

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 813

FINAL READING

Introduced by Arch, 14; at the request of the Governor.

Read first time January 25, 2023

Committee: Appropriations

- 1 A BILL FOR AN ACT relating to appropriations; to amend Laws 2021, LB380,
- 2 sections 57, 68, and 83; Laws 2021, LB383, section 25; Laws 2022,
- 3 LB1011, sections 56, 187, 189, and 190; Laws 2022, LB1014, sections
- 4 34 and 49; and Laws 2022, LB1024A, section 3; to define terms; to
- 5 provide, change, and eliminate appropriations for operation of state
- 6 government; to repeal the original sections; and to declare an
- 7 emergency.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. DEFINITION OF APPROPRIATION PERIOD.

2 For purposes of this act and any other legislative bill passed by
3 the One Hundred Eighth Legislature, First or Second Session, which
4 appropriates funds, FY2021-22 means the period July 1, 2021, through June
5 30, 2022; FY2022-23 means the period July 1, 2022, through June 30, 2023;
6 FY2023-24 means the period July 1, 2023, through June 30, 2024; FY2024-25
7 means the period July 1, 2024, through June 30, 2025; FY2025-26 means the
8 period July 1, 2025, through June 30, 2026; and FY2026-27 means the
9 period July 1, 2026, through June 30, 2027.

10 Sec. 2. APPROPRIATION LANGUAGE.

11 There are hereby appropriated, for FY2021-22 and FY2022-23, the sums
12 set forth in this act to each agency for each program from the respective
13 funds for the general operations of state government, postsecondary
14 education, capital construction, and state aid, except as otherwise
15 appropriated.

16 Sec. 3. UNEXPENDED BALANCES AND CERTIFIED ENCUMBRANCES.

17 All General Fund appropriations existing on June 30, 2021, in excess
18 of expended and certified encumbrance amounts are hereby lapsed unless
19 otherwise provided. All Cash Fund and Revolving Fund appropriations
20 existing on June 30, 2021, in excess of expended and certified
21 encumbrance amounts are hereby lapsed unless otherwise expressly
22 provided. All certified encumbrance amounts on June 30, 2021, and June
23 30, 2022, are hereby reappropriated for FY2021-22 and FY2022-23,
24 respectively, which amounts shall be in addition to the amounts shown in
25 this act.

26 Sec. 4. REAPPROPRIATION OF BALANCES, FY2021-22 to FY2022-23.

27 In addition to the appropriations set forth in this act, there are
28 hereby reappropriated all unexpended appropriation balances existing on
29 June 30, 2022, for FY2022-23 to the respective agencies, programs, and
30 funds listed in this act, except as otherwise provided in this act.

31 Sec. 5. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

1 The definitions contained in the Nebraska Accounting System Manual,
2 and any amendments thereto, on file with the Clerk of the Legislature are
3 hereby adopted by the Legislature as the definitions for this act, except
4 as provided in section 41 of this act.

5 Sec. 6. DRAWING AND PAYING WARRANTS.

6 The Director of Administrative Services shall draw warrants upon the
7 proper fund in the state treasury for an amount not to exceed the
8 appropriations set forth in this act upon presentation of proper
9 documentation. The State Treasurer shall pay the warrants out of the
10 appropriate funds.

11 Sec. 7. AGENCY NO. 9 – SECRETARY OF STATE

12 Program No. 45 - Election Administration

	<u>FY2021-22</u>	<u>FY2022-23</u>
14 <u>GENERAL FUND</u>	<u>-0-</u>	<u>77,956</u>
15 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>77,956</u>
16 <u>SALARY LIMIT</u>	<u>-0-</u>	<u>46,875</u>

17 Sec. 8. AGENCY NO. 10 – AUDITOR OF PUBLIC ACCOUNTS

18 Program No. 506 - State Agency and County Post Audits

	<u>FY2021-22</u>	<u>FY2022-23</u>
20 <u>GENERAL FUND</u>	<u>-0-</u>	<u>126,652</u>
21 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>126,652</u>
22 <u>SALARY LIMIT</u>	<u>-0-</u>	<u>110,000</u>

23 Sec. 9. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION

24 Program No. 25 - Education, Administration, and Support

	<u>FY2021-22</u>	<u>FY2022-23</u>
26 <u>GENERAL FUND</u>	<u>-0-</u>	<u>451,749</u>
27 <u>CASH FUND</u>	<u>-0-</u>	<u>39,691</u>
28 <u>FEDERAL FUND est.</u>	<u>-0-</u>	<u>619,025</u>
29 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>1,110,465</u>
30 <u>SALARY LIMIT</u>	<u>-0-</u>	<u>102,583</u>

1	Sec. 10. <u>AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION</u>		
2	<u>Program No. 161 - Education Innovation</u>		
3		<u>FY2021-22</u>	<u>FY2022-23</u>
4	<u>CASH FUND</u>	<u>-0-</u>	<u>187</u>
5	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>187</u>
6	Sec. 11. <u>AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION</u>		
7	<u>Program No. 351 - Vocational Rehabilitation</u>		
8		<u>FY2021-22</u>	<u>FY2022-23</u>
9	<u>FEDERAL FUND est.</u>	<u>-0-</u>	<u>73,530</u>
10	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>73,530</u>
11	<u>SALARY LIMIT</u>	<u>-0-</u>	<u>48,768</u>
12	Sec. 12. <u>AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION</u>		
13	<u>Program No. 352 - Disability Determination</u>		
14		<u>FY2021-22</u>	<u>FY2022-23</u>
15	<u>FEDERAL FUND est.</u>	<u>-0-</u>	<u>22,421</u>
16	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>22,421</u>
17	<u>SALARY LIMIT</u>	<u>-0-</u>	<u>14,701</u>
18	Sec. 13. <u>AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION</u>		
19	<u>Program No. 401 - Services for the Deaf and Hard of Hearing</u>		
20		<u>FY2021-22</u>	<u>FY2022-23</u>
21	<u>GENERAL FUND</u>	<u>-0-</u>	<u>14</u>
22	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>14</u>
23	Sec. 14. <u>AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION</u>		
24	<u>Program No. 402 - Nebraska Center for the Education of Children who</u>		
25	<u>are Blind or Visually Impaired</u>		
26		<u>FY2021-22</u>	<u>FY2022-23</u>
27	<u>GENERAL FUND</u>	<u>-0-</u>	<u>166,724</u>
28	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>166,724</u>
29	Sec. 15. <u>AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION</u>		
30	<u>Program No. 614 - Professional Practices Commission</u>		

1		<u>FY2021-22</u>	<u>FY2022-23</u>
2	<u>GENERAL FUND</u>	<u>-0-</u>	<u>73</u>
3	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>73</u>
4	Sec. 16. <u>AGENCY NO. 14 – PUBLIC SERVICE COMMISSION</u>		
5	<u>Program No. 60 - Grain Warehouse Surveillance/Moisture Testing</u>		
6		<u>FY2021-22</u>	<u>FY2022-23</u>
7	<u>CASH FUND</u>	<u>-0-</u>	<u>49,500</u>
8	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>49,500</u>
9	<u>SALARY LIMIT</u>	<u>-0-</u>	<u>29,109</u>
10	Sec. 17. <u>AGENCY NO. 14 – PUBLIC SERVICE COMMISSION</u>		
11	<u>Program No. 686 - Nebraska Telecommunications Universal Service Fund</u>		
12		<u>FY2021-22</u>	<u>FY2022-23</u>
13	<u>CASH FUND</u>	<u>-0-</u>	<u>10,049,356</u>
14	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>10,049,356</u>
15	<u>SALARY LIMIT</u>	<u>-0-</u>	<u>32,500</u>
16	<u>There is included in the appropriation to this program for FY2022-23</u>		
17	<u>\$10,000,000 Cash Funds for state aid, which shall only be used for such</u>		
18	<u>purpose.</u>		
19	Sec. 18. <u>AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES</u>		
20	<u>Program No. 33 - Administration</u>		
21		<u>FY2021-22</u>	<u>FY2022-23</u>
22	<u>GENERAL FUND</u>	<u>-0-</u>	<u>23,809,082</u>
23	<u>FEDERAL FUND est.</u>	<u>-0-</u>	<u>698,587</u>
24	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>24,507,669</u>
25	Sec. 19. <u>AGENCY NO. 27 – DEPARTMENT OF TRANSPORTATION</u>		
26	<u>Program No. 569 - Construction</u>		
27		<u>FY2021-22</u>	<u>FY2022-23</u>
28	<u>CASH FUND</u>	<u>-0-</u>	<u>159,000,000</u>
29	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>159,000,000</u>
30	Sec. 20. <u>AGENCY NO. 33 – GAME AND PARKS COMMISSION</u>		

1 Program No. 549 - Parks - Administration and Operation

2		<u>FY2021-22</u>	<u>FY2022-23</u>
3	<u>CASH FUND</u>	<u>-0-</u>	<u>2,500,000</u>
4	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>2,500,000</u>
5	<u>SALARY LIMIT</u>	<u>-0-</u>	<u>600,000</u>

6 Sec. 21. AGENCY NO. 46 – DEPARTMENT OF CORRECTIONAL SERVICES

7 Program No. 200 - Operations

8		<u>FY2021-22</u>	<u>FY2022-23</u>
9	<u>GENERAL FUND</u>	<u>-0-</u>	<u>24,925,453</u>
10	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>24,925,453</u>
11	<u>SALARY LIMIT</u>	<u>-0-</u>	<u>10,498,311</u>

12 Sec. 22. AGENCY NO. 47 – NEBRASKA EDUCATIONAL TELECOMMUNICATIONS

13 COMMISSION

14 Program No. 919 - Emergency Alert System Project

15		<u>FY2021-22</u>	<u>FY2022-23</u>	<u>FUTURE</u>
16	<u>NEBRASKA CAPITAL</u>			
17	<u>CONSTRUCTION FUND</u>	<u>-0-</u>	<u>170,000</u>	<u>-0-</u>
18	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>170,000</u>	<u>-0-</u>

19 The Nebraska Educational Telecommunications Commission is hereby
20 authorized to update the emergency alert system.

21 Sec. 23. AGENCY NO. 47 – NEBRASKA EDUCATIONAL TELECOMMUNICATIONS

22 COMMISSION

23 Program No. 920 - Translator Sites

24		<u>FY2021-22</u>	<u>FY2022-23</u>	<u>FUTURE</u>
25	<u>NEBRASKA CAPITAL</u>			
26	<u>CONSTRUCTION FUND</u>	<u>-0-</u>	<u>210,000</u>	<u>-0-</u>
27	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>210,000</u>	<u>-0-</u>

28 The Nebraska Educational Telecommunications Commission is hereby
29 authorized to purchase two tower sites in the community of Max in Dundy
30 County, Nebraska, and the village of Culbertson, Nebraska.

1	Sec. 24. <u>AGENCY NO. 50 – BOARD OF TRUSTEES OF THE NEBRASKA STATE</u>		
2	<u>COLLEGES</u>		
3	<u>Program No. 48 - Nebraska State Colleges - System Office</u>		
4		<u>FY2021-22</u>	<u>FY2022-23</u>
5	<u>GENERAL FUND</u>	<u>-0-</u>	<u>1,335,197</u>
6	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>1,335,197</u>
7	Sec. 25. <u>AGENCY NO. 53 – REAL PROPERTY APPRAISER BOARD</u>		
8	<u>Program No. 79 - Appraiser Licensing</u>		
9		<u>FY2021-22</u>	<u>FY2022-23</u>
10	<u>CASH FUND</u>	<u>-0-</u>	<u>3,783</u>
11	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>3,783</u>
12	<u>SALARY LIMIT</u>	<u>-0-</u>	<u>-0-</u>
13	Sec. 26. <u>AGENCY NO. 63 – NEBRASKA STATE BOARD OF PUBLIC ACCOUNTANCY</u>		
14	<u>Program No. 84 - Enforcement of Standards - Public Accountancy</u>		
15		<u>FY2021-22</u>	<u>FY2022-23</u>
16	<u>SALARY LIMIT</u>	<u>-0-</u>	<u>2,500</u>
17	Sec. 27. <u>AGENCY NO. 65 – DEPARTMENT OF ADMINISTRATIVE SERVICES</u>		
18	<u>Program No. 173 - Communications Division</u>		
19		<u>FY2021-22</u>	<u>FY2022-23</u>
20	<u>REVOLVING FUND</u>	<u>-0-</u>	<u>3,500,000</u>
21	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>3,500,000</u>
22	Sec. 28. <u>AGENCY NO. 72 – DEPARTMENT OF ECONOMIC DEVELOPMENT</u>		
23	<u>Program No. 601 - Community and Rural Development</u>		
24		<u>FY2021-22</u>	<u>FY2022-23</u>
25	<u>CASH FUND</u>	<u>-0-</u>	<u>10,000,000</u>
26	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>10,000,000</u>
27	<u>There is included in the appropriation to this program for FY2021-22</u>		
28	<u>\$-0- Cash Funds and for FY2022-23 \$10,000,000 Cash Funds for state aid,</u>		
29	<u>which shall only be used for such purpose.</u>		
30	Sec. 29. <u>AGENCY NO. 72 – DEPARTMENT OF ECONOMIC DEVELOPMENT</u>		

1 Program No. 603 - Industrial Recruitment

	<u>FY2021-22</u>	<u>FY2022-23</u>
3 <u>CASH FUND</u>	<u>-0-</u>	<u>4,000,000</u>
4 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>4,000,000</u>

5 There is included in the appropriation to this program for FY2021-22
6 \$-0- Cash Funds and for FY2022-23 \$4,000,000 Cash Funds for state aid,
7 which shall only be used for such purpose.

8 Sec. 30. Laws 2021, LB380, section 57, is amended to read:

9 Sec. 57. AGENCY NO. 14 – PUBLIC SERVICE COMMISSION

10 Program No. 54 - Enforcement of Standards - Common Carriers

	<u>FY2021-22</u>	<u>FY2022-23</u>
12 <u>GENERAL FUND</u>	<u>1,546,001</u>	<u>1,531,268</u>
13 <u>GENERAL FUND</u>	<u>1,546,001</u>	<u>1,580,768</u>
14 CASH FUND	66,647	68,152
15 <u>PROGRAM TOTAL</u>	<u>1,612,648</u>	<u>1,599,420</u>
16 <u>SALARY LIMIT</u>	<u>1,199,656</u>	<u>1,194,539</u>
17 <u>PROGRAM TOTAL</u>	<u>1,612,648</u>	<u>1,648,920</u>
18 <u>SALARY LIMIT</u>	<u>1,199,656</u>	<u>1,223,648</u>

19 Sec. 31. Laws 2021, LB380, section 68, is amended to read:

20 Sec. 68. AGENCY NO. 16 – DEPARTMENT OF REVENUE

21 Program No. 111 - Motor Fuels

	<u>FY2021-22</u>	<u>FY2022-23</u>
23 <u>CASH FUND</u>	<u>1,727,408</u>	<u>1,550,120</u>
24 <u>PROGRAM TOTAL</u>	<u>1,727,408</u>	<u>1,550,120</u>
25 <u>SALARY LIMIT</u>	<u>1,196,853</u>	<u>1,111,267</u>
26 <u>CASH FUND</u>	<u>1,727,408</u>	<u>1,750,120</u>
27 <u>PROGRAM TOTAL</u>	<u>1,727,408</u>	<u>1,750,120</u>
28 <u>SALARY LIMIT</u>	<u>1,196,853</u>	<u>1,211,267</u>

29 Sec. 32. Laws 2021, LB380, section 83, is amended to read:

30 Sec. 83. AGENCY NO. 23 – DEPARTMENT OF LABOR

1 Program No. 31 - Division of Employment

2		FY2021-22	FY2022-23
3	CASH FUND	2,980,461	2,995,874
4	<u>FEDERAL FUND est.</u>	<u>41,159,897</u>	<u>43,532,919</u>
5	<u>PROGRAM TOTAL</u>	<u>44,140,358</u>	<u>46,528,793</u>
6	FEDERAL FUND est.	41,159,897	41,532,919
7	PROGRAM TOTAL	44,140,358	44,528,793
8	SALARY LIMIT	19,188,699	19,412,730

9 There is included in the appropriation to this program for FY2021-22
10 \$1,600,000 Cash Funds for state aid, which shall only be used for such
11 purpose. There is included in the appropriation to this program for
12 FY2022-23 \$1,600,000 Cash Funds for state aid, which shall only be used
13 for such purpose.

14 There is included in the appropriation to this program for FY2021-22
15 \$7,904,743 Federal Funds estimate for state aid, which shall only be used
16 for such purpose. There is included in the appropriation to this program
17 for FY2022-23 \$7,904,743 Federal Funds estimate for state aid, which
18 shall only be used for such purpose.

19 There is included in the appropriation to this program Federal Funds
20 made available to the state under section 903(d) and 903(f) of the
21 federal Social Security Act, as amended, of \$2,000,000 in FY2022-23 or so
22 much thereof as may be necessary, to be used for the administration of
23 the Employment Security Law and public employment offices, including the
24 administration of one-stop career centers to the extent authorized under
25 the federal Social Security Act and the Wagner-Peyser Act and the rules
26 and regulations adopted pursuant thereto. The expenditure or other
27 disposition of section 903(d) and 903(f) money appropriated in this
28 section shall be accounted for in accordance with standards established
29 by the United States Secretary of Labor. Except as provided in this
30 section, all provisions of subsection (2) of section 48-621, except
31 subdivision (2)(a)(i) of such section, shall apply to this appropriation.

1 Sec. 33. Laws 2021, LB383, section 25, is amended to read:

2 Sec. 25. AGENCY NO. 47 – NEBRASKA EDUCATIONAL TELECOMMUNICATIONS
3 COMMISSION

4 Program No. 908 - Tower Lighting Project

	FY2021-22	FY2022-23	FUTURE
6 GENERAL FUND	180,000	120,000	-0-
7 <u>NEBRASKA CAPITAL</u>			
8 <u>CONSTRUCTION FUND</u>	<u>-0-</u>	<u>160,000</u>	<u>-0-</u>
9 <u>PROGRAM TOTAL</u>	<u>180,000</u>	<u>280,000</u>	<u>-0-</u>
10 PROGRAM TOTAL	180,000	120,000	-0-

11 The Nebraska Educational Telecommunications Commission is hereby
12 authorized to replace the tower lighting system at KRNE Merriman, and
13 K33AC Pawnee City, and KLNE Lexington.

14 Sec. 34. Laws 2022, LB1011, section 56, is amended to read:

15 Sec. 56. AGENCY NO. 16 – DEPARTMENT OF REVENUE

16 Program No. 108 - Homestead Exemption

	FY2021-22	FY2022-23
18 <u>GENERAL FUND</u>	<u>7,900,000</u>	<u>9,900,000</u>
19 <u>PROGRAM TOTAL</u>	<u>7,900,000</u>	<u>9,900,000</u>
20 GENERAL FUND	7,900,000	11,700,000
21 PROGRAM TOTAL	7,900,000	11,700,000

22 There is included in the appropriation to this program for FY2021-22
23 \$7,900,000 General Funds for state aid, which shall only be used for such
24 purpose. There is included in the appropriation to this program for
25 FY2022-23 ~~\$9,900,000~~ ~~\$11,700,000~~ General Funds for state aid, which shall
26 only be used for such purpose.

27 Sec. 35. Laws 2022, LB1011, section 187, is amended to read:

28 Sec. 187. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION

29 Program No. 158 - Education Aid

	FY2021-22	FY2022-23
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1	<u>GENERAL FUND</u>	<u>1,279,814,262</u>	<u>1,301,934,795</u>
2	GENERAL FUND	1,279,814,262	1,306,056,097
3	CASH FUND	3,790,938	3,790,938
4	FEDERAL FUND est.	592,183,782	401,155,053
5	<u>PROGRAM TOTAL</u>	<u>1,875,788,982</u>	<u>1,706,880,786</u>
6	PROGRAM TOTAL	1,875,788,982	1,711,002,088

7 There is included in the appropriation to this program for FY2021-22
8 \$1,279,814,262 General Funds, \$3,790,938 Cash Funds, and \$592,183,782
9 Federal Funds estimate for state aid, which shall only be used for such
10 purpose. There is included in the appropriation to this program for
11 FY2022-23 \$1,301,934,795 ~~\$1,306,056,097~~ General Funds, \$3,790,938 Cash
12 Funds, and \$401,155,053 Federal Funds estimate for state aid, which shall
13 only be used for such purpose.

14 There is included in the amount shown for FY2021-22 \$1,014,778,305
15 General Funds which are hereby appropriated to the Tax Equity and
16 Educational Opportunities Fund, which fund is hereby appropriated to
17 provide state aid to public school districts pursuant to the Tax Equity
18 and Educational Opportunities Support Act. There is included in the
19 amount shown for FY2022-23 \$1,034,512,641 ~~\$1,038,686,234~~ General Funds
20 which are hereby appropriated to the Tax Equity and Educational
21 Opportunities Fund, which fund is hereby appropriated to provide state
22 aid to public school districts pursuant to the Tax Equity and Educational
23 Opportunities Support Act.

24 There is included in the amount shown for this program \$233,390,568
25 General Funds provided as state aid for FY2021-22 for special education
26 reimbursement. There is included in the amount shown for this program
27 \$235,724,474 General Funds provided as state aid for FY2022-23 for
28 special education reimbursement.

29 There is included in the amount shown for this program \$1,465,500
30 General Funds provided as state aid for FY2021-22 and \$1,465,500 General
31 Funds provided as state aid for FY2022-23 to carry out the provisions of

1 subsection (2) of section 79-734.

2 There is included in the amount shown for this program \$10,161,395
3 General Funds provided as state aid for FY2021-22 and \$10,161,395 General
4 Funds provided as state aid for FY2022-23 for core services for
5 educational service units.

6 There is included in the amount shown for this program \$3,170,927
7 General Funds provided as state aid for FY2021-22 and \$3,170,927 General
8 Funds provided as state aid for FY2022-23 for technology infrastructure
9 for educational service units.

10 There is included in the amount shown for this program \$281,654
11 General Funds provided as state aid for FY2021-22 and \$281,654 General
12 Funds provided as state aid for FY2022-23 for distance education aid to
13 educational service units.

14 There is included in the amount shown for this program \$617,898
15 General Funds provided as state aid for FY2021-22 and \$670,189 ~~\$617,898~~
16 General Funds provided as state aid for FY2022-23 for the school
17 breakfast program.

18 There is included in the amount shown for this program \$392,032
19 General Funds provided as state aid for FY2021-22 and \$392,032 General
20 Funds provided as state aid for FY2022-23 for the school lunch program.

21 There is included in the amount shown for this program \$90,000
22 General Funds provided as state aid for FY2021-22 and \$90,000 General
23 Funds provided as state aid for FY2022-23 for the Summer Food Service
24 Program.

25 There is included in the amount shown for this program \$214,664
26 General Funds provided as state aid for FY2021-22 and \$214,664 General
27 Funds provided as state aid for FY2022-23 for adult basic education
28 programs.

29 There is included in the amount shown for this program \$750,000
30 General Funds provided as state aid for FY2021-22 and \$750,000 General
31 Funds provided as state aid for FY2022-23 for aid to institutions

1 offering high school equivalency programs.

2 There is included in the amount shown for this program \$3,619,357
3 General Funds provided as state aid for FY2021-22 and \$3,619,357 General
4 Funds provided as state aid for FY2022-23 for early childhood education
5 projects.

6 There is included in the amount shown for this program \$7,500,000
7 General Funds provided as state aid for FY2021-22 and \$7,500,000 General
8 Funds provided as state aid for FY2022-23 for the Early Childhood
9 Education Grant Program for at-risk children from birth to age three. It
10 is the intent of the Legislature that a maximum of five percent of
11 General Funds appropriated each fiscal year for the Early Childhood
12 Education Grant Program for at-risk children from birth to age three may
13 be used for evaluation and technical assistance.

14 There is included in the amount shown for this program \$100,000
15 General Funds provided as state aid for FY2021-22 and \$100,000 General
16 Funds provided as state aid for FY2022-23 for scholarships for early
17 childhood education providers.

18 There is included in the amount shown for this program \$69,000
19 General Funds provided as state aid for FY2021-22 and \$69,000 General
20 Funds provided as state aid for FY2022-23 for incentive bonuses for
21 providers of child care and early childhood education programs.

22 There is included in the amount shown for this program \$400,000
23 General Funds provided as state aid for FY2021-22 and \$400,000 General
24 Funds provided as state aid for FY2022-23 for the Nurturing Healthy
25 Behaviors program.

26 There is included in the amount shown for this program \$470,000
27 General Funds provided as state aid for FY2021-22 and \$470,000 General
28 Funds provided as state aid for FY2022-23 for learning community aid.

29 There is included in the amount shown for this program \$2,342,962
30 General Funds provided as state aid for FY2021-22 and \$2,342,962 General
31 Funds provided as state aid for FY2022-23 for programs for learners with

1 high ability.

2 Sec. 36. Laws 2022, LB1011, section 189, is amended to read:

3 Sec. 189. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

4 Program No. 38 - Behavioral Health Aid

	FY2021-22	FY2022-23
5		
6 <u>GENERAL FUND</u>	<u>77,956,716</u>	<u>68,811,162</u>
7 GENERAL FUND	77,956,716	74,311,162
8 CASH FUND	13,200,000	26,200,000
9 FEDERAL FUND est.	10,504,971	10,504,971
10 <u>PROGRAM TOTAL</u>	<u>101,661,687</u>	<u>105,516,133</u>
11 PROGRAM TOTAL	101,661,687	111,016,133

12 There is included in the appropriation to this program for FY2021-22
13 \$77,956,716 General Funds, \$13,200,000 Cash Funds, and \$10,504,971
14 Federal Funds estimate for state aid, which shall only be used for such
15 purpose. There is included in the appropriation to this program for
16 FY2022-23 \$68,811,162 ~~\$74,311,162~~ General Funds, \$26,200,000 Cash Funds,
17 and \$10,504,971 Federal Funds estimate for state aid, which shall only be
18 used for such purpose.

19 There is included in the amount shown as aid for this program for
20 FY2022-23 \$10,305,951 General Funds for behavioral health provider rate
21 increases, which shall only be used for such purpose.

22 There is included in the appropriation to this program for FY2021-22
23 \$2,000,000 Cash Funds for state aid for the distribution of national
24 opioid settlement funds, which shall only be used for such purpose. There
25 is included in the appropriation to this program for FY2022-23
26 \$15,000,000 Cash Funds for state aid for the distribution of national
27 opioid settlement funds, which shall only be used for such purpose.

28 There is included in the amount shown as aid for this program for
29 FY2021-22 \$442,527 General Funds, which is to be used for purposes of the
30 outpatient competency restoration program. There is included in the
31 amount shown as aid for this program for FY2022-23 \$1,248,947 General

1 Funds, which is to be used for purposes of the outpatient competency
2 restoration program.

3 There is included in the amount shown as Cash Fund aid in this
4 program \$6,500,000 Cash Funds for FY2021-22 and \$6,500,000 Cash Funds for
5 FY2022-23 from the Nebraska Health Care Cash Fund to be used for
6 community-based mental health and substance abuse services, including
7 intermediate-level residential mental health services. It is the intent
8 of the Legislature that these funds shall be distributed to each of the
9 six behavioral health regions based upon a formula determined by the
10 Department of Health and Human Services.

11 There is included in the amount shown as Cash Fund aid in this
12 program \$1,500,000 Cash Funds for FY2021-22 and \$1,500,000 Cash Funds for
13 FY2022-23 from the Nebraska Health Care Cash Fund to be used for the cost
14 of maintenance and treatment of persons in emergency protective custody
15 under the Nebraska Mental Health Commitment Act.

16 It is the intent of the Legislature that any appropriation to the
17 department for behavioral health aid and designated as funding to be
18 allocated to the regional behavioral health authorities in behavioral
19 health regions shall be utilized to provide activities pursuant to the
20 approved annual budgets of the regional behavioral health authorities or
21 activities identified through demonstrated need.

22 Whenever circumstances occur during the budget year that impact the
23 initial projected regional behavioral health authority budgets, the
24 Director of Behavioral Health shall allow for reallocation of funding to
25 accommodate emerging needs identified by the regional behavioral health
26 authorities to maximize the ability of the behavioral health regions to
27 implement new behavioral health services and supports. The Director of
28 Behavioral Health shall determine whether to approve the reallocation of
29 funding within thirty days after receiving a request by a regional
30 behavioral health authority. Any request for reallocation of funding
31 under this section shall be deemed approved thirty days after receipt by

1 the Director of Behavioral Health unless sooner approved or denied.

2 Sec. 37. Laws 2022, LB1011, section 190, is amended to read:

3 Sec. 190. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

4 Program No. 347 - Public Assistance

	FY2021-22	FY2022-23
5		
6 <u>GENERAL FUND</u>	<u>87,950,162</u>	<u>81,868,718</u>
7 GENERAL FUND	87,950,162	89,156,005
8 CASH FUND	4,160,000	4,160,000
9 <u>FEDERAL FUND est.</u>	<u>115,044,870</u>	<u>117,577,006</u>
10 <u>PROGRAM TOTAL</u>	<u>207,155,032</u>	<u>203,605,724</u>
11 FEDERAL FUND est.	115,044,870	118,275,593
12 PROGRAM TOTAL	207,155,032	211,591,598

13 There is included in the appropriation to this program for FY2021-22
14 \$87,950,162 General Funds, \$4,160,000 Cash Funds, and \$115,044,870
15 Federal Funds estimate for state aid, which shall only be used for such
16 purpose. There is included in the appropriation to this program for
17 FY2022-23 \$81,868,718 ~~\$89,156,005~~ General Funds, \$4,160,000 Cash Funds,
18 and \$117,577,006 ~~\$118,275,593~~ Federal Funds estimate for state aid, which
19 shall only be used for such purpose.

20 There is included in the amount shown as aid for this program for
21 FY2021-22 \$810,000 Cash Funds from the Nebraska Health Care Cash Fund to
22 aid in carrying out the Nebraska Lifespan Respite Services Program and to
23 provide payment to caregivers to purchase services under the respite
24 subsidy program. There is included in the amount shown as aid for this
25 program for FY2022-23 \$810,000 Cash Funds from the Nebraska Health Care
26 Cash Fund to aid in carrying out the Nebraska Lifespan Respite Services
27 Program and to provide payment to caregivers to purchase services under
28 the respite subsidy program.

29 For the period beginning July 1, 2022, through June 30, 2023, funds
30 provided to the State of Nebraska pursuant to the federal Child Care and
31 Development Block Grant Act of 1990, 42 U.S.C. 9857 et seq., as such act

1 and sections existed on March 24, 2021, shall be used to increase child
2 care provider rates at the seventy-fifth percentile of the Market Rate
3 Survey. If the available amount of such funds is insufficient to pay such
4 costs, then funds provided to the state for the Temporary Assistance for
5 Needy Families program established in 42 U.S.C. 601 et seq. may also be
6 used. It is the intent of the Legislature to continue to pay child care
7 providers at the seventy-fifth percentile in FY2023-24 and FY2024-25
8 using the same federal funding sources.

9 Sec. 38. Laws 2022, LB1014, section 34, is amended to read:

10 Sec. 34. AGENCY NO. 31 – MILITARY DEPARTMENT

11 Program No. 191 - Governor's Emergency Program - COVID-19

	FY2021-22	FY2022-23
12		
13	<u>10,000,000</u>	<u>9,000,000</u>
14	<u>10,000,000</u>	<u>9,000,000</u>
15	10,000,000	5,000,000
16	10,000,000	5,000,000

17 There is included in the appropriation to this program for FY2021-22
18 \$10,000,000 Federal Funds estimate and for FY2022-23 \$9,000,000
19 ~~\$5,000,000~~ Federal Funds estimate for all state agency, board, or
20 commission operating and administrative expenses associated with
21 administering Federal Funds allocated pursuant to the federal American
22 Rescue Plan Act of 2021, 42 U.S.C. 802. Such funds shall be used to
23 directly pay or reimburse state agencies, boards, and commissions for
24 operating and administrative expenses associated with administering
25 Federal Funds allocated pursuant to the federal American Rescue Plan Act
26 of 2021, 42 U.S.C. 802.

27 There is included in the appropriation to this program for FY2021-22
28 up to \$5,000,000 Federal Funds estimate and for FY2022-23 up to
29 \$9,000,000 ~~\$5,000,000~~ Federal Funds estimate to reimburse the Department
30 of Health and Human Services, Agency No. 25, Program No. 33, for
31 information technology utilization expenses incurred which are related to

1 pandemic relief processing and to equipment and operating a mobile
2 workforce, from March 3, 2021, through June 30, 2023.

3 The Military Department shall monitor and approve the expenditures
4 for this program.

5 Sec. 39. Laws 2022, LB1014, section 49, is amended to read:

6 Sec. 49. AGENCY NO. 82 – COMMISSION FOR THE DEAF AND HARD OF HEARING
7 Program No. 578 - Deaf and Hard of Hearing

	FY2021-22	FY2022-23
9 FEDERAL FUND	-0-	500,000
10 PROGRAM TOTAL	-0-	500,000

11 ~~There is included in the appropriation to this program for FY2022-23~~
12 ~~\$500,000 Federal Funds for state aid, which shall only be used for such~~
13 ~~purpose.~~

14 There is included in the amount shown as ~~aid~~ for this program for
15 FY2022-23 \$500,000 Federal Funds for the purpose of supporting (1) in-
16 person or virtual interpreting in rural areas and (2) in-person or
17 virtual legal communication access.

18 Expenditures from the appropriation to this program shall not be
19 restricted to state aid if operating and administrative expenditures are
20 necessary to administer the funding appropriated pursuant to this
21 section. In such instances, an agency, board, or commission shall be
22 reimbursed through the Federal Fund appropriation to the Military
23 Department, Agency No. 31, Program No. 191, as identified in section 34
24 of this act.

25 Sec. 40. Laws 2022, LB1024A, section 3, is amended to read:

26 Sec. 3. There is hereby appropriated (1) \$1,000,000 Federal Funds
27 for FY2021-22 and (2) \$69,800,000 ~~\$249,000,000~~ Federal Funds for
28 FY2022-23 to the Department of Economic Development, for Program 611, to
29 aid in carrying out the provisions of Legislative Bill 1024, One Hundred
30 Seventh Legislature, Second Session, 2022. The Federal Funds appropriated
31 in this section are from the funds allocated to the State of Nebraska

1 from the federal Coronavirus State Fiscal Recovery Fund pursuant to the
2 federal American Rescue Plan Act of 2021, 42 U.S.C. 802, as amended.

3 Total expenditures for permanent and temporary salaries and per
4 diems from funds appropriated in this section shall not exceed \$200,000
5 for FY2021-22 or \$1,200,000 for FY2022-23.

6 The unexpended balance of Federal Funds appropriated to this program
7 in this section for FY2021-22 is hereby reappropriated for FY2022-23.

8 It is the intent of the Legislature that the unexpended balance of
9 amounts appropriated to this program in this section for FY2022-23 be
10 reappropriated for FY2023-24 and for FY2024-25.

11 Sec. 41. LIMITATION ON SALARIES, WAGES, AND PER DIEMS.

12 (1) For purposes of this act, (a) SALARY LIMIT shall mean total
13 expenditures for permanent and temporary salaries and per diems and (b)
14 total expenditures for permanent and temporary salaries and per diems
15 shall mean all remuneration paid to employees treated as taxable
16 compensation by the Internal Revenue Service or subject to social
17 security coverage, specifically including payments accounted for as
18 vacation, holidays, sick leave, military leave, funeral leave, maternity
19 leave, administrative leave, compensatory time, deferred compensation, or
20 any other similar form, and amounts withheld pursuant to law, but
21 excluding state contributions for social security, retirement, and
22 employee insurance plans.

23 (2) Total expenditures for permanent and temporary salaries and per
24 diems shall be limited to the amount shown except when federal funds in
25 excess of the amount shown are available and approved by the Governor.
26 Expenditures for permanent and temporary salaries and per diems from such
27 grants shall be in addition to the limitation on permanent and temporary
28 salaries and per diems otherwise shown in this act. No agency shall
29 request any state funds for continuation or replacement of any such
30 personnel or activities in future budget requests. To the extent
31 feasible, requests for increases in the limitation on permanent and

1 temporary salaries and per diems shall be addressed to the Appropriations
2 Committee of the Legislature when the Legislature is in session.

3 (3) Expenditures for permanent and temporary salaries resulting from
4 awards made to employees under sections 81-1346 to 81-1354 shall be in
5 addition to the limitations on permanent and temporary salaries and per
6 diems otherwise shown in this act.

7 (4) The limitation on expenditures for permanent and temporary
8 salaries and per diems for FY2022-23 as enumerated in this act shall be
9 the basis for continuation funding for each fiscal year of the succeeding
10 biennium.

11 (5) The limitation on expenditures for permanent and temporary
12 salaries and per diems for FY2021-22 shall be increased by certified
13 encumbrance amounts from FY2020-21 for permanent and temporary salaries
14 and per diems. The limitation on expenditures for permanent and temporary
15 salaries and per diems for FY2022-23 shall be increased by certified
16 encumbrance amounts from FY2021-22 for permanent and temporary salaries
17 and per diems. Encumbered amounts shall be calculated in accordance with
18 section 81-138.01.

19 (6) The limitation on expenditures for permanent and temporary
20 salaries and per diems shall only apply to remuneration paid to state
21 employees or per diem payments made to members of state boards or
22 commissions.

23 (7) The budget administrator of the budget division of the
24 Department of Administrative Services may administratively increase the
25 limitation on expenditures for permanent and temporary salaries and per
26 diems upon receipt of a request for such increase from the director of a
27 state agency certifying the actual amount of the payment to a former
28 employee of such agency, or such employee's beneficiary upon the death of
29 the employee, of accumulated vacation and sick leave pursuant to section
30 81-1325 and the rules and regulations of the State Personnel System
31 governing such payments.

1 Sec. 42. Original Laws 2021, LB380, sections 57, 68, and 83; Laws
2 2021, LB383, section 25; Laws 2022, LB1011, sections 56, 187, 189, and
3 190; Laws 2022, LB1014, sections 34 and 49; and Laws 2022, LB1024A,
4 section 3, are repealed.

5 Sec. 43. Since an emergency exists, this act takes effect when
6 passed and approved according to law.