

AMENDMENTS TO LB 946

Introduced by Adams

1           1. Strike sections 5 and 21 and insert the following new  
2 sections:

3           Sec. 11. Section 81-1201.21, Revised Statutes Supplement,  
4 2011, is amended to read:

5           81-1201.21 (1) There is hereby created the Job Training  
6 Cash Fund. The fund shall be under the direction of the Department  
7 of Economic Development. Money may be transferred to the fund  
8 pursuant to subdivision ~~(1)(b)(iv)~~ (1)(b)(iii) of section 48-621  
9 and from the Cash Reserve Fund at the direction of the Legislature.  
10 The department shall establish a subaccount for all money  
11 transferred from the Cash Reserve Fund to the Job Training Cash  
12 Fund on or after July 1, 2005.

13           (2) The department shall use the Job Training Cash Fund  
14 or the subaccount established in subsection (1) of this section (a)  
15 to provide reimbursements for job training activities, including  
16 employee assessment, preemployment training, on-the-job training,  
17 training equipment costs, and other reasonable costs related to  
18 helping industry and business locate or expand in Nebraska, (b)  
19 to provide upgrade skills training of the existing labor force  
20 necessary to adapt to new technology or the introduction of new  
21 product lines, or (c) to provide job training grants pursuant to  
22 section 81-1210.02.

23           (3) The department shall establish a subaccount within

1 the fund to provide training grants for training employees and  
2 potential employees of businesses that (a) employ twenty-five or  
3 fewer employees on the application date, (b) employ, or train for  
4 potential employment, residents of rural areas of Nebraska, or  
5 (c) are located in or employ, or train for potential employment,  
6 residents of high-poverty areas as defined in section 81-1203.  
7 The department shall calculate the amount of prior year investment  
8 income earnings accruing to the fund and allocate such amount  
9 to the subaccount for training grants under this subsection. The  
10 subaccount shall also be used as provided in the Teleworker Job  
11 Creation Act.

12 (4) Any money in the fund available for investment  
13 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 Sec. 12. Section 85-1402, Revised Statutes Cumulative  
17 Supplement, 2010, is amended to read:

18 85-1402 For purposes of the Coordinating Commission for  
19 Postsecondary Education Act:

20 (1)(a) Capital construction project shall mean a project  
21 which utilizes tax funds designated by the Legislature and shall  
22 be: Any proposed new capital structure; any proposed addition  
23 to, renovation of, or remodeling of a capital structure; any  
24 proposed acquisition of a capital structure by gift, purchase,  
25 lease-purchase, or other means of construction or acquisition that  
26 (i) will be directly financed in whole or in part with tax funds  
27 designated by the Legislature totaling at least the minimum capital

1 expenditure for purposes of this subdivision or (ii) is likely,  
2 as determined by the institution, to result in an incremental  
3 increase in appropriation or expenditure of tax funds designated  
4 by the Legislature of at least the minimum capital expenditure for  
5 the facility's operations and maintenance costs in any one fiscal  
6 year within a period of ten years from the date of substantial  
7 completion or acquisition of the project. No tax funds designated  
8 by the Legislature shall be appropriated or expended for any  
9 incremental increase of more than the minimum capital expenditure  
10 for the costs of the operations and utilities of any facility  
11 which is not included in the definition of capital construction  
12 project and thus is not subject to commission approval pursuant  
13 to the Coordinating Commission for Postsecondary Education Act. No  
14 institution shall include a request for funding such an increase  
15 in its budget request for tax funds designated by the Legislature  
16 nor shall any institution utilize any such funds for such an  
17 increase. The Governor shall not include in his or her budget  
18 recommendations, and the Legislature shall not appropriate, such  
19 funds for such increase.

20 (b) For purposes of this subdivision:

21 (i) Directly financed shall mean funded by:

22 (A) Appropriation of tax funds designated by the  
23 Legislature for the specific capital construction project;

24 (B) Property tax levies authorized pursuant to  
25 subdivision (1)(b) of section 85-1517 for fiscal years prior to  
26 fiscal year 2013-14 and subdivision (2)(b) of section 85-1517  
27 for fiscal year 2013-14 and each fiscal year thereafter used to

1 establish a capital improvement and bond sinking fund pursuant to  
2 as provided in section 85-1515; or

3 (C) That portion of tax funds designated by the  
4 Legislature and appropriated by the Legislature for the general  
5 operation of the public institution and utilized to fund the  
6 capital project;

7 (ii) Incremental increase shall mean an increase in  
8 appropriation or expenditure of tax funds designated by the  
9 Legislature of at least the minimum capital expenditure for a  
10 facility's operations and maintenance costs, beyond any increase  
11 due to inflation, to pay for a capital structure's operations  
12 and maintenance costs that are a direct result of a capital  
13 construction project; and

14 (iii) Minimum capital expenditure shall mean:

15 (A) For purposes of subdivision (a)(i) of this  
16 subdivision, a base amount of two million dollars; and

17 (B) For the facility's operations and maintenance costs  
18 pursuant to subdivision (a)(ii) of this subdivision, a base amount  
19 of eighty-five thousand dollars for any one fiscal year.

20 The base amount for the facility's operations and  
21 maintenance costs shall be subject to any inflationary or market  
22 adjustments made by the commission pursuant to this subdivision.  
23 The commission shall adjust the base amount on a biennial basis  
24 beginning January 1, 2010. The adjustments shall be based on  
25 percentage changes in a construction cost index and any other  
26 published index relevant to operations and utilities costs, both  
27 as selected by the commission in cooperation with the public

1 institutions. The index or indices shall reflect inflationary or  
2 market trends for the applicable operations and maintenance or  
3 construction costs;

4 (2) Commission shall mean the Coordinating Commission for  
5 Postsecondary Education;

6 (3) Coordination shall mean:

7 (a) Authority to adopt, and revise as needed, a  
8 comprehensive statewide plan for postsecondary education which  
9 shall include (i) definitions of the role and mission of each  
10 public postsecondary educational institution within any general  
11 assignments of role and mission as may be prescribed by the  
12 Legislature and (ii) plans for facilities which utilize tax funds  
13 designated by the Legislature;

14 (b) Authority to review, monitor, and approve or  
15 disapprove each public postsecondary educational institution's  
16 programs and capital construction projects which utilize tax funds  
17 designated by the Legislature in order to provide compliance and  
18 consistency with the comprehensive plan and to prevent unnecessary  
19 duplication; and

20 (c) Authority to review and modify, if needed to promote  
21 compliance and consistency with the comprehensive statewide plan  
22 and prevent unnecessary duplication, the budget requests of the  
23 governing boards or any other governing board for any other public  
24 postsecondary educational institution which may be established by  
25 the Legislature;

26 (4) Education center shall mean an off-campus branch of  
27 a public institution or cooperative of either public or public

1 and private postsecondary educational institutions which offers  
2 instructional programs to students;

3 (5) Governing board shall mean the Board of Regents of  
4 the University of Nebraska, the Board of Trustees of the Nebraska  
5 State Colleges, or the board of governors for each community  
6 college area;

7 (6) Program shall mean any program of instruction which  
8 leads directly to a degree, diploma, or certificate and, for  
9 purposes of section 85-1414, shall include public service programs  
10 and all off-campus instructional programs, whether or not such  
11 programs lead directly to a degree, diploma, or certificate.  
12 Program shall also include the establishment of any new college,  
13 school, major division, education center, or institute but  
14 shall not include reasonable and moderate extensions of existing  
15 curricula which have a direct relationship to existing programs;

16 (7) Public institution shall mean each campus of a  
17 public postsecondary educational institution which is or may be  
18 established by the Legislature, which is under the direction of a  
19 governing board, and which is administered as a separate unit by  
20 the board; and

21 (8) Tax funds designated by the Legislature shall mean  
22 all state tax revenue and all property tax revenue.

23 Sec. 22. Section 85-1539, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 85-1539 There is hereby created the Nebraska Community  
26 College Aid, Grant, and Contract Review Student Performance and  
27 Occupational Education Grant Committee. The committee shall be

1 selected by the Director of Administrative Services and shall  
2 consist of (1) a representative of the University of Nebraska  
3 who has expertise and experience in research and development,  
4 Coordinating Commission for Postsecondary Education, (2) a  
5 representative of the Department of Economic Development, (3) a  
6 representative of the Department of Labor, (4) a representative  
7 of the State Department of Education, and (5) a representative  
8 of the community colleges- affiliated with one of the two  
9 community college areas with the two smallest full-time equivalent  
10 student enrollment totals for the most recent fiscal year, (6) a  
11 representative affiliated with one of the two community college  
12 areas with the two largest full-time equivalent student enrollment  
13 totals for the most recent fiscal year, and (7) a representative  
14 affiliated with one of the two community college areas not included  
15 in the categories provided in subdivisions (5) and (6) of this  
16 section. Each member shall be appointed by the agency or community  
17 college areas being represented. The representatives appointed  
18 pursuant to subdivisions (5) through (7) of this section shall  
19 serve terms of two years and shall be succeeded by a representative  
20 affiliated with the community college areas not represented for the  
21 preceding term.

22           The committee shall develop guidelines and submit  
23 recommendations to the Director of Administrative Services for  
24 the distribution for and annually determine the allocation of  
25 the Nebraska Community College Aid Cash Student Performance  
26 and Occupational Education Grant Fund and any other funds  
27 appropriated to Program 99 in Agency 83, Aid to Community Colleges,

1 ~~pursuant to any directives of the Governor or the Legislature.~~  
2 ~~Recommendations made by the committee shall not exceed the amount~~  
3 ~~appropriated to the fund. this section and section 85-1540. The~~  
4 ~~total amount allocated for a fiscal year shall not exceed the~~  
5 ~~amounts appropriated from the fund and such other funds as may~~  
6 ~~be appropriated by the Legislature for such fiscal year. The~~  
7 ~~commission shall certify the allocation determined by the committee~~  
8 ~~on or before September 10 of the fiscal year for which such~~  
9 ~~allocation is being certified and shall report such allocation to~~  
10 ~~the Department of Administrative Services. The department shall~~  
11 ~~distribute the total of such appropriated and allocated funds to~~  
12 ~~the selected community college board or boards in a single payment~~  
13 ~~between the fifth and twentieth day of October of the fiscal year~~  
14 ~~for which such allocation is certified.~~

15           2. On page 3, line 1, strike "8" and insert "7".

16           3. On page 4, line 4, strike "pursuant to the act" and  
17 insert "attributable to the allocations pursuant to subdivisions  
18 (1) and (3) of section 4 of this act"; in line 6 strike "prior  
19 to" and insert "on or before"; and in line 11 after the period  
20 insert "Any amount transferred to the Nebraska Community College  
21 Student Performance and Occupational Education Grant Fund pursuant  
22 to subdivision (2) of section 4 of this act for a fiscal year shall  
23 be certified and distributed in accordance with sections 85-1539  
24 and 85-1540.".

25           4. On page 5, line 19, strike "allocated" and insert  
26 "divided".

27           5. On page 6, line 14, strike "provided by" and insert



1 "of".

2           6. On page 13, line 4, after the semicolon insert "and";  
3 and strike beginning with "To" in line 5 through "(iv)" in line 8  
4 and show the old matter as stricken.

5           7. On page 32, line 4; and page 38, line 13, strike  
6 "Community College Assistance Act" and insert "College or  
7 University Assistance Act of 1978".

8           8. On page 37, line 8, strike "Community College  
9 Assistance Act", show as stricken, and insert "College or  
10 University Assistance Act of 1978".

11           9. On page 44, line 1, strike "authorized" through  
12 "purposes" and insert "and charges established for facilities".

13           10. On page 45, line 13, strike "of" and show as  
14 stricken.

15           11. On page 47, line 13, strike "of".

16           12. On page 48, line 15, strike "the projects authorized  
17 in this subdivision" and insert "accessibility barrier elimination  
18 project costs and abatement of environmental hazards as such terms  
19 are defined in section 79-10,110".

20           13. On page 53, strike line 25 and all amendments  
21 thereto, show the old matter as stricken, and insert "subdivision  
22 (2) of section 4 of this act and such other amounts as may be  
23 transferred or otherwise accrue to the fund. The fund".

24           14. On page 54, strike lines 1 and 2 and show the old  
25 matter as stricken.

26           15. Renumber the remaining sections, amend the repealer,  
27 and correct internal references accordingly.