (h) Applications recommended by the Director of Natural Resources  
22 and submitted by the Department of Natural Resources pursuant to  
23 subsection (7) of section 61-218 shall be awarded fifty priority points  
24 in the ranking process for the 2011 grant application if the Legislature  
25 has authorized annual transfers of three million three hundred thousand  
26 dollars to the Water Resources Cash Fund for each of fiscal years 2011-12  
27 and 2012-13 and has stated its intent to transfer three million three  
28 hundred thousand dollars to the Water Resources Cash Fund in fiscal year  
29 2013-14. Priority points shall be awarded if the proposed programs set  
30 forth in the grant application are consistent with the purposes of  
31 reducing consumptive uses of water, enhancing streamflows, recharging

1 ground water, or supporting wildlife habitat in any river basin  
2 determined to be fully appropriated pursuant to section 46-714 or  
3 designated as overappropriated pursuant to section 46-713.

4 (3) A grant awarded under this section pursuant to an application  
5 made under subsection (7) of section 61-218 shall be paid out in the  
6 following manner:

7 (a) The initial three million three hundred thousand dollar  
8 installment shall be remitted to the State Treasurer for credit to the  
9 Water Resources Cash Fund no later than fifteen business days after the  
10 date that the grant is approved by the board;

11 (b) The second three million three hundred thousand dollar  
12 installment shall be remitted to the State Treasurer for credit to the  
13 Water Resources Cash Fund no later than May 15, 2013; and

14 (c) The third three million three hundred thousand dollar  
15 installment shall be remitted to the State Treasurer for credit to the  
16 Water Resources Cash Fund no later than May 15, 2014, if the Legislature  
17 has authorized a transfer of three million three hundred thousand dollars  
18 from the General Fund to the Water Resources Cash Fund for fiscal year  
19 2013-14.

20 (4) It is the intent of the Legislature that the Department of  
21 Natural Resources apply for an additional three-year grant from the  
22 Nebraska Environmental Trust Fund that would begin in fiscal year  
23 2014-15, ~~and a three-year grant that would begin in fiscal year 2017-18,~~  
24 and a three-year grant that would begin in fiscal year 2020-21 and such  
25 application shall be awarded fifty priority points in the ranking process  
26 as set forth in subdivision (2)(h) of this section if the following  
27 criteria are met:

28 (a) The Natural Resources Committee of the Legislature has examined  
29 options for water funding and has submitted a report electronically to  
30 the Clerk of the Legislature and the Governor by December 1, 2012,  
31 setting forth:

1 (i) An outline and priority listing of water management and funding  
2 needs in Nebraska, including instream flows, residential, agricultural,  
3 recreational, and municipal needs, interstate obligations, water quality  
4 issues, and natural habitats preservation;

5 (ii) An outline of statewide funding options which create a  
6 dedicated, sustainable funding source to meet the needs set forth in the  
7 report; and

8 (iii) Recommendations for legislation;

9 (b) The projects and activities funded by the department through  
10 grants from the Nebraska Environmental Trust Fund under this section have  
11 resulted in enhanced streamflows, reduced consumptive uses of water,  
12 recharged ground water, supported wildlife habitat, or otherwise  
13 contributed towards conserving, enhancing, and restoring Nebraska's  
14 ground water and surface water resources. On or before July 1, 2014, the  
15 department shall submit electronically a report to the Natural Resources  
16 Committee of the Legislature providing demonstrable evidence of the  
17 benefits accrued from such projects and activities; and

18 (c) In addition to the grant reporting requirements of the trust, on  
19 or before July 1, 2014, the department provides to the board a report  
20 which includes documentation that:

21 (i) Expenditures from the Water Resources Cash Fund made to natural  
22 resources districts have met the matching fund requirements provided in  
23 subdivision (5)(a) of section 61-218;

24 (ii) Ten percent or less of the matching fund requirements has been  
25 provided by in-kind contributions for expenses incurred for projects  
26 enumerated in the grant application. In-kind contributions shall not  
27 include land or land rights; and

28 (iii) All other projects and activities funded by the department  
29 through grants from the Nebraska Environmental Trust Fund under this  
30 section were matched not less than forty percent of the project or  
31 activity cost by other funding sources.

1 (5) The board may establish a subcommittee to rate grant  
2 applications. If the board uses a subcommittee, the meetings of such  
3 subcommittee shall be subject to the Open Meetings Act. The subcommittee  
4 shall (a) use the rating systems established by the board under  
5 subsection (2) of this section, (b) assign a numeric value to each rating  
6 criterion, combine these values into a total score for each application,  
7 and rank the applications by the total scores, (c) recommend an amount of  
8 funding for each application, which amount may be more or less than the  
9 requested amount, and (d) submit the ranked list and recommended funding  
10 to the board for its approval or disapproval.

11 (6) The board may commit funds to multiyear projects, subject to  
12 available funds and appropriations. No commitment shall exceed three  
13 years without formal action by the board to renew the grant or contract.  
14 Multiyear commitments may be exempt from the rating process except for  
15 the initial application and requests to renew the commitment.

16 (7) The board shall adopt and promulgate rules and regulations and  
17 publish guidelines governing allocations from the fund. The board shall  
18 conduct annual reviews of existing projects for compliance with project  
19 goals and grant requirements.

20 (8) Every five years the board may evaluate the long-term effects of  
21 the projects it funds. The evaluation may assess a sample of such  
22 projects. The board may hire an independent consultant to conduct the  
23 evaluation and may report the evaluation findings to the Legislature and  
24 the Governor. The report submitted to the Legislature shall be submitted  
25 electronically.

26 Sec. 16. Section 84-1227, Revised Statutes Cumulative Supplement,  
27 2018, is amended to read:

28 84-1227 There is hereby established in the state treasury a special  
29 fund to be known as the Records Management Cash Fund which, when  
30 appropriated by the Legislature, shall be expended by the Secretary of  
31 State for the purposes of providing records management services and

1 assistance to local agencies, for development and maintenance of the  
2 portal for providing electronic access to public records or electronic  
3 information and services, and for grants to a state or local agency as  
4 provided in subdivision (1)(j) of section 84-1204. All fees and charges  
5 for the purpose of records management services and analysis received by  
6 the Secretary of State from the local agencies shall be remitted to the  
7 State Treasurer for credit to such fund. Transfers may be made from the  
8 fund to the General Fund, ~~or the Secretary of State Administration Cash~~  
9 Fund, or the Election Administration Fund at the direction of the  
10 Legislature. The State Treasurer, at the direction of the budget  
11 administrator of the budget division of the Department of Administrative  
12 Services, shall transfer five hundred thousand dollars from the Records  
13 Management Cash Fund to the Information Management Revolving Fund on or  
14 before June 30, 2016. Any money in the Records Management Cash Fund  
15 available for investment shall be invested by the state investment  
16 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
17 State Funds Investment Act.

18 Sec. 17. Section 86-563, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 86-563 In establishing and maintaining the system:

21 (1) The division:

22 (a) Shall provide the computer network and services for the system  
23 with assistance from the division of communications of the office;

24 (b) Shall, within available resources, assist local, state, and  
25 federal collaborative efforts to encourage coordination of information  
26 systems and data sharing;

27 (c) Shall coordinate its activities and responsibilities with the  
28 functions of the division of communications to minimize overlap and  
29 duplication of technical services between the divisions in supporting the  
30 system, its applications, and application development; and

31 (d) May undertake and coordinate planning studies to determine the

1 feasibility, benefits, costs, requirements, and options for the  
2 intergovernmental transfer of data;

3 (2) The officer:

4 (a) Shall approve and coordinate the design, development,  
5 installation, training, and maintenance of applications by state agencies  
6 for use on the system. Any agency proposing to add an application to the  
7 system shall submit an evaluation to the officer that examines the cost-  
8 effectiveness, technical feasibility, and potential use of the proposed  
9 application; that identifies the total costs of the application,  
10 including design, development, testing, installation, operation, and any  
11 changes to the computer network that are necessary for its operation; and  
12 that provides a schedule that shows the estimated completion dates for  
13 design, development, testing, installation, training, and full  
14 operational status. The officer shall not approve an application by a  
15 state agency for use on the system unless his or her review shows that  
16 the application is cost effective and technically feasible, that funding  
17 is available, and that the proposed schedule is reasonable and feasible;

18 (b) Shall approve changes in the design of applications by state  
19 agencies for use on the system. The officer may require such information  
20 from the agency as necessary to determine that the proposed change in  
21 design is cost effective and technically feasible, that funding is  
22 available, and that the proposed schedule for implementation is  
23 reasonable and feasible;

24 (c) May contract with other governmental entities or private vendors  
25 in carrying out the duties relating to the intergovernmental data  
26 services program;

27 (d) Shall establish a rate schedule that reflects the rates adopted  
28 by the division of communications and the information management services  
29 division, plus any additional costs of the system. Such fees may reflect  
30 a base cost for access to the system, costs for actual usage of the  
31 system, costs for special equipment or services, or a combination of

1 these factors. The officer may charge for the costs of changes to the  
2 system that are requested by or are necessary to accommodate a request by  
3 a user. All fees shall be set to recover all costs of operation;

4 (e) May enter into agreements with other state and local  
5 governments, the federal government, or private-sector entities for the  
6 purpose of sale, lease, or licensing for third-party resale of  
7 applications and system design. ~~Proceeds from such agreements shall be~~  
8 ~~deposited to the Data Systems Cash Fund;~~

9 (f) Shall determine whether a local application shall be a component  
10 of the system. No local application shall be resident or operational in  
11 any component of the system without explicit authorization of the  
12 officer; and

13 (g) Shall approve or disapprove the attachment of any peripheral  
14 device to the system and may prescribe standards and specifications that  
15 such devices must meet;

16 (3) The officer shall be responsible for the proper operation of the  
17 system, applications, and peripheral devices purchased or developed by  
18 the expenditure of state funds. The ownership of such system,  
19 applications, and peripheral devices shall be vested with the state; and

20 (4) All communications and telecommunications services for the  
21 intergovernmental data services program and the system shall be secured  
22 from the division of communications.

23 Sec. 18. Original sections 61-218, 71-7611, and 86-563, Reissue  
24 Revised Statutes of Nebraska, and sections 45-621, 81-15,175, and  
25 84-1227, Revised Statutes Cumulative Supplement, 2018, are repealed.

26 Sec. 19. The following sections are outright repealed: Sections  
27 81-1327 and 86-566, Reissue Revised Statutes of Nebraska.

28 Sec. 20. Since an emergency exists, this act takes effect when  
29 passed and approved according to law.