

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1024

FINAL READING

Introduced by Wayne, 13; McKinney, 11; Hunt, 8; Blood, 3; Vargas, 7.

Read first time January 13, 2022

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to economic development; to amend section
2 81-1201.07, Reissue Revised Statutes of Nebraska, sections 81-1237,
3 81-1238, 81-1239, and 81-1240, Revised Statutes Cumulative
4 Supplement, 2020, and section 84-612, Revised Statutes Supplement,
5 2021; to adopt the Economic Recovery Act; to create divisions within
6 the Department of Economic Development; to define and redefine
7 terms; to change provisions of the Middle Income Workforce Housing
8 Investment Act; to provide for grants as prescribed; to state
9 legislative intent for appropriations; to transfer funds from the
10 Cash Reserve Fund; to harmonize provisions; to repeal the original
11 sections; and to declare an emergency.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 7 of this act shall be known and may be
2 cited as the Economic Recovery Act.

3 Sec. 2. The Legislature finds that:

4 (1) The COVID-19 public health emergency has caused widespread
5 economic, social, and public health-related turmoil that deepened
6 existing disparities;

7 (2) The social and economic challenges caused and exacerbated by the
8 COVID-19 public health emergency include high unemployment, wage
9 decreases, increased homelessness, and food insecurity;

10 (3) The impact of the COVID-19 public health emergency and related
11 challenges were disproportionately felt in low-income and minority
12 communities such as North Omaha and South Omaha;

13 (4) The social and economic challenges in North Omaha and South
14 Omaha have persisted for multiple generations, partially fueled by past
15 racial segregation and the historical practice known as redlining;

16 (5) Funding under the federal American Rescue Plan Act of 2021
17 presents a once-in-a-lifetime opportunity to respond to the challenges
18 facing North Omaha and South Omaha that have been worsened by the
19 COVID-19 public health emergency; and

20 (6) Federal guidance issued by the United States Department of the
21 Treasury has identified qualified census tracts as areas in which certain
22 activities and investments will be deemed presumptively eligible for the
23 use of funds under the federal American Rescue Plan Act of 2021.

24 Sec. 3. For purposes of the Economic Recovery Act, qualified census
25 tract means a qualified census tract as defined in 26 U.S.C. 42(d)(5)(B)
26 (ii)(I), as such section existed on January 1, 2022.

27 Sec. 4. (1) A primary responsibility of the Economic Recovery and
28 Incentives Division of the Department of Economic Development shall be to
29 utilize federal or state funding to award grants as provided in this
30 section. The division shall develop a coordinated plan and a grant
31 application and scoring process to award grants under subsection (3) of

1 this section.

2 (2) The coordinated plan developed pursuant to this section shall
3 direct and prioritize the use of grants toward the economic recovery of
4 those communities and neighborhoods within qualified census tracts
5 located within the boundaries of a city of the metropolitan class that
6 were disproportionately impacted by the COVID-19 public health emergency
7 and related challenges, with an emphasis on housing needs, assistance for
8 small businesses, job training, and business development within such
9 communities and neighborhoods. In prioritizing the use of grants, the
10 Economic Recovery and Incentives Division may rely on any studies
11 produced pursuant to section 5 of this act. Not later than August 1,
12 2022, the division shall submit a copy of an initial coordinated plan to
13 the Economic Recovery Special Committee of the Legislature. Not later
14 than December 1, 2022, the division shall submit a final copy of such
15 coordinated plan to the Economic Recovery Special Committee of the
16 Legislature.

17 (3)(a) The Economic Recovery and Incentives Division shall create a
18 Qualified Census Tract Recovery Grant Program to provide funding to
19 public and private entities located within qualified census tracts
20 throughout the state to respond to the negative impact of the COVID-19
21 public health emergency.

22 (b) Not to exceed ten million dollars in grants shall be distributed
23 under the grant program to eligible grantees in qualified census tracts
24 that are located in a city of the primary class.

25 (c) Not to exceed ten million dollars in grants shall be distributed
26 under the grant program to eligible grantees in qualified census tracts
27 that are located outside of a city of the metropolitan class or a city of
28 the primary class.

29 (d) All remaining funds shall be allocated for grants distributed
30 under the grant program to eligible grantees in qualified census tracts
31 that are located in a city of the metropolitan class, with no less than

1 thirty-five million dollars in such grants allocated to eligible grantees
2 which are located south of Dodge Street and east of 72nd Street in such
3 city and no less than fifty-five million dollars in such grants allocated
4 to eligible grantees which are located north of Dodge Street and east of
5 72nd Street in such city. Any funds not applied for within such areas may
6 be allocated for grants to eligible grantees in any qualified census
7 tract in such city.

8 (4) In addition to grants under the Qualified Census Tract Recovery
9 Grant Program, the Economic Recovery and Incentives Division shall
10 provide grant funding for the following purposes:

11 (a) Not to exceed sixty million dollars in grants to a nonprofit
12 economic development organization for the development of a business park
13 located within or adjacent to one or more qualified census tracts located
14 within the boundaries of a city of the metropolitan class and within two
15 miles of a major airport as defined in section 13-3303;

16 (b) Not to exceed thirty million dollars in grants to one or more
17 innovation hubs located in one or more qualified census tracts and within
18 two miles of a major airport as defined in section 13-3303 providing
19 services and resources within qualified census tracts located within the
20 boundaries of a city of the metropolitan class;

21 (c) Not to exceed three million dollars in grants in fiscal year
22 2022-23 and not to exceed three million dollars in fiscal year 2023-24 to
23 a nonprofit organization partnering with a city of the metropolitan class
24 for the purpose of providing internships and crime prevention within
25 qualified census tracts located within the boundaries of such city;

26 (d) Not to exceed five million dollars in grants pursuant to the
27 purposes of the Nebraska Film Office Fund on or before June 30, 2023, for
28 the purpose of producing a film on Chief Standing Bear, a portion of
29 which is to be filmed in one or more qualified census tracts located
30 within the boundaries of a city of the metropolitan class;

31 (e) Not to exceed twenty million dollars in grants to public or

1 private entities to prepare land parcels for affordable housing or
2 conduct other eligible affordable housing interventions under the federal
3 American Rescue Plan Act of 2021 including production, rehabilitation,
4 and preservation of affordable rental housing and affordable
5 homeownership units within qualified census tracts which are located in a
6 city of the metropolitan class;

7 (f) Not to exceed twenty million dollars in grants to public or
8 private entities to prepare land parcels for affordable housing or
9 conduct other eligible affordable housing interventions under the federal
10 American Rescue Plan Act of 2021 including production, rehabilitation,
11 and preservation of affordable rental housing and affordable
12 homeownership units within qualified census tracts which are located in a
13 city of the primary class;

14 (g) Not to exceed five million dollars in grants to a county
15 agricultural society with facilities within a city of the primary class
16 to recoup lost revenue; and

17 (h) Not to exceed one million dollars in grants to a postsecondary
18 institution located in a qualified census tract in a city of the
19 metropolitan class to provide funding for a financial literacy program to
20 improve economic and health outcomes for individuals residing in
21 qualified census tracts.

22 (5) For purposes of subdivisions (4)(e) and (f) of this section,
23 preparing land parcels shall include:

24 (a) Laying drinking water mains, lines, pipes, or channels;

25 (b) Rehabilitation, renovation, maintenance, or other costs to
26 secure vacant or abandoned properties in disproportionately impacted
27 communities;

28 (c) Acquiring and securing legal title of vacant or abandoned
29 properties in disproportionately impacted communities;

30 (d) Removal and remediation of environmental contaminants or hazards
31 from vacant or abandoned properties in disproportionately impacted

1 communities when conducted in compliance with applicable environmental
2 laws or regulations;

3 (e) Demolition or deconstruction of vacant or abandoned buildings in
4 disproportionately impacted communities; and

5 (f) Costs associated with inspection fees and other administrative
6 costs incurred to ensure compliance with applicable environmental laws
7 and regulations for demolition or other remediation activities in
8 disproportionately impacted communities.

9 (6) All grants made by the Economic Recovery and Incentives Division
10 utilizing federal funds allocated to the State of Nebraska from the
11 federal Coronavirus State Fiscal Recovery Fund under the federal American
12 Rescue Plan Act of 2021 shall meet the eligible uses under such act and
13 any relevant guidance on the use of such funds by the United States
14 Department of the Treasury.

15 Sec. 5. (1) The Economic Recovery Special Committee of the
16 Legislature is established as a special committee of the Legislature to
17 perform the duties provided in the Economic Recovery Act. The special
18 legislative committee shall consist of the chairperson of the Urban
19 Affairs Committee of the Legislature, who shall serve as chairperson of
20 the special legislative committee, the Speaker of the Legislature, the
21 chairperson of the Appropriations Committee of the Legislature or his or
22 her designee, and four other members of the Legislature appointed by the
23 chairperson of the Executive Board of the Legislative Council. The
24 appointed members of the special legislative committee shall include
25 members who represent legislative districts containing one or more
26 qualified census tracts located within the boundaries of a city of the
27 metropolitan class.

28 (2) The Executive Board of the Legislative Council shall provide
29 staff as required by the special legislative committee from existing
30 legislative staff. In addition, the special legislative committee may
31 hire additional staff, make expenditures for travel, and enter into

1 contracts for consulting, engineering, and development studies. The
2 contracts shall be based on competitive bids and subject to approval of
3 the executive board upon the recommendation of a majority of the members
4 of the special legislative committee. It is the intent of the Legislature
5 to appropriate two million dollars for fiscal year 2022-23 to carry out
6 this section.

7 (3) The special legislative committee may hold hearings and request
8 and receive reports from the federal government, state agencies,
9 counties, municipalities, and other public and private entities regarding
10 the impact of the COVID-19 public health emergency on low-income and
11 minority communities in Nebraska. The special legislative committee may
12 hold one or more closed sessions for the receipt of confidential
13 information if at least one-half of the members of the special
14 legislative committee vote in open session to hold a closed session.

15 (4) No later than June 30, 2022, the special legislative committee
16 shall issue a request for proposals for studies on potential eligible
17 uses of funds made available under the federal American Rescue Plan Act
18 of 2021 or state funds within or adjacent to qualified census tracts
19 located within the boundaries of a city of the metropolitan class. Such
20 studies shall include, but not be limited to, potential eligible uses of
21 such funds in the areas of entrepreneurship, housing, employment, job
22 creation, and small business assistance. Copies of all such studies shall
23 be forwarded to the Economic Recovery and Incentives Division of the
24 Department of Economic Development.

25 Sec. 6. (1) The Economic Recovery Contingency Fund is created. The
26 fund shall consist of transfers by the Legislature to carry out the
27 Economic Recovery Act. Any money in the fund available for investment
28 shall be invested by the state investment officer pursuant to the
29 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
30 Act.

31 (2) No funds shall be expended from the Economic Recovery

1 Contingency Fund until the Economic Recovery and Incentives Division of
2 the Department of Economic Development has submitted a final copy of its
3 coordinated plan to the Economic Recovery Special Committee of the
4 Legislature pursuant to section 4 of this act and to the budget
5 administrator of the budget division of the Department of Administrative
6 Services.

7 Sec. 7. (1) It is the intent of the Legislature to appropriate two
8 hundred fifty million dollars from federal funds for fiscal year 2022-23
9 to the Department of Economic Development to carry out the Economic
10 Recovery Act. The federal funds described in this subsection are the
11 funds allocated to the State of Nebraska from the federal Coronavirus
12 State Fiscal Recovery Fund pursuant to the federal American Rescue Plan
13 Act of 2021, 42 U.S.C. 802, as amended.

14 (2) Of the intended appropriation described in subsection (1) of
15 this section, the Department of Economic Development shall not expend
16 eighty million dollars of such federal funds until the Economic Recovery
17 and Incentives Division of the department has submitted a final copy of
18 its coordinated plan to the Economic Recovery Special Committee of the
19 Legislature pursuant to section 4 of this act.

20 (3) The State Treasurer shall transfer any interest earned after the
21 effective date of this act on federal funds allocated to the State of
22 Nebraska from the federal Coronavirus State Fiscal Recovery Fund pursuant
23 to the federal American Rescue Plan Act of 2021, 42 U.S.C. 802, as
24 amended, to the Economic Recovery Contingency Fund on such dates and in
25 such amounts as directed by the budget administrator of the budget
26 division of the Department of Administrative Services.

27 (4) It is the intent of the Legislature that any unobligated amount
28 as of July 1, 2024, of the federal funds allocated to the State of
29 Nebraska from the federal Coronavirus State Fiscal Recovery Fund pursuant
30 to the federal American Rescue Plan Act of 2021, 42 U.S.C. 802, as
31 amended, be appropriated to the Department of Economic Development to

1 carry out the Economic Recovery Act no later than August 1, 2024.

2 (5) It is the intent of the Legislature to appropriate ten million
3 dollars from the General Fund to the Department of Economic Development
4 for fiscal year 2022-23 to provide grants under the Economic Recovery
5 Act.

6 (6) It is the intent of the Legislature to transfer ten million
7 dollars from the General Fund to the Economic Recovery Contingency Fund
8 for fiscal year 2023-24 and ten million dollars from the General Fund to
9 the Economic Recovery Contingency Fund for fiscal year 2024-25.

10 Sec. 8. Section 81-1201.07, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 81-1201.07 The department may have the divisions and program listed
13 in this section to aid in the discharge of its duties but shall not be
14 limited to such divisions and program: (1) An Existing Business
15 Assistance Division; (2) a Business Recruitment Division; (3) a Community
16 and Rural Development Division; (4) an Economic Recovery and Incentives
17 Division; (5) a Housing Division; and (6) {4} a Community Development
18 Block Grant Program. Each division and program, when deemed appropriate
19 by the director, is encouraged to establish advisory committees and
20 programs to insure public participation and input.

21 Sec. 9. Section 81-1237, Revised Statutes Cumulative Supplement,
22 2020, is amended to read:

23 81-1237 For purposes of the Middle Income Workforce Housing
24 Investment Act:

25 (1) Department means the Department of Economic Development;

26 (2) Director means the Director of Economic Development;

27 (3) Eligible activities of a workforce housing investment fund
28 means:

29 (a) New construction of owner-occupied housing in a neighborhood and
30 community with a demonstrated need for housing that is affordable and
31 attractive to first-time homebuyers, middle-income families, and the

1 emerging workforce;

2 (b) Substantial repair or rehabilitation of dilapidated housing
3 stock; or

4 (c) Upper-story housing development for occupation by a homeowner;

5 (4) HOME funds means funds awarded as formula grants under the HOME
6 Investment Partnerships Program administered by the United States
7 Department of Housing and Urban Development;

8 (5) Matching funds means dollars contributed by individuals,
9 businesses, foundations, local and regional political subdivisions, or
10 other nonprofit organizations to a workforce housing investment fund
11 administered by a nonprofit development organization;

12 (6) Nonprofit development organization means a regional or statewide
13 nonprofit development organization approved by the director;

14 (7) Qualified activities include purchase guarantees, loan
15 guarantees, loan participations, and other credit enhancements related to
16 eligible activities of the workforce housing investment fund;

17 (8) Qualified investment means a cash investment in a workforce
18 housing investment fund administered by a nonprofit development
19 organization;

20 (9) Urban community means any area that is:

21 (a) In a county with a population greater than one hundred thousand
22 inhabitants as determined by the most recent federal decennial census;
23 and

24 (b)(i) ~~(b)~~ Within a qualified census tract as described in 26 U.S.C.
25 42(d)(5)(B), as such section existed on January 1, 2022 ~~2020~~; or

26 (ii) Within a city of the primary class;

27 (10) Workforce housing means:

28 (a) Owner-occupied housing units that have an after-construction
29 appraised value of at least one hundred twenty-five thousand dollars but
30 not more than two hundred seventy-five thousand dollars. For purposes of
31 this subdivision (a) and subdivision (b) of this subdivision ~~subsection~~,

1 housing unit after-construction appraised value shall be updated annually
2 by the department based upon the most recent increase or decrease in the
3 Producer Price Index for all commodities, published by the United States
4 Department of Labor, Bureau of Labor Statistics;

5 (b) Owner-occupied housing units for which the cost to substantially
6 rehabilitate such units exceeds fifty percent of a unit's before-
7 construction assessed value, and the after-construction appraised value
8 is at least one hundred twenty-five thousand dollars but not more than
9 two hundred seventy-five thousand dollars;

10 (c) Upper-story housing for occupation by a homeowner; and

11 (d) Housing that does not receive federal or state low-income
12 housing tax credits, community development block grants, HOME funds, or
13 funds from the Affordable Housing Trust Fund; and

14 (11) Workforce housing investment fund means a fund that has been
15 created by a nonprofit development organization and certified by the
16 director to encourage development of workforce housing in urban
17 communities.

18 Sec. 10. Section 81-1238, Revised Statutes Cumulative Supplement,
19 2020, is amended to read:

20 81-1238 (1) The director shall establish a workforce housing
21 investment grant program to foster and support the development of
22 workforce housing in urban communities.

23 (2) A nonprofit development organization may apply to the director
24 for approval of a workforce housing grant for a workforce housing
25 investment fund. The application shall be in a form and manner prescribed
26 by the director. Through fiscal year 2026-27 ~~2022-2023~~, grants shall be
27 awarded by the director on a competitive basis until grant funds are no
28 longer available. Grant maximums shall not exceed five ~~one~~ million
29 dollars to any one nonprofit development organization over a two-year
30 period, with ~~the no more than two million five hundred thousand dollars~~
31 cumulative amount for any single grantee to be determined by the

1 ~~department at the discretion of the director. An applicant shall provide~~
2 ~~matching funds of at least one-half of the amount of workforce housing~~
3 ~~grant funds awarded through fiscal year 2022-2023. Grants shall require a~~
4 ~~minimum one-to-one in matching funds to be considered a qualified grant~~
5 ~~application. Unallocated funds held by the department shall be rolled to~~
6 ~~the next program year. Unallocated funds on June 30, 2025, shall be~~
7 ~~returned to the Middle Income Workforce Housing Investment Fund.~~

8 (3) Grants shall be awarded based upon:

9 (a) A demonstrated need for additional owner-occupied housing. Need
10 can be demonstrated with a recent housing study or a letter from the
11 planning department of the city in which the fund is intending to operate
12 stating that the proposal is in line with the city's most recent
13 consolidated plan submitted under 24 C.F.R. part 91, subpart D, as such
14 subpart existed on January 1, 2020;

15 (b) A neighborhood or community that has a higher-than-state-average
16 unemployment rate;

17 (c) A neighborhood or community that exhibits a demonstrated
18 commitment to growing its housing stock;

19 (d) Projects that can reasonably be ready for occupancy in a period
20 of twenty-four months; and

21 (e) A demonstrated ability to grow and manage a workforce housing
22 investment fund.

23 (4) A workforce housing investment fund shall:

24 (a) Be required to receive annual certification from the department;

25 (b) Invest or intend to invest in eligible activities for a
26 workforce housing investment fund;

27 (c) Use any fees, interest, loan repayments, or other funds received
28 by the nonprofit development organization as a result of the
29 administration of the grant to support qualified activities; and

30 (d) Have an active board of directors with expertise in development,
31 construction, and finance that meets at least quarterly to approve all

1 qualified investments made by the nonprofit development organization. A
2 nonprofit development organization shall have a formal plan and proven
3 expertise to invest unused workforce housing investment fund balances and
4 shall conduct an annual audit of all financial records by an independent
5 certified public accountant.

6 (5) A nonprofit development organization that has previously
7 received a grant or grants under the Middle Income Workforce Housing
8 Investment Act shall not be eligible for an additional grant under this
9 section unless the organization has expended at least fifty percent of
10 the funds from such previous grant or grants.

11 Sec. 11. Section 81-1239, Revised Statutes Cumulative Supplement,
12 2020, is amended to read:

13 81-1239 (1) The Middle Income Workforce Housing Investment Fund is
14 created. Funding for the grant program described in section 81-1238 shall
15 come from the Middle Income Workforce Housing Investment Fund. The Middle
16 Income Workforce Housing Investment Fund may include revenue from
17 appropriations from the Legislature, grants, private contributions, and
18 other sources. ~~In addition, the Middle Income Workforce Housing~~
19 ~~Investment Fund shall receive a one-time transfer of ten million dollars~~
20 ~~on November 14, 2020, from the General Fund.~~ Any money in the Middle
21 Income Workforce Housing Investment Fund available for investment shall
22 be invested by the state investment officer pursuant to the Nebraska
23 Capital Expansion Act and the Nebraska State Funds Investment Act.

24 (2) The department shall administer the Middle Income Workforce
25 Housing Investment Fund and may seek additional private or nonstate funds
26 to use in the grant program, including, but not limited to, contributions
27 from the Nebraska Investment Finance Authority and other interested
28 parties.

29 (3) Interest earned by the department on grant funds shall be
30 applied to the grant program.

31 (4) If a nonprofit development organization fails to engage in a

1 qualified activity within twenty-four months after receiving initial
2 grant funding, the nonprofit development organization shall return the
3 grant proceeds to the department for credit to the General Affordable
4 Housing Trust Fund.

5 (5) Beginning July 1, 2029 ~~2025~~, any funds held by the department in
6 the Middle Income Workforce Housing Investment Fund shall be transferred
7 to the General Affordable Housing Trust Fund.

8 Sec. 12. Section 81-1240, Revised Statutes Cumulative Supplement,
9 2020, is amended to read:

10 81-1240 (1) Each nonprofit development organization shall submit an
11 annual report to the director to be included as a part of the
12 department's annual status report required under section 81-1201.11. The
13 report shall certify that the workforce housing investment fund meets the
14 requirements of the Middle Income Workforce Housing Investment Act and
15 shall include a breakdown of program activities.

16 (2) The annual report shall include, but not be limited to:

17 (a) The name and geographical location of the nonprofit development
18 organization;

19 (b) The number, amount, and type of workforce housing investment
20 funds invested in qualified activities;

21 (c) The number, geographical location, type, and amount of
22 investments made;

23 (d) A summary of matching funds and where such matching funds were
24 generated; and

25 (e) The results of the annual audit required under subdivision (4)
26 (d) of section 81-1238.

27 (3) If a nonprofit development organization ceases administration of
28 a workforce housing investment fund, it shall file a final report with
29 the director in a form and manner required by the director. Before July
30 1, 2029 ~~2025~~, any unallocated workforce housing investment fund grant
31 funds shall be returned for credit to the Middle Income Workforce Housing

1 Investment Fund. On and after July 1, 2029, any unallocated workforce
2 housing investment fund grant funds shall be returned to the department
3 for transfer to the General Fund.

4 (4) If a workforce housing investment fund fails to file a complete
5 annual report by February 15, the director may, in his or her discretion,
6 impose a civil penalty of not more than five thousand dollars for such
7 violation. All money collected by the department pursuant to this
8 subsection shall be remitted to the State Treasurer for distribution in
9 accordance with Article VII, section 5, of the Constitution of Nebraska.

10 Sec. 13. (1) The Department of Economic Development shall use any
11 funds received from the federal Coronavirus Capital Projects Fund under
12 the federal American Rescue Plan Act of 2021 for eligible projects as
13 follows:

14 (a) No more than forty million dollars to eligible projects that are
15 located within a congressional district which contains a city of the
16 metropolitan class. Within a city of the metropolitan class, grants shall
17 be given to multipurpose community facilities; and

18 (b) No less than forty million dollars to eligible projects that are
19 located within each congressional district which does not contain a city
20 of the metropolitan class.

21 (2) Any funds received from the federal Coronavirus Capital Projects
22 Fund under the federal American Rescue Plan Act of 2021 utilized for
23 eligible broadband infrastructure projects shall be administered in a
24 manner consistent with the Nebraska Broadband Bridge Act, except that the
25 matching funds requirement in section 86-1304 shall not apply to such
26 federal funding for broadband projects.

27 (3) The department shall, beginning July 1, 2022, through July 15,
28 2022, allow a qualified public or private entity to apply for a grant
29 using funds received from the federal Coronavirus Capital Projects Fund
30 under the federal American Rescue Plan Act of 2021. The department may
31 open additional grant application periods as needed until all funds are

1 allocated.

2 Sec. 14. It is the intent of the Legislature to appropriate one
3 hundred twenty-eight million seven hundred forty thousand one hundred
4 seventy-eight dollars from federal funds for fiscal year 2022-23 to the
5 Department of Economic Development to provide grants as provided in
6 section 13 of this act. The federal funds described in this section are
7 the funds allocated to the State of Nebraska from the federal Coronavirus
8 Capital Projects Fund under the federal American Rescue Plan Act of 2021.

9 Sec. 15. (1) It is the intent of the Legislature to appropriate
10 three million seventy-four thousand dollars from federal funds for
11 FY2022-23 to the Department of Economic Development. The federal funds
12 described in this subsection are the funds received by the State of
13 Nebraska from the United States Economic Development Administration's
14 American Rescue Plan Travel, Tourism and Outdoor Recreation program.

15 (2) Money from the intended appropriation described in subsection
16 (1) of this section shall be for grants awarded to eligible grantees as
17 follows:

18 (a) No less than one million dollars to eligible grantees located
19 within one or more qualified census tracts within a city of the
20 metropolitan class;

21 (b) No less than one million dollars to eligible grantees located
22 within one or more qualified census tracts within a city of the primary
23 class; and

24 (c) No less than one million dollars to eligible grantees in
25 qualified census tracts that are located outside of a city of the
26 metropolitan class or a city of the primary class.

27 Sec. 16. Section 84-612, Revised Statutes Supplement, 2021, is
28 amended to read:

29 84-612 (1) There is hereby created within the state treasury a fund
30 known as the Cash Reserve Fund which shall be under the direction of the
31 State Treasurer. The fund shall only be used pursuant to this section.

1 (2) The State Treasurer shall transfer funds from the Cash Reserve
2 Fund to the General Fund upon certification by the Director of
3 Administrative Services that the current cash balance in the General Fund
4 is inadequate to meet current obligations. Such certification shall
5 include the dollar amount to be transferred. Any transfers made pursuant
6 to this subsection shall be reversed upon notification by the Director of
7 Administrative Services that sufficient funds are available.

8 (3) In addition to receiving transfers from other funds, the Cash
9 Reserve Fund shall receive federal funds received by the State of
10 Nebraska for undesignated general government purposes, federal revenue
11 sharing, or general fiscal relief of the state.

12 (4) The State Treasurer shall transfer fifty-four million seven
13 hundred thousand dollars on or after July 1, 2019, but before June 15,
14 2021, from the Cash Reserve Fund to the Nebraska Capital Construction
15 Fund on such dates and in such amounts as directed by the budget
16 administrator of the budget division of the Department of Administrative
17 Services.

18 (5) The State Treasurer shall transfer thirty million dollars from
19 the Cash Reserve Fund to the General Fund after November 15, 2020, but
20 before December 31, 2020, on such date as directed by the budget
21 administrator of the budget division of the Department of Administrative
22 Services. Except for the transfer authorized in this subsection, no funds
23 shall be transferred from the Cash Reserve Fund to fulfill the
24 obligations created under the Nebraska Property Tax Incentive Act unless
25 the balance in the Cash Reserve Fund after such transfer will be at least
26 equal to five hundred million dollars.

27 (6) The State Treasurer shall transfer fifty million dollars from
28 the Cash Reserve Fund to the United States Space Command Headquarters
29 Assistance Fund on or before June 30, 2023, but not before July 1, 2022,
30 on such dates and in such amounts as directed by the budget administrator
31 of the budget division of the Department of Administrative Services. The

1 transfer in this subsection shall not occur unless the State of Nebraska
2 is selected as the site of the United States Space Command headquarters.

3 (7) The State Treasurer shall transfer fifty-five million dollars
4 from the Cash Reserve Fund to the Economic Recovery Contingency Fund on
5 or before June 30, 2022, on such dates and in such amounts as directed by
6 the budget administrator of the budget division of the Department of
7 Administrative Services.

8 Sec. 17. Original section 81-1201.07, Reissue Revised Statutes of
9 Nebraska, sections 81-1237, 81-1238, 81-1239, and 81-1240, Revised
10 Statutes Cumulative Supplement, 2020, and section 84-612, Revised
11 Statutes Supplement, 2021, are repealed.

12 Sec. 18. Since an emergency exists, this act takes effect when
13 passed and approved according to law.