

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 813

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

Read first time January 25, 2023

Committee:

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

1 Section 1. DEFINITION OF APPROPRIATION PERIOD.

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

10 Sec. 2. APPROPRIATION LANGUAGE.

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

16 Sec. 3. UNEXPENDED BALANCES AND CERTIFIED ENCUMBRANCES.

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

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

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

31 Sec. 5. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

1 The definitions contained in the Nebraska Accounting System Manual,
2 and any amendments thereto, on file with the Clerk of the Legislature are
3 hereby adopted by the Legislature as the definitions for this act, except
4 as provided in section 33 of this act.

5 Sec. 6. DRAWING AND PAYING WARRANTS.

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

11 Sec. 7. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION

12 Program No. 25 - Departmental Administration

	<u>FY2021-22</u>	<u>FY2022-23</u>
14 <u>GENERAL FUND</u>	<u>-0-</u>	<u>386,829</u>
15 <u>CASH FUND</u>	<u>-0-</u>	<u>39,691</u>
16 <u>FEDERAL FUND est.</u>	<u>-0-</u>	<u>565,305</u>
17 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>991,825</u>
18 <u>SALARY LIMIT</u>	<u>-0-</u>	<u>102,583</u>

19 Sec. 8. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION

20 Program No. 161 - Education Innovation

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

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

25 Program No. 351 - Vocational Rehabilitation

	<u>FY2021-22</u>	<u>FY2022-23</u>
27 <u>FEDERAL FUND est.</u>	<u>-0-</u>	<u>16,926</u>
28 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>16,926</u>
29 <u>SALARY LIMIT</u>	<u>-0-</u>	<u>48,768</u>

30 Sec. 10. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION

1	<u>Program No. 352 - Disability Determination</u>		
2		<u>FY2021-22</u>	<u>FY2022-23</u>
3	<u>FEDERAL FUND est.</u>	<u>-0-</u>	<u>5,316</u>
4	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>5,316</u>
5	<u>SALARY LIMIT</u>	<u>-0-</u>	<u>14,701</u>
6	Sec. 11. <u>AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION</u>		
7	<u>Program No. 401 - Deaf/Hard of Hearing Services</u>		
8		<u>FY2021-22</u>	<u>FY2022-23</u>
9	<u>GENERAL FUND</u>	<u>-0-</u>	<u>14</u>
10	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>14</u>
11	Sec. 12. <u>AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION</u>		
12	<u>Program No. 402 - School for the Visually Impaired</u>		
13		<u>FY2021-22</u>	<u>FY2022-23</u>
14	<u>GENERAL FUND</u>	<u>-0-</u>	<u>166,724</u>
15	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>166,724</u>
16	Sec. 13. <u>AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION</u>		
17	<u>Program No. 614 - Professional Practices Commission</u>		
18		<u>FY2021-22</u>	<u>FY2022-23</u>
19	<u>GENERAL FUND</u>	<u>-0-</u>	<u>73</u>
20	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>73</u>
21	Sec. 14. <u>AGENCY NO. 14 – PUBLIC SERVICE COMMISSION</u>		
22	<u>Program No. 60 - Grain Warehouse Surveillance</u>		
23		<u>FY2021-22</u>	<u>FY2022-23</u>
24	<u>CASH FUND</u>	<u>-0-</u>	<u>49,500</u>
25	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>49,500</u>
26	<u>SALARY LIMIT</u>	<u>-0-</u>	<u>29,109</u>
27	Sec. 15. <u>AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES</u>		
28	<u>Program No. 33 - Administration</u>		
29		<u>FY2021-22</u>	<u>FY2022-23</u>
30	<u>GENERAL FUND</u>	<u>-0-</u>	<u>18,309,082</u>

1	<u>FEDERAL FUND est.</u>	<u>-0-</u>	<u>698,587</u>
2	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>19,007,669</u>

3 Sec. 16. AGENCY NO. 27 – DEPARTMENT OF TRANSPORTATION
 4 Program No. 569 - Construction

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

8 Sec. 17. AGENCY NO. 46 – DEPARTMENT OF CORRECTIONAL SERVICES
 9 Program No. 200 - Operations

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

14 Sec. 18. AGENCY NO. 47 – NEBRASKA EDUCATIONAL TELECOMMUNICATIONS
 15 COMMISSION
 16 Program No. 919 - Emergency Alert System Project

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

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

23 Sec. 19. AGENCY NO. 47 – NEBRASKA EDUCATIONAL TELECOMMUNICATIONS
 24 COMMISSION
 25 Program No. 920 - Translator Sites

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

30 The Nebraska Educational Telecommunications Commission is hereby

1 authorized to purchase two tower sites in the community of Max in Dundy
2 County, Nebraska, and the village of Culbertson, Nebraska.

3 Sec. 20. AGENCY NO. 50 – BOARD OF TRUSTEES OF THE NEBRASKA STATE
4 COLLEGES

5 Program No. 48 - Nebraska State Colleges - System Office

	<u>FY2021-22</u>	<u>FY2022-23</u>
6		
7	<u>GENERAL FUND</u>	<u>-0-</u>
		<u>1,165,791</u>
8	<u>PROGRAM TOTAL</u>	<u>-0-</u>
		<u>1,165,791</u>

9 Sec. 21. AGENCY NO. 63 – NEBRASKA STATE BOARD OF PUBLIC ACCOUNTANCY
10 Program No. 84 - Enforcement of Standards - Public Accountancy

	<u>FY2021-22</u>	<u>FY2022-23</u>
11		
12	<u>SALARY LIMIT</u>	<u>-0-</u>
		<u>2,500</u>

13 Sec. 22. AGENCY NO. 65 – DEPARTMENT OF ADMINISTRATIVE SERVICES
14 Program No. 173 - Communications

	<u>FY2021-22</u>	<u>FY2022-23</u>
15		
16	<u>REVOLVING FUND</u>	<u>-0-</u>
		<u>3,500,000</u>
17	<u>PROGRAM TOTAL</u>	<u>-0-</u>
		<u>3,500,000</u>

18 Sec. 23. The State Treasurer shall transfer \$100,000,000 from the
19 General Fund to the Roads Operations Cash Fund on or before June 30,
20 2023, on such dates and in such amounts as directed by the budget
21 administrator of the budget division of the Department of Administrative
22 Services.

23 Sec. 24. Laws 2021, LB380, section 57, is amended to read:

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

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

	<u>FY2021-22</u>	<u>FY2022-23</u>
26		
27	<u>GENERAL FUND</u>	<u>1,546,001</u>
		<u>1,531,268</u>
28	<u>GENERAL FUND</u>	<u>1,546,001</u>
		<u>1,580,768</u>
29	<u>CASH FUND</u>	<u>66,647</u>
		<u>68,152</u>
30	<u>PROGRAM TOTAL</u>	<u>1,612,648</u>
		<u>1,599,420</u>

1	<u>SALARY LIMIT</u>	<u>1,199,656</u>	<u>1,194,539</u>
2	<u>PROGRAM TOTAL</u>	<u>1,612,648</u>	<u>1,648,920</u>
3	<u>SALARY LIMIT</u>	<u>1,199,656</u>	<u>1,223,648</u>

4 Sec. 25. Laws 2021, LB380, section 68, is amended to read:

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

6 Program No. 111 - Motor Fuels

7		FY2021-22	FY2022-23
8	<u>CASH FUND</u>	<u>1,727,408</u>	<u>1,550,120</u>
9	<u>PROGRAM TOTAL</u>	<u>1,727,408</u>	<u>1,550,120</u>
10	<u>SALARY LIMIT</u>	<u>1,196,853</u>	<u>1,111,267</u>
11	<u>CASH FUND</u>	<u>1,727,408</u>	<u>1,750,120</u>
12	<u>PROGRAM TOTAL</u>	<u>1,727,408</u>	<u>1,750,120</u>
13	<u>SALARY LIMIT</u>	<u>1,196,853</u>	<u>1,211,267</u>

14 Sec. 26. Laws 2021, LB380, section 83, is amended to read:

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

16 Program No. 31 - Division of Employment

17		FY2021-22	FY2022-23
18	CASH FUND	2,980,461	2,995,874
19	FEDERAL FUND est.	41,159,897	41,532,919
20	PROGRAM TOTAL	44,140,358	44,528,793
21	SALARY LIMIT	19,188,699	19,412,730

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

27 There is included in the appropriation to this program for FY2021-22
28 \$7,904,743 Federal Funds estimate for state aid, which shall only be used
29 for such purpose. There is included in the appropriation to this program
30 for FY2022-23 \$7,904,743 Federal Funds estimate for state aid, which

1 shall only be used for such purpose.

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

15 Sec. 27. Laws 2021, LB383, section 25, is amended to read:

16 Sec. 25. AGENCY NO. 47 – NEBRASKA EDUCATIONAL TELECOMMUNICATIONS
17 COMMISSION

18 Program No. 908 - Tower Lighting Project

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

24
25 The Nebraska Educational Telecommunications Commission is hereby
26 authorized to replace the tower lighting system at KRNE Merriman, and
27 K33AC Pawnee City, and KLNE Lexington.

28 Sec. 28. Laws 2022, LB1011, section 56, is amended to read:

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

30 Program No. 108 - Homestead Exemption

31 FY2021-22 FY2022-23

1	<u>GENERAL FUND</u>	<u>7,900,000</u>	<u>9,900,000</u>
2	<u>PROGRAM TOTAL</u>	<u>7,900,000</u>	<u>9,900,000</u>
3	GENERAL FUND	7,900,000	11,700,000
4	PROGRAM TOTAL	7,900,000	11,700,000

5 There is included in the appropriation to this program for FY2021-22
6 \$7,900,000 General Funds for state aid, which shall only be used for such
7 purpose. There is included in the appropriation to this program for
8 FY2022-23 ~~\$9,900,000~~ ~~\$11,700,000~~ General Funds for state aid, which shall
9 only be used for such purpose.

10 Sec. 29. Laws 2022, LB1011, section 187, is amended to read:

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

12 Program No. 158 - Education Aid

	FY2021-22	FY2022-23
13		
14	<u>1,279,814,262</u>	<u>1,301,934,795</u>
15	1,279,814,262	1,306,056,097
16	3,790,938	3,790,938
17	592,183,782	401,155,053
18	<u>1,875,788,982</u>	<u>1,706,880,786</u>
19	1,875,788,982	1,711,002,088

20 There is included in the appropriation to this program for FY2021-22
21 \$1,279,814,262 General Funds, \$3,790,938 Cash Funds, and \$592,183,782
22 Federal Funds estimate for state aid, which shall only be used for such
23 purpose. There is included in the appropriation to this program for
24 FY2022-23 \$1,301,934,795 ~~\$1,306,056,097~~ General Funds, \$3,790,938 Cash
25 Funds, and \$401,155,053 Federal Funds estimate for state aid, which shall
26 only be used for such purpose.

27 There is included in the amount shown for FY2021-22 \$1,014,778,305
28 General Funds which are hereby appropriated to the Tax Equity and
29 Educational Opportunities Fund, which fund is hereby appropriated to
30 provide state aid to public school districts pursuant to the Tax Equity
31 and Educational Opportunities Support Act. There is included in the

1 amount shown for FY2022-23 ~~\$1,034,512,641~~ ~~\$1,038,686,234~~ General Funds
2 which are hereby appropriated to the Tax Equity and Educational
3 Opportunities Fund, which fund is hereby appropriated to provide state
4 aid to public school districts pursuant to the Tax Equity and Educational
5 Opportunities Support Act.

6 There is included in the amount shown for this program \$233,390,568
7 General Funds provided as state aid for FY2021-22 for special education
8 reimbursement. There is included in the amount shown for this program
9 \$235,724,474 General Funds provided as state aid for FY2022-23 for
10 special education reimbursement.

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

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

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

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

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

31 There is included in the amount shown for this program \$392,032

1 General Funds provided as state aid for FY2021-22 and \$392,032 General
2 Funds provided as state aid for FY2022-23 for the school lunch program.

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

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

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

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

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

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

31 There is included in the amount shown for this program \$69,000

1 General Funds provided as state aid for FY2021-22 and \$69,000 General
2 Funds provided as state aid for FY2022-23 for incentive bonuses for
3 providers of child care and early childhood education programs.

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

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

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

15 Sec. 30. Laws 2022, LB1011, section 190, is amended to read:

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

17 Program No. 347 - Public Assistance

	FY2021-22	FY2022-23
18		
19	<u>87,950,162</u>	<u>81,868,718</u>
20	87,950,162	89,156,005
21	4,160,000	4,160,000
22	<u>115,044,870</u>	<u>117,577,006</u>
23	<u>207,155,032</u>	<u>203,605,724</u>
24	115,044,870	118,275,593
25	<u>207,155,032</u>	<u>211,591,598</u>

26 There is included in the appropriation to this program for FY2021-22
27 \$87,950,162 General Funds, \$4,160,000 Cash Funds, and \$115,044,870
28 Federal Funds estimate for state aid, which shall only be used for such
29 purpose. There is included in the appropriation to this program for
30 FY2022-23 \$81,868,718 ~~\$89,156,005~~ General Funds, \$4,160,000 Cash Funds,
31 and \$117,577,006 ~~\$118,275,593~~ Federal Funds estimate for state aid, which

1 shall only be used for such purpose.

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

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

22 Sec. 31. Laws 2022, LB1014, section 34, is amended to read:

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

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

	FY2021-22	FY2022-23
25		
26	<u>10,000,000</u>	<u>9,000,000</u>
27	<u>10,000,000</u>	<u>9,000,000</u>
28	10,000,000	5,000,000
29	10,000,000	5,000,000

30 There is included in the appropriation to this program for FY2021-22
31 \$10,000,000 Federal Funds estimate and for FY2022-23 \$9,000,000

1 ~~\$5,000,000~~ Federal Funds estimate for all state agency, board, or
 2 commission operating and administrative expenses associated with
 3 administering Federal Funds allocated pursuant to the federal American
 4 Rescue Plan Act of 2021, 42 U.S.C. 802. Such funds shall be used to
 5 directly pay or reimburse state agencies, boards, and commissions for
 6 operating and administrative expenses associated with administering
 7 Federal Funds allocated pursuant to the federal American Rescue Plan Act
 8 of 2021, 42 U.S.C. 802.

9 There is included in the appropriation to this program for FY2021-22
 10 up to \$5,000,000 Federal Funds estimate and for FY2022-23 up to
 11 ~~\$9,000,000~~ ~~\$5,000,000~~ Federal Funds estimate to reimburse the Department
 12 of Health and Human Services, Agency No. 25, Program No. 33, for
 13 information technology utilization expenses incurred which are related to
 14 pandemic relief processing and to equipment and operating a mobile
 15 workforce, from March 3, 2021, through June 30, 2023.

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

18 Sec. 32. Laws 2022, LB1014, section 49, is amended to read:

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

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

24 ~~There is included in the appropriation to this program for FY2022-23~~
 25 ~~\$500,000 Federal Funds for state aid, which shall only be used for such~~
 26 ~~purpose.~~

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

30 Expenditures from the appropriation to this program shall not be
 31 restricted to state aid if operating and administrative expenditures are

1 necessary to administer the funding appropriated pursuant to this
2 section. In such instances, an agency, board, or commission shall be
3 reimbursed through the Federal Fund appropriation to the Military
4 Department, Agency No. 31, Program No. 191, as identified in section 34
5 of this act.

6 Sec. 33. LIMITATION ON SALARIES, WAGES, AND PER DIEMS.

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

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

29 (3) Expenditures for permanent and temporary salaries resulting from
30 awards made to employees under sections 81-1346 to 81-1354 shall be in
31 addition to the limitations on permanent and temporary salaries and per

1 diems otherwise shown in this act.

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

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

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

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

27 Sec. 34. Original Laws 2021, LB380, sections 57, 68, and 83; Laws
28 2021, LB383, section 25; Laws 2022, LB1011, sections 56, 187, and 190;
29 and Laws 2022, LB1014, sections 34 and 49, are repealed.

30 Sec. 35. Since an emergency exists, this act takes effect when
31 passed and approved according to law.