

# LEGISLATIVE BILL 813

Approved by the Governor May 22, 2023

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

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

Section 1. DEFINITION OF APPROPRIATION PERIOD.

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

Sec. 2. APPROPRIATION LANGUAGE.

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

Sec. 3. UNEXPENDED BALANCES AND CERTIFIED ENCUMBRANCES.

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

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

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

Sec. 5. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

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

Sec. 6. DRAWING AND PAYING WARRANTS.

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

Sec. 7. AGENCY NO. 9 – SECRETARY OF STATE  
Program No. 45 - Election Administration

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

Sec. 8. AGENCY NO. 10 – AUDITOR OF PUBLIC ACCOUNTS  
Program No. 506 - State Agency and County Post Audits

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

Sec. 9. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION  
Program No. 25 - Education, Administration, and Support

	<u>FY2021-22</u>	<u>FY2022-23</u>
<u>GENERAL FUND</u>	<u>-0-</u>	<u>451,749</u>

<u>CASH FUND</u>	<u>-0-</u>	<u>39,691</u>
<u>FEDERAL FUND est.</u>	-0-	619,025
<u>PROGRAM TOTAL</u>	-0-	<u>1,110,465</u>
<u>SALARY LIMIT</u>	-0-	<u>102,583</u>

Sec. 10. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION  
Program No. 161 - Education Innovation

	<u>FY2021-22</u>	<u>FY2022-23</u>
<u>CASH FUND</u>	-0-	<u>187</u>
<u>PROGRAM TOTAL</u>	-0-	<u>187</u>

Sec. 11. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION  
Program No. 351 - Vocational Rehabilitation

	<u>FY2021-22</u>	<u>FY2022-23</u>
<u>FEDERAL FUND est.</u>	-0-	<u>73,530</u>
<u>PROGRAM TOTAL</u>	-0-	<u>73,530</u>
<u>SALARY LIMIT</u>	-0-	<u>48,768</u>

Sec. 12. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION  
Program No. 352 - Disability Determination

	<u>FY2021-22</u>	<u>FY2022-23</u>
<u>FEDERAL FUND est.</u>	-0-	<u>22,421</u>
<u>PROGRAM TOTAL</u>	-0-	<u>22,421</u>
<u>SALARY LIMIT</u>	-0-	<u>14,701</u>

Sec. 13. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION  
Program No. 401 - Services for the Deaf and Hard of Hearing

	<u>FY2021-22</u>	<u>FY2022-23</u>
<u>GENERAL FUND</u>	-0-	<u>14</u>
<u>PROGRAM TOTAL</u>	-0-	<u>14</u>

Sec. 14. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION  
Program No. 402 - Nebraska Center for the Education of Children who are Blind or Visually Impaired

	<u>FY2021-22</u>	<u>FY2022-23</u>
<u>GENERAL FUND</u>	-0-	<u>166,724</u>
<u>PROGRAM TOTAL</u>	-0-	<u>166,724</u>

Sec. 15. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION  
Program No. 614 - Professional Practices Commission

	<u>FY2021-22</u>	<u>FY2022-23</u>
<u>GENERAL FUND</u>	-0-	<u>73</u>
<u>PROGRAM TOTAL</u>	-0-	<u>73</u>

Sec. 16. AGENCY NO. 14 – PUBLIC SERVICE COMMISSION  
Program No. 60 - Grain Warehouse Surveillance/Moisture Testing

	<u>FY2021-22</u>	<u>FY2022-23</u>
<u>CASH FUND</u>	-0-	<u>49,500</u>
<u>PROGRAM TOTAL</u>	-0-	<u>49,500</u>
<u>SALARY LIMIT</u>	-0-	<u>29,109</u>

Sec. 17. AGENCY NO. 14 – PUBLIC SERVICE COMMISSION  
Program No. 686 - Nebraska Telecommunications Universal Service Fund

	<u>FY2021-22</u>	<u>FY2022-23</u>
<u>CASH FUND</u>	-0-	<u>10,049,356</u>

<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>10,049,356</u>
<u>SALARY LIMIT</u>	<u>-0-</u>	<u>32,500</u>

There is included in the appropriation to this program for FY2022-23 \$10,000,000 Cash Funds for state aid, which shall only be used for such purpose.

Sec. 18. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Program No. 33 - Administration

	<u>FY2021-22</u>	<u>FY2022-23</u>
<u>GENERAL FUND</u>	<u>-0-</u>	<u>23,809,082</u>
<u>FEDERAL FUND est.</u>	<u>-0-</u>	<u>698,587</u>
<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>24,507,669</u>

Sec. 19. AGENCY NO. 27 – DEPARTMENT OF TRANSPORTATION  
Program No. 569 - Construction

	<u>FY2021-22</u>	<u>FY2022-23</u>
<u>CASH FUND</u>	<u>-0-</u>	<u>159,000,000</u>
<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>159,000,000</u>

Sec. 20. AGENCY NO. 33 – GAME AND PARKS COMMISSION  
Program No. 549 - Parks - Administration and Operation

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

Sec. 21. AGENCY NO. 46 – DEPARTMENT OF CORRECTIONAL SERVICES  
Program No. 200 - Operations

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

Sec. 22. AGENCY NO. 47 – NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION  
Program No. 919 - Emergency Alert System Project

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

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

Sec. 23. AGENCY NO. 47 – NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION  
Program No. 920 - Translator Sites

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

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

Sec. 24. AGENCY NO. 50 – BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES  
Program No. 48 - Nebraska State Colleges - System Office

	<u>FY2021-22</u>	<u>FY2022-23</u>
<u>GENERAL FUND</u>	<u>-0-</u>	<u>1,335,197</u>

PROGRAM TOTAL -0- 1,335,197

Sec. 25. AGENCY NO. 53 – REAL PROPERTY APPRAISER BOARD  
Program No. 79 - Appraiser Licensing

FY2021-22 FY2022-23

CASH FUND -0- 3,783

PROGRAM TOTAL -0- 3,783

SALARY LIMIT -0- -0-

Sec. 26. AGENCY NO. 63 – NEBRASKA STATE BOARD OF PUBLIC ACCOUNTANCY  
Program No. 84 - Enforcement of Standards - Public Accountancy

FY2021-22 FY2022-23

SALARY LIMIT -0- 2,500

Sec. 27. AGENCY NO. 65 – DEPARTMENT OF ADMINISTRATIVE SERVICES  
Program No. 173 - Communications Division

FY2021-22 FY2022-23

REVOLVING FUND -0- 3,500,000

PROGRAM TOTAL -0- 3,500,000

Sec. 28. AGENCY NO. 72 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Program No. 601 - Community and Rural Development

FY2021-22 FY2022-23

CASH FUND -0- 10,000,000

PROGRAM TOTAL -0- 10,000,000

There is included in the appropriation to this program for FY2021-22 \$-0- Cash Funds and for FY2022-23 \$10,000,000 Cash Funds for state aid, which shall only be used for such purpose.

Sec. 29. AGENCY NO. 72 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Program No. 603 - Industrial Recruitment

FY2021-22 FY2022-23

CASH FUND -0- 4,000,000

PROGRAM TOTAL -0- 4,000,000

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

Sec. 30. Laws 2021, LB380, section 57, is amended to read:  
Sec. 57. AGENCY NO. 14 – PUBLIC SERVICE COMMISSION  
Program No. 54 - Enforcement of Standards - Common Carriers

FY2021-22 FY2022-23

GENERAL FUND 1,546,001 1,531,268

GENERAL FUND 1,546,001 1,580,768

CASH FUND 66,647 68,152

PROGRAM TOTAL 1,612,648 1,599,420

SALARY LIMIT 1,199,656 1,194,539

PROGRAM TOTAL 1,612,648 1,648,920

SALARY LIMIT 1,199,656 1,223,648

Sec. 31. Laws 2021, LB380, section 68, is amended to read:  
Sec. 68. AGENCY NO. 16 – DEPARTMENT OF REVENUE  
Program No. 111 - Motor Fuels

FY2021-22 FY2022-23

CASH FUND 1,727,408 1,550,120

PROGRAM TOTAL 1,727,408 1,550,120

SALARY LIMIT 1,196,853 1,111,267

LB813  
2023

LB813  
2023

CASH FUND	<del>1,727,408</del>	<del>1,750,120</del>
PROGRAM TOTAL	<del>1,727,408</del>	<del>1,750,120</del>
SALARY LIMIT	<del>1,196,853</del>	<del>1,211,267</del>

Sec. 32. Laws 2021, LB380, section 83, is amended to read:  
 Sec. 83. AGENCY NO. 23 – DEPARTMENT OF LABOR  
 Program No. 31 - Division of Employment

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

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

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

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

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

Sec. 25. AGENCY NO. 47 – NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION  
 Program No. 908 - Tower Lighting Project

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

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

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

Sec. 56. AGENCY NO. 16 – DEPARTMENT OF REVENUE  
 Program No. 108 - Homestead Exemption

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

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

~~\$9,900,000~~ ~~\$11,700,000~~ General Funds for state aid, which shall only be used for such purpose.

Sec. 35. Laws 2022, LB1011, section 187, is amended to read:  
Sec. 187. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION  
Program No. 158 - Education Aid

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

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

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

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

There is included in the amount shown for this program \$1,465,500 General Funds provided as state aid for FY2021-22 and \$1,465,500 General Funds provided as state aid for FY2022-23 to carry out the provisions of subsection (2) of section 79-734.

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

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

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

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

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

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

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

There is included in the amount shown for this program \$750,000 General Funds provided as state aid for FY2021-22 and \$750,000 General Funds provided as state aid for FY2022-23 for aid to institutions offering high school equivalency programs.

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

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

There is included in the amount shown for this program \$100,000 General

Funds provided as state aid for FY2021-22 and \$100,000 General Funds provided as state aid for FY2022-23 for scholarships for early childhood education providers.

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

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

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

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

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

Sec. 189. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Program No. 38 - Behavioral Health Aid

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

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

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

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

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

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

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

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

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

Sec. 37. Laws 2022, LB1011, section 190, is amended to read:  
Sec. 190. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Program No. 347 - Public Assistance

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

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

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

For the period beginning July 1, 2022, through June 30, 2023, funds provided to the State of Nebraska pursuant to the federal Child Care and Development Block Grant Act of 1990, 42 U.S.C. 9857 et seq., as such act and sections existed on March 24, 2021, shall be used to increase child care provider rates at the seventy-fifth percentile of the Market Rate Survey. If the available amount of such funds is insufficient to pay such costs, then funds provided to the state for the Temporary Assistance for Needy Families program established in 42 U.S.C. 601 et seq. may also be used. It is the intent of the Legislature to continue to pay child care providers at the seventy-fifth percentile in FY2023-24 and FY2024-25 using the same federal funding sources.

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

Sec. 34. AGENCY NO. 31 – MILITARY DEPARTMENT

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

	FY2021-22	FY2022-23
<u>FEDERAL FUND est.</u>	<u>10,000,000</u>	<u>9,000,000</u>
<u>PROGRAM TOTAL</u>	<u>10,000,000</u>	<u>9,000,000</u>
<del>FEDERAL FUND est.</del>	<del>10,000,000</del>	<del>5,000,000</del>
<del>PROGRAM TOTAL</del>	<del>10,000,000</del>	<del>5,000,000</del>

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

There is included in the appropriation to this program for FY2021-22 up to \$5,000,000 Federal Funds estimate and for FY2022-23 up to \$9,000,000 ~~\$5,000,000~~ Federal Funds estimate to reimburse the Department of Health and Human Services, Agency No. 25, Program No. 33, for information technology utilization expenses incurred which are related to pandemic relief processing and to equipment and operating a mobile workforce, from March 3, 2021, through June 30, 2023.

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

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

Sec. 49. AGENCY NO. 82 – COMMISSION FOR THE DEAF AND HARD OF HEARING

Program No. 578 - Deaf and Hard of Hearing



FEDERAL FUND	-0-	500,000
PROGRAM TOTAL	-0-	500,000

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

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

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

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

Sec. 3. There is hereby appropriated (1) \$1,000,000 Federal Funds for FY2021-22 and (2) ~~\$69,800,000~~ ~~\$249,000,000~~ Federal Funds for FY2022-23 to the Department of Economic Development, for Program 611, to aid in carrying out the provisions of Legislative Bill 1024, One Hundred Seventh Legislature, Second Session, 2022. The Federal Funds appropriated in this section are from the funds allocated to the State of Nebraska from the federal Coronavirus State Fiscal Recovery Fund pursuant to the federal American Rescue Plan Act of 2021, 42 U.S.C. 802, as amended.

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

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

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

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

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

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

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

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

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

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

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

Sec. 42. Original Laws 2021, LB380, sections 57, 68, and 83; Laws 2021, LB383, section 25; Laws 2022, LB1011, sections 56, 187, 189, and 190; Laws

2022, LB1014, sections 34 and 49; and Laws 2022, LB1024A, section 3, are repealed.

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