

LEGISLATURE OF NEBRASKA  
 ONE HUNDRED THIRD LEGISLATURE  
 SECOND SESSION  
**LEGISLATIVE BILL 906**

Final Reading

Introduced by Speaker Adams, 24; at the request of the Governor.

Read first time January 15, 2014

Committee: Appropriations

A BILL

1 FOR AN ACT relating to appropriations; to amend sections 2-1588,  
 2 2-1592, 2-3225, 2-3226.05, and 81-1204, Reissue Revised  
 3 Statutes of Nebraska, sections 24-205, 24-227.01,  
 4 39-1390, 48-622.01, 58-708, and 81-1205, Revised Statutes  
 5 Cumulative Supplement, 2012, and sections 71-7611 and  
 6 81-2516, Revised Statutes Supplement, 2013; to provide  
 7 for transfers of funds; to create and eliminate funds; to  
 8 change provisions relating to the source of revenue and  
 9 use of funds in the Nebraska Resources Development Fund,  
 10 for water and related land resources, by natural  
 11 resources districts, for judges' education and  
 12 retirement, for Supreme Court automation, for employment  
 13 security settlements, from the Affordable Housing Trust  
 14 Fund, from the Nebraska Health Care Cash Fund, and for  
 15 job training grants; to require reports; to harmonize  
 16 provisions; to repeal the original sections; to outright

1                   repeal sections 2-3226.06, 2-3226.07, 2-3226.08, and  
2                   2-3226.09, Reissue Revised Statutes of Nebraska; and to  
3                   declare an emergency.  
4 Be it enacted by the people of the State of Nebraska,

1           Section 1. The State Treasurer shall transfer six million  
2 eight hundred thousand dollars from the Health and Human Services  
3 Cash Fund to the General Fund on or before July 15, 2014, on such  
4 date as directed by the budget administrator of the budget division  
5 of the Department of Administrative Services.

6           Sec. 2. The Vehicle Title and Registration System  
7 Replacement and Maintenance Cash Fund is hereby created. The fund  
8 shall be administered by the Department of Motor Vehicles. The fund  
9 shall be used by the department to pay for costs associated with the  
10 acquisition, implementation, maintenance, support, upgrades, and  
11 replacement of the vehicle titling and registration computer system.  
12 Any money in the fund available for investment shall be invested by  
13 the state investment officer pursuant to the Nebraska Capital  
14 Expansion Act and the Nebraska State Funds Investment Act.

15           Sec. 3. The State Treasurer shall transfer twelve million  
16 five hundred thousand dollars from the Department of Motor Vehicles  
17 Cash Fund to the Vehicle Title and Registration System Replacement  
18 and Maintenance Cash Fund on July 1, 2014, or as soon thereafter as  
19 administratively possible.

20           Sec. 4. The Game and Parks State Park Improvement and  
21 Maintenance Fund is created. The fund shall consist of transfers made  
22 by the Legislature and any gifts, grants, bequests, or donations to  
23 the fund. Money in the fund shall be used to build, repair, renovate,  
24 rehabilitate, restore, modify, or improve any infrastructure in the  
25 state park system. Any money in the fund available for investment

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

4           Sec. 5. The State Treasurer, at the direction of the  
5 budget administrator of the budget division of the Department of  
6 Administrative Services, shall transfer fifteen million dollars from  
7 the General Fund to the Game and Parks State Park Improvement and  
8 Maintenance Fund on or before July 31, 2014.

9           Sec. 6. The State Treasurer, at the direction of the  
10 budget administrator of the budget division of the Department of  
11 Administrative Services, shall transfer two million five hundred  
12 thousand dollars from the State Recreation Road Fund to the Game and  
13 Parks State Park Improvement and Maintenance Fund on or before July  
14 31, 2014.

15           Sec. 7. The Water Sustainability Fund is created in the  
16 Department of Natural Resources. The fund shall be used in accordance  
17 with the provisions established in Legislative Bill 1098, One Hundred  
18 Third Legislature, Second Session, 2014, and for costs directly  
19 related to the administration of the fund.

20           The fund shall consist of money transferred to the fund  
21 by the Legislature, other funds as appropriated by the Legislature,  
22 and money donated as gifts, bequests, or other contributions from  
23 public or private entities. Funds made available by any department or  
24 agency of the United States may also be credited to the fund if so  
25 directed by such department or agency. Any money in the fund

1 available for investment shall be invested by the state investment  
2 officer pursuant to the Nebraska Capital Expansion Act and the  
3 Nebraska State Funds Investment Act. Investment earnings from  
4 investment of money in the fund shall be credited to the fund.

5 It is the intent of the Legislature that twenty-one  
6 million dollars be transferred from the General Fund to the Water  
7 Sustainability Fund in fiscal year 2014-15 and that eleven million  
8 dollars be transferred from the General Fund to the Water  
9 Sustainability Fund each fiscal year beginning in fiscal year  
10 2015-16.

11 Sec. 8. The State Treasurer shall transfer twenty-one  
12 million dollars from the General Fund to the Water Sustainability  
13 Fund no later than July 15, 2014, on such date as directed by the  
14 budget administrator of the budget division of the Department of  
15 Administrative Services.

16 Sec. 9. Section 2-1588, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 2-1588 (1) ~~Any money in the Nebraska Resources~~  
19 ~~Development Fund may be allocated by the commission in accordance~~  
20 ~~with sections 2-1586 to 2-1595 for utilization by the department, by~~  
21 ~~any state office, agency, board, or commission, or by any political~~  
22 ~~subdivision of the state which has the authority to develop the~~  
23 ~~state's water and related land resources. Such money~~ No money in the  
24 Nebraska Resources Development Fund may be reallocated by the  
25 commission in accordance with sections 2-1586 to 2-1595 for

1 utilization by the department, by any state office, agency, board, or  
2 commission, or by any political subdivision of the state which has  
3 the authority to develop the state's water and related land resources  
4 after the effective date of this act. The commission may commit  
5 appropriated funds to projects approved as of the effective date of  
6 this act, not to exceed amounts specifically allocated to such  
7 projects prior to the effective date of this act. Prior to the  
8 effective date of this act, the fund may be allocated in the form of  
9 grants or loans or for acquiring state interests in water and related  
10 land resources programs and projects undertaken within the state. The  
11 allocation of funds to a program or project in one form shall not of  
12 itself preclude additional allocations in the same or any other form  
13 to the same program or project. Funds may also be allocated to assist  
14 natural resources districts in the preparation of management plans as  
15 provided in section 46-709. Funds so allocated shall not be subject  
16 to sections 2-1589 to 2-1595.

17 (2) No project, including all related phases, segments,  
18 parts, or divisions, shall receive more than ten million dollars from  
19 the fund. On July 1 of each year after 1993, the director shall  
20 adjust the project cost and payment limitation of this subsection by  
21 an amount equal to the average percentage change in a readily  
22 available construction cost index for the prior three years.

23 (3) Prior to September 1 of each even-numbered year, a  
24 biennial report shall be made to the Governor and the Clerk of the  
25 Legislature describing the work accomplished by the use of such

1 development fund during the immediately preceding two-year period.  
2 The report submitted to the Clerk of the Legislature shall be  
3 submitted electronically. The report shall include a complete  
4 financial statement. Each member of the Legislature shall receive an  
5 electronic copy of such report upon making a request to the director.

6 Sec. 10. Section 2-1592, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 2-1592 (1) Any organization qualified to apply for and  
9 receive funds from the Nebraska Resources Development Fund may file  
10 an application with the department for a grant or loan from such  
11 fund. Applications for grants to the department itself shall be filed  
12 by the department. Each application shall be filed in such manner and  
13 form and be accompanied by such information as may be prescribed by  
14 the director and the commission. No applications may be made to  
15 receive funds by grant or loan from the Nebraska Resources  
16 Development Fund after the effective date of this act.

17 (2) Any such application shall:

18 (a) Describe the nature and purpose of the proposed  
19 program or project;

20 (b) Set forth or be accompanied by a plan for development  
21 of the proposed program or project, together with engineering,  
22 economic, and financial feasibility data and information, and such  
23 estimated costs of construction or implementation as may be required  
24 by the director and the commission;

25 (c) State whether money other than that for which the

1 application is made will be used to help in meeting program or  
2 project costs and whether such money is available or has been sought  
3 for this purpose;

4 (d) When appropriate, state that the applicant holds or  
5 can acquire title to all lands or has the necessary easements and  
6 rights-of-way for the project and related lands and has or may  
7 acquire all water rights necessary for the proposed project;

8 (e) Show that the applicant possesses all necessary  
9 authority to undertake or participate in the proposed program or  
10 project; and

11 (f) Demonstrate the probable environmental and ecological  
12 consequences that may result from such proposed program or project.

13 (3) Upon receipt of an application, the director shall  
14 evaluate and investigate all aspects of the proposed program or  
15 project and the proposed schedule for development and completion of  
16 such program or project, determine the eligibility of the program or  
17 project for funding, and make appropriate recommendations to the  
18 commission pursuant to sections 2-1586 to 2-1595. As a part of his or  
19 her investigation, the director shall consider whether the plan for  
20 development of the program or project is satisfactory. If the  
21 director determines that the plan is unsatisfactory or that the  
22 application does not contain adequate information upon which to make  
23 determinations, the director shall return the application to the  
24 applicant and may make such recommendations to the applicant as are  
25 considered necessary to make the plan or the application

1 satisfactory.

2 (4) Requests for utilization of the Nebraska Resources  
3 Development Fund for state participation in any water and related  
4 land-water resources projects through acquisition of a state interest  
5 therein shall also be filed with the department for the director's  
6 evaluation, investigation, and recommendations. Such requests shall  
7 be filed in the manner and form and be accompanied by such  
8 information as shall be prescribed by the department and the  
9 commission.

10 Sec. 11. Section 2-3225, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 2-3225 (1)(a) Each district shall have the power and  
13 authority to levy a tax of not to exceed four and one-half cents on  
14 each one hundred dollars of taxable valuation annually on all of the  
15 taxable property within such district unless a higher levy is  
16 authorized pursuant to section 77-3444.

17 (b) Each district shall also have the power and authority  
18 to levy a tax equal to the dollar amount by which its restricted  
19 funds budgeted to administer and implement ground water management  
20 activities and integrated management activities under the Nebraska  
21 Ground Water Management and Protection Act exceed its restricted  
22 funds budgeted to administer and implement ground water management  
23 activities and integrated management activities for FY2003-04, not to  
24 exceed one cent on each one hundred dollars of taxable valuation  
25 annually on all of the taxable property within the district.

1           (c) In addition to the power and authority granted in  
2 subdivisions (1)(a) and (b) of this section, each district located in  
3 a river basin, subbasin, or reach that has been determined to be  
4 fully appropriated pursuant to section 46-714 or designated  
5 overappropriated pursuant to section 46-713 by the Department of  
6 Natural Resources shall also have the power and authority to levy a  
7 tax equal to the dollar amount by which its restricted funds budgeted  
8 to administer and implement ground water management activities and  
9 integrated management activities under the Nebraska Ground Water  
10 Management and Protection Act exceed its restricted funds budgeted to  
11 administer and implement ground water management activities and  
12 integrated management activities for FY2005-06, not to exceed three  
13 cents on each one hundred dollars of taxable valuation on all of the  
14 taxable property within the district for fiscal year 2006-07 and each  
15 fiscal year thereafter through fiscal year 2017-18.

16           (d) In addition to the power and authority granted in  
17 subdivisions (a) through (c) of this subsection, a district with  
18 jurisdiction that includes a river subject to an interstate compact  
19 among three or more states and that also includes one or more  
20 irrigation districts within the compact river basin may annually levy  
21 a tax not to exceed ten cents per one hundred dollars of taxable  
22 valuation of all taxable property in the district. The proceeds of  
23 such tax may be used for the payment of principal and interest on  
24 bonds and refunding bonds issued pursuant to section 2-3226.01, ~~or~~  
25 ~~for the repayment of financial assistance received by the district~~

1 ~~pursuant to section 2-3226.07.~~ Such levy is not includable in the  
2 computation of other limitations upon the district's tax levy.

3 (2) The proceeds of the tax levies authorized in  
4 subdivisions (1)(a) through (c) of this section shall be used,  
5 together with any other funds which the district may receive from any  
6 source, for the operation of the district. When adopted by the board,  
7 the tax levies authorized in subdivisions (1)(a) through (d) of this  
8 section shall be certified by the secretary to the county clerk of  
9 each county which in whole or in part is included within the  
10 district. Such levy shall be handled by the counties in the same  
11 manner as other levies, and proceeds shall be remitted to the  
12 district treasurer. Such levy shall not be considered a part of the  
13 general county levy and shall not be considered in connection with  
14 any limitation on levies of such counties.

15 Sec. 12. Section 2-3226.05, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 2-3226.05 (1) A district with an integrated management  
18 plan as described in subsection (1) of section 2-3226.01 may levy an  
19 occupation tax upon the activity of irrigation of agricultural lands  
20 within such district on an annual basis, not to exceed ten dollars  
21 per irrigated acre, the proceeds of which may be used for (a)  
22 repaying principal and interest on any bonds or refunding bonds  
23 issued pursuant to section 2-3226.01 for one or more projects under  
24 section 2-3226.04, ~~(b) the repayment of financial assistance received~~  
25 ~~by the district pursuant to section 2-3226.07, or (c) or (b) payment~~

1 of all or any part of the costs and expenses of one or more qualified  
2 projects described in section 2-3226.04. If such district has more  
3 than one river basin as described in section 2-1504 within its  
4 jurisdiction, such district shall confine such occupation tax  
5 authorized in this section to the geographic area affected by an  
6 integrated management plan adopted in accordance with section 46-715.

7 (2)(a) Acres classified by the county assessor as  
8 irrigated shall be subject to such district's occupation tax unless  
9 on or before March 1 in each year the record owner certifies to the  
10 district the nonirrigation status of such acres.

11 (b) A district may exempt from the occupation tax acres  
12 that are enrolled in local, state, or federal temporary irrigation  
13 retirement programs that prohibit the application of irrigation water  
14 in the year for which the tax is levied.

15 (c) Except as provided in subdivisions (2)(a) and (b) of  
16 this section, a district is prohibited from providing an exemption  
17 from, or allowing a request for a local refund of, an occupation tax  
18 on irrigated acres regardless of the irrigation source while the  
19 record owner maintains irrigated status on such acres in the year for  
20 which the tax is levied.

21 (d) Notwithstanding subdivisions (2)(b) and (c) of this  
22 section, the record owner may present evidence of the nonirrigation  
23 status of the acres subject to the tax within twelve months after the  
24 date the tax was levied and the district may refund amounts collected  
25 upon such acres if an occupation tax was not levied by the district

1 the previous year and the district had not adopted an integrated  
2 management plan as described in subsection (1) of section 2-3226.01  
3 by March 1 in the current year. Subdivision (2)(d) of this section  
4 terminates on October 1, 2012.

5 (3) Any such occupation tax shall remain in effect so  
6 long as the natural resources district has bonds outstanding which  
7 have been issued stating such occupation tax as an available source  
8 for payment and for the purpose of paying all or any part of the  
9 costs and expenses of one or more projects authorized pursuant to  
10 section 2-3226.04.

11 (4) Such occupation taxes shall be certified to,  
12 collected by, and accounted for by the county treasurer at the same  
13 time and in the same manner as general real estate taxes, and such  
14 occupation taxes shall be and remain a perpetual lien against such  
15 real estate until paid. Such occupation taxes shall become delinquent  
16 at the same time and in the same manner as general real property  
17 taxes. The county treasurer shall publish and post a list of  
18 delinquent occupation taxes with the list of real property subject to  
19 sale for delinquent property taxes provided for in section 77-1804.  
20 In addition, the list shall be provided to natural resources  
21 districts which levied the delinquent occupation taxes. The list  
22 shall include the record owner's name, the parcel identification  
23 number, and the amount of delinquent occupation tax. For services  
24 rendered in the collection of the occupation tax, the county  
25 treasurer shall receive the fee provided for collection of general

1 natural resources district money under section 33-114.

2 (5) Such lien shall be inferior only to general taxes  
3 levied by political subdivisions of the state. When such occupation  
4 taxes have become delinquent and the real property on which the  
5 irrigation took place has not been offered at any tax sale, the  
6 district may proceed in district court in the county in which the  
7 real estate is situated to foreclose in its own name the lien in the  
8 same manner and with like effect as a foreclosure of a real estate  
9 mortgage, except that sections 77-1903 to 77-1917 shall govern when  
10 applicable.

11 Sec. 13. Section 24-205, Revised Statutes Cumulative  
12 Supplement, 2012, is amended to read:

13 24-205 The Supreme Court Education Fund is created. The  
14 State Court Administrator shall administer the fund. The fund shall  
15 consist of money remitted pursuant to section 33-154. ~~Except as~~  
16 ~~otherwise directed by the Supreme Court during the period from~~  
17 ~~November 21, 2009, until June 30, 2013, the~~ The fund shall only be  
18 used to aid in supporting the mandatory training and education  
19 program for judges and employees of the Supreme Court, Court of  
20 Appeals, district courts, separate juvenile courts, county courts,  
21 and Nebraska Probation System as enacted by rule of the Supreme  
22 Court.

23 On July 1, 2014, or as soon thereafter as  
24 administratively possible, the State Treasurer shall transfer one  
25 hundred nine thousand three hundred eighty-three dollars from the

1 Supreme Court Education Fund to the Nebraska Retirement Fund for  
2 Judges as an offset to the increase in the state's contribution to  
3 the Nebraska Judges Retirement System.

4 Any money in the fund—Supreme Court Education Fund  
5 available for investment shall be invested by the state investment  
6 officer pursuant to the Nebraska Capital Expansion Act and the  
7 Nebraska State Funds Investment Act.

8 Sec. 14. Section 24-227.01, Revised Statutes Cumulative  
9 Supplement, 2012, is amended to read:

10 24-227.01 The Supreme Court Automation Cash Fund is  
11 created. The State Court Administrator shall administer the fund.  
12 ~~Except as otherwise directed by the Supreme Court during the period~~  
13 ~~from November 21, 2009, until June 30, 2013, the~~ The fund shall only  
14 be used to support automation expenses of the Supreme Court, Court of  
15 Appeals, district courts, separate juvenile courts, county courts,  
16 and Nebraska Probation System from the computer automation budget  
17 program. ~~, except that the State Treasurer shall, on or before June~~  
18 ~~30, 2011, on such date as directed by the budget administrator of the~~  
19 ~~budget division of the Department of Administrative Services,~~  
20 ~~transfer the amount set forth in Laws 2009, LB1, One Hundred First~~  
21 ~~Legislature, First Special Session.~~

22 On July 1, 2014, or as soon thereafter as  
23 administratively possible, the State Treasurer shall transfer six  
24 hundred thousand dollars from the Supreme Court Automation Cash Fund  
25 to the Nebraska Retirement Fund for Judges as an offset to the

1 increase in the state's contribution to the Nebraska Judges  
2 Retirement System.

3 Any money in the Supreme Court Automation Cash Fund  
4 available for investment shall be invested by the state investment  
5 officer pursuant to the Nebraska Capital Expansion Act and the  
6 Nebraska State Funds Investment Act.

7 Sec. 15. Section 39-1390, Revised Statutes Cumulative  
8 Supplement, 2012, is amended to read:

9 39-1390 The State Recreation Road Fund is created. The  
10 money in the fund shall be transferred by the State Treasurer, on the  
11 first day of each month, to the Department of Roads and shall be  
12 expended by the Director-State Engineer with the approval of the  
13 Governor for construction and maintenance of dustless-surface roads  
14 to be designated as state recreation roads as provided in this  
15 section, except that transfers may be made from the fund to the  
16 ~~General Fund Game and Parks State Park Improvement and Maintenance~~  
17 ~~Fund~~ at the direction of the Legislature through ~~June 30, 2011.~~ July  
18 31, 2014. Except as to roads under contract as of March 15, 1972,  
19 those roads, excluding state highways, giving direct and immediate  
20 access to or located within state parks, state recreation areas, or  
21 other recreational or historical areas, shall be eligible for  
22 designation as state recreation roads. Such eligibility shall be  
23 determined by the Game and Parks Commission and certified to the  
24 Director-State Engineer, who shall, after receiving such  
25 certification, be authorized to commence construction on such

1 recreation roads as funds are available. In addition, those roads,  
2 excluding state highways, giving direct and immediate access to a  
3 state veteran cemetery are state recreation roads. After construction  
4 of such roads they shall be shown on the map provided by section  
5 39-1311. Preference in construction shall be based on existing or  
6 potential traffic use by other than local residents. Unless the State  
7 Highway Commission otherwise recommends, such roads upon completion  
8 of construction shall be incorporated into the state highway system.  
9 If such a road is not incorporated into the state highway system, the  
10 Department of Roads and the county within which such road is located  
11 shall enter into a maintenance agreement establishing the  
12 responsibility for maintenance of the road, the maintenance standards  
13 to be met, and the responsibility for maintenance costs. Any money in  
14 the State Recreation Road Fund available for investment shall be  
15 invested by the state investment officer pursuant to the Nebraska  
16 Capital Expansion Act and the Nebraska State Funds Investment Act.

17           Sec. 16. Section 48-622.01, Revised Statutes Cumulative  
18 Supplement, 2012, is amended to read:

19           48-622.01 (1) There is hereby created in the state  
20 treasury a special fund to be known as the State Unemployment  
21 Insurance Trust Fund. All state unemployment insurance tax collected  
22 under sections 48-648 to 48-661, less refunds, shall be paid into the  
23 fund. Such money shall be held in trust for payment of unemployment  
24 insurance benefits. Any money in the fund available for investment  
25 shall be invested by the state investment officer pursuant to the

1 Nebraska Capital Expansion Act and the Nebraska State Funds  
2 Investment Act, except that interest earned on money in the fund  
3 shall be credited to the Nebraska Training and Support Trust Fund at  
4 the end of each calendar quarter.

5 (2) The commissioner shall have authority to determine  
6 when and in what amounts withdrawals from the State Unemployment  
7 Insurance Trust Fund for payment of benefits are necessary. Amounts  
8 withdrawn for payment of benefits shall be immediately forwarded to  
9 the Secretary of the Treasury of the United States of America to the  
10 credit of the state's account in the Unemployment Trust Fund,  
11 provisions of law in this state relating to the deposit,  
12 administration, release, or disbursement of money in the possession  
13 or custody of this state to the contrary notwithstanding.

14 (3) If and when the state unemployment insurance tax  
15 ceases to exist as determined by the Governor, all money then in the  
16 State Unemployment Insurance Trust Fund less accrued interest shall  
17 be immediately transferred to the credit of the state's account in  
18 the Unemployment Trust Fund, provisions of law in this state relating  
19 to the deposit, administration, release, or disbursement of money in  
20 the possession or custody of this state to the contrary  
21 notwithstanding. The determination to eliminate the state  
22 unemployment insurance tax shall be based on the solvency of the  
23 state's account in the Unemployment Trust Fund and the need for  
24 training of Nebraska workers. Accrued interest in the State  
25 Unemployment Insurance Trust Fund shall be credited to the Nebraska

1 Training and Support Trust Fund.

2 (4) Upon certification from the commissioner that  
3 disallowed costs by the United States Department of Labor for  
4 FY2007-08, FY2008-09, and FY2009-10, or any one of them, have been  
5 reduced to an amount certain by way of settlement or final judgment,  
6 the State Treasurer shall transfer the amount of such settlement or  
7 final judgment from the State Unemployment Insurance Trust Fund to  
8 the Employment Security Special Contingent Fund. The total amount of  
9 such transfers shall not exceed \$2,816,345. The amount of the  
10 reappropriation of Federal Funds appropriated in FY2004-05 under  
11 section 903(d) of the federal Social Security Act shall be reduced by  
12 the amount transferred.

13 (5) Upon certification from the commissioner that the  
14 amount needed to settle pending class action litigation and terminate  
15 the contributory retirement system established pursuant to section  
16 48-609 has been reduced to an amount certain, the State Treasurer  
17 shall transfer the amount certified by the commissioner as needed to  
18 effectuate the settlement from the State Unemployment Insurance Trust  
19 Fund to the Employment Security Special Contingent Fund. The amount  
20 transferred pursuant to this subsection shall not exceed two million  
21 seven hundred seventy-three thousand dollars.

22 Sec. 17. Section 58-708, Revised Statutes Cumulative  
23 Supplement, 2012, is amended to read:

24 58-708 (1) During each calendar year in which funds are  
25 available from the Affordable Housing Trust Fund for use by the

1 Department of Economic Development, the department shall allocate a  
2 specific amount of funds, not less than ~~twenty-five~~ thirty percent,  
3 to each congressional district. ~~Entitlement area funds allocated~~  
4 ~~under this section that are not awarded to an eligible project from~~  
5 ~~within the entitlement area within one year shall be made available~~  
6 ~~for distribution to eligible projects elsewhere in the state.~~ The  
7 department shall announce a grant and loan application period of at  
8 least ninety days duration for all ~~nonentitlement areas.~~ projects. In  
9 selecting projects to receive trust fund assistance, the department  
10 shall develop a qualified allocation plan and give first priority to  
11 financially viable projects that serve the lowest income occupants  
12 for the longest period of time. The qualified allocation plan shall:

13 (a) Set forth selection criteria to be used to determine  
14 housing priorities of the housing trust fund which are appropriate to  
15 local conditions, including the community's immediate need for  
16 affordable housing, proposed increases in home ownership, private  
17 dollars leveraged, level of local government support and  
18 participation, and repayment, in part or in whole, of financial  
19 assistance awarded by the fund; and

20 (b) Give first priority in allocating trust fund  
21 assistance among selected projects to those projects which serve the  
22 lowest income occupant and are obligated to serve qualified occupants  
23 for the longest period of time.

24 (2) The department shall fund in order of priority as  
25 many applications as will utilize available funds less actual

1 administrative costs of the department in administering the program.  
2 In administering the program the department may contract for services  
3 or directly provide funds to other governmental entities or  
4 instrumentalities.

5 (3) The department may recapture any funds which were  
6 allocated to a qualified recipient for an eligible project through an  
7 award agreement if such funds were not utilized for eligible costs  
8 within the time of performance under the agreement and are therefor  
9 no longer obligated to the project. The recaptured funds shall be  
10 credited to the Industrial Recovery Fund except as provided in  
11 section 81-1213.

12 Sec. 18. Section 71-7611, Revised Statutes Supplement,  
13 2013, is amended to read:

14 71-7611 (1) The Nebraska Health Care Cash Fund is  
15 created. The State Treasurer shall transfer (a) fifty-six million one  
16 hundred thousand dollars no later than July 15, 2009, ~~and~~(b) fifty-  
17 nine million one hundred thousand dollars on or before July 15, 2010,  
18 July 15, 2011, ~~and~~July 15, 2012, and July 15, 2013, and (c) sixty  
19 million one hundred thousand dollars on or before July 15, 2014, and  
20 on or before every July 15 thereafter from the Nebraska Medicaid  
21 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement  
22 Trust Fund to the Nebraska Health Care Cash Fund, except that such  
23 amount shall be reduced by the amount of the unobligated balance in  
24 the Nebraska Health Care Cash Fund at the time the transfer is made.  
25 The state investment officer upon consultation with the Nebraska

1 Investment Council shall advise the State Treasurer on the amounts to  
2 be transferred from the Nebraska Medicaid Intergovernmental Trust  
3 Fund and from the Nebraska Tobacco Settlement Trust Fund under this  
4 section in order to sustain such transfers in perpetuity. The state  
5 investment officer shall report electronically to the Legislature on  
6 or before October 1 of every even-numbered year on the sustainability  
7 of such transfers. Except as otherwise provided by law, no more than  
8 the amount specified in this subsection may be appropriated or  
9 transferred from the Nebraska Health Care Cash Fund in any fiscal  
10 year.

11 It is the intent of the Legislature that no additional  
12 programs are funded through the Nebraska Health Care Cash Fund until  
13 funding for all programs with an appropriation from the fund during  
14 FY2012-13 are restored to their FY2012-13 levels.

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

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

25 Sec. 19. Section 81-1204, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           81-1204 (1) Except as otherwise provided in subsection  
3 (2) of this section, the Department of Economic Development shall not  
4 approve a job training grant (a) which exceeds an average expenditure  
5 of five thousand dollars per job created if the proposed wage levels  
6 do not exceed thirty thousand dollars per year, (b) or which exceeds  
7 an average expenditure of ten thousand dollars per job if the  
8 proposed wage levels exceed thirty thousand dollars per year but do  
9 not exceed fifty thousand dollars per year, or (c) which exceeds an  
10 average expenditure of twenty thousand dollars per job if the  
11 proposed wage levels exceed fifty thousand dollars per year or if the  
12 jobs created are located in a high-poverty area as defined in section  
13 81-1203.

14           ~~The (2) If the application is approved with provisions~~  
15 ~~described in subsection (3) of section 81-1203, the Department of~~  
16 ~~Economic Development may approve a job training grant (a) up to ten~~  
17 ~~thousand dollars per job created if the proposed wage levels do not~~  
18 ~~exceed thirty thousand dollars per year, (b) or a job training grant~~  
19 ~~up to fifteen thousand dollars per job if the proposed wage levels~~  
20 ~~exceed thirty thousand dollars per year, if the application is~~  
21 ~~approved with provisions described in subsection (3) of section~~  
22 ~~81-1203. but do not exceed fifty thousand dollars per year, or (c) up~~  
23 ~~to twenty-five thousand dollars per job if the proposed wage levels~~  
24 ~~exceed fifty thousand dollars per year or if the jobs created are~~  
25 ~~located in a high-poverty area as defined in section 81-1203.~~

1           Sec. 20. Section 81-1205, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3           81-1205 A business which is awarded a job training grant  
4 or a training grant shall provide annual performance reports to the  
5 Department of Economic Development and a final performance report  
6 upon the completion of the project. The department shall ~~include~~  
7 ~~information relating to such grants in the department's annual status~~  
8 ~~report under section 81-1201.11.~~ provide a status report to the  
9 Appropriations Committee of the Legislature on July 1 of each year.  
10 The status report shall include information on each active grant,  
11 including specific information regarding the number of positions to  
12 be trained, whether new or existing employees are to be trained, the  
13 length of time that the project has been active, the amount of  
14 funding committed to the project, the amount of funding paid out to  
15 date, and the projected completion date. The status report shall also  
16 provide information on grants closed during the reporting year,  
17 including the total number of employees trained, whether new or  
18 existing employees were trained, total project expenditures, and the  
19 duration time of the project. The status report shall also provide  
20 information summarizing the use of community college areas to provide  
21 training services and list specific projects where a community  
22 college area is providing all or a component of the training  
23 services. If private or inhouse training services are used, the  
24 status report shall provide information regarding the name of the  
25 private or inhouse training service and the qualifications of the

1 training service. The report submitted to the Appropriations  
2 Committee shall be submitted electronically.

3 Sec. 21. Section 81-2516, Revised Statutes Supplement,  
4 2013, is amended to read:

5 81-2516 The Commission on Indian Affairs Cash Fund is  
6 created. The fund shall be administered by the Commission on Indian  
7 Affairs. The fund shall consist of money ~~received by the state in the~~  
8 ~~form of~~ from contracts, fees, grants, or gifts from nonfederal  
9 sources received by the state and any investment income earned on the  
10 fund. The fund may be used to support the commission's operations  
11 pursuant to sections 81-2501 to 81-2508. The Department of  
12 Administrative Services may for accounting purposes create subfunds  
13 of the fund to segregate awards or allocations received. Any money in  
14 the fund available for investment shall be invested by the state  
15 investment officer pursuant to the Nebraska Capital Expansion Act and  
16 the Nebraska State Funds Investment Act.

17 Sec. 22. Original sections 2-1588, 2-1592, 2-3225,  
18 2-3226.05, and 81-1204, Reissue Revised Statutes of Nebraska,  
19 sections 24-205, 24-227.01, 39-1390, 48-622.01, 58-708, and 81-1205,  
20 Revised Statutes Cumulative Supplement, 2012, and sections 71-7611  
21 and 81-2516, Revised Statutes Supplement, 2013, are repealed.

22 Sec. 23. The following sections are outright repealed:  
23 Sections 2-3226.06, 2-3226.07, 2-3226.08, and 2-3226.09, Reissue  
24 Revised Statutes of Nebraska.

25 Sec. 24. Since an emergency exists, this act takes effect

1 when passed and approved according to law.