

LEGISLATIVE BILL 818

Approved by the Governor May 24, 2023, with line-item vetoes. Language has been changed to reflect vetoes not overridden.

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

A BILL FOR AN ACT relating to government funds; to amend sections 9-1,101, 37-324, 39-2805, 72-2211, 77-913, 79-1021, 80-401, and 81-15,174, Reissue Revised Statutes of Nebraska, and sections 37-1804, 46-1,164, 61-218, 61-224, 61-305, 71-7611, 72-729.01, 72-2201, 75-109.01, 81-12,147, 81-12,148, 81-12,220, 81-12,221, 81-12,222, 81-12,223, 81-12,225, 81-12,241, 81-12,243, 84-612, 86-163, and 86-324, Revised Statutes Cumulative Supplement, 2022; to provide for fund transfers; to provide, change, and eliminate provisions regarding the sources, uses, and transfers of funds; to provide for and change provisions regarding grants and funding of various projects; to create funds; to provide a duty for the Department of Health and Human Services; to eliminate funds and obsolete provisions; to harmonize provisions; to repeal the original sections; to outright repeal sections 72-2208, 81-1278, 81-1279, and 81-1280, Reissue Revised Statutes of Nebraska, and sections 86-127 and 86-579, Revised Statutes Cumulative Supplement, 2022; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. The State Treasurer shall transfer an amount as directed by the budget administrator of the budget division of the Department of Administrative Services, pursuant to subsections (2) and (3) of section 82-331, not to exceed \$1,000,000, from the General Fund to the Nebraska Cultural Preservation Endowment Fund on December 31, 2023, or as soon thereafter as administratively possible.

Sec. 2. The State Treasurer shall transfer an amount as directed by the budget administrator of the budget division of the Department of Administrative Services, pursuant to subsections (2) and (3) of section 82-331, not to exceed \$1,000,000, from the General Fund to the Nebraska Cultural Preservation Endowment Fund on December 31, 2024, or as soon thereafter as administratively possible.

Sec. 3. The State Treasurer shall transfer \$5,000,000 from the Prison Overcrowding Contingency Fund to the Vocational and Life Skills Programming Fund, on or after July 1, 2023, but before June 30, 2024, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

Sec. 4. The State Treasurer shall transfer \$5,000,000 from the Prison Overcrowding Contingency Fund to the Vocational and Life Skills Programming Fund, on or after July 1, 2024, but before June 30, 2025, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

Sec. 5. The State Treasurer shall transfer the remaining balance of the Nebraska Competitive Telephone Marketplace Fund to the General Fund on or before June 30, 2024, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services.

Sec. 6. The State Treasurer shall transfer the remaining balance of the Nebraska Agricultural Products Research Fund to the General Fund on or before June 30, 2024, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services.

Sec. 7. Section 9-1,101, Reissue Revised Statutes of Nebraska, is amended to read:

9-1,101 (1) The Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, and section 9-701 shall be administered and enforced by the Charitable Gaming Division of the Department of Revenue, which division is hereby created. The Department of Revenue shall make annual reports to the Governor, Legislature, Auditor of Public Accounts, and Attorney General on all tax revenue received, expenses incurred, and other activities relating to the administration and enforcement of such acts. The report submitted to the Legislature shall be submitted electronically.

(2) The Charitable Gaming Operations Fund is hereby created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(3)(a) Forty percent of the taxes collected pursuant to sections 9-239, 9-344, 9-429, and 9-648 shall be available to the Charitable Gaming Division for administering and enforcing the acts listed in subsection (1) of this section and providing administrative support for the Nebraska Commission on Problem Gambling. The remaining sixty percent shall be transferred to the General Fund. Any portion of the forty percent not used by the division in the administration and enforcement of such acts and section shall be distributed as provided in this subsection.

(b) Beginning July 1, 2019, through June 30, ~~2025~~ 2023, on or before the last day of the last month of each calendar quarter, the State Treasurer shall transfer one hundred thousand dollars from the Charitable Gaming Operations Fund to the Compulsive Gamblers Assistance Fund.

(c) Any money remaining in the Charitable Gaming Operations Fund after the transfer pursuant to subdivision (b) of this subsection not used by the Charitable Gaming Division in its administration and enforcement duties pursuant to this section may be transferred to the General Fund and the Compulsive Gamblers Assistance Fund at the direction of the Legislature.

(4) The Tax Commissioner shall employ investigators who shall be vested with the authority and power of a law enforcement officer to carry out the laws of this state administered by the Tax Commissioner or the Department of Revenue and to enforce sections 28-1101 to 28-1117 relating to possession of a gambling device. For purposes of enforcing sections 28-1101 to 28-1117, the authority of the investigators shall be limited to investigating possession of a gambling device, notifying local law enforcement authorities, and reporting suspected violations to the county attorney for prosecution.

(5) The Charitable Gaming Division may charge a fee for publications and listings it produces. The fee shall not exceed the cost of publication and distribution of such items. The division may also charge a fee for making a copy of any record in its possession equal to the actual cost per page. The division shall remit the fees to the State Treasurer for credit to the Charitable Gaming Operations Fund.

(6) For administrative purposes only, the Nebraska Commission on Problem Gambling shall be located within the Charitable Gaming Division. The division shall provide office space, furniture, equipment, and stationery and other necessary supplies for the commission. Commission staff shall be appointed, supervised, and terminated by the director of the Gamblers Assistance Program pursuant to section 9-1004.

Sec. 8. Section 37-324, Reissue Revised Statutes of Nebraska, is amended to read:

37-324 (1) The funds derived from the sale of permits and publications as provided in the Game Law, any unexpended balance now on hand from the sale of hunting, fur-harvesting, and fishing permits, and all money required by the Game Law to be paid into the State Game Fund are hereby appropriated to the use of the commission (a) for the propagation, importation, protection, preservation, and distribution of game and fish and necessary equipment therefor and all things pertaining thereto, (b) for the creation of cash funds under section 37-326, (c) for the administration and enforcement of the State Boat Act, (d) for boating safety educational programs, (e) for the construction and maintenance of boating and docking facilities, navigation aids, and access to boating areas and such other uses which will promote the safety and convenience of the boating public in Nebraska, ~~and~~ (f) for payment of claims by landowners in Nebraska for property damage caused by deer, antelope, or elk, if such payment is in compliance with federal laws and regulations, and (g) for publishing costs for publications relating to topics listed in subdivisions (a) and (b) of this subsection and other topics of general interest to the state as approved by the commission. An amount equal to two dollars from each annual resident fishing permit and two dollars from each combination hunting and fishing permit sold in this state shall be used by the commission for the administration, construction, operation, and maintenance of fish hatcheries and for the distribution of fish.

(2) Expenditures for publications on topics of general interest to the state shall not exceed the income derived from single-copy and subscription sales of commission publications and advertising revenue from such publications.

Sec. 9. Section 37-1804, Revised Statutes Cumulative Supplement, 2022, is amended to read:

37-1804 (1) The Water Recreation Enhancement Fund is created. The fund shall be administered by the Game and Parks Commission. The State Treasurer shall credit to the fund any money transferred to the fund by the Legislature and such donations, gifts, bequests, or other money received from any federal or state agency or public or private source. Except as otherwise provided in subsections (2) and (3) of this section, the fund shall be used for water and recreational projects pursuant to the Water Recreation Enhancement Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Any investment earnings from investment of money in the fund shall be credited to the fund.

(2) For any amount credited to the fund from a source other than a transfer authorized by the Legislature, the State Treasurer shall transfer an equal amount from the Water Recreation Enhancement Fund to the Jobs and Economic Development Initiative Fund at the end of the fiscal year in which such funds were credited, on such dates as directed by the budget administrator of the budget division of the Department of Administrative Services to be used pursuant to section 61-405.

(3) Transfers may be made from the investment earnings in the Water Recreation Enhancement Fund to the Panhandle Improvement Project Cash Fund at the direction of the Legislature. The State Treasurer shall transfer one million dollars on July 1, 2023, or as soon thereafter as administratively possible, from the Water Recreation Enhancement Fund to the Panhandle Improvement Project Cash Fund.

Sec. 10. Section 39-2805, Reissue Revised Statutes of Nebraska, is amended

to read:

39-2805 (1) The County Bridge Match Program is created. The department shall administer the program using funds from the Transportation Infrastructure Bank Fund. ~~Forty~~, ~~except that no more than forty~~ million dollars shall be expended for this program. The purpose of the program is to promote innovative solutions and provide additional funding to accelerate the repair and replacement of deficient bridges on the county road system. The department shall develop the program, including participation criteria and matching fund requirements for counties, in consultation with a statewide association representing county officials. Participation by counties in the program shall be voluntary. The details of the program shall be presented to the Appropriations Committee and the Transportation and Telecommunications Committee of the Legislature on or before December 1, 2016.

(2) The County Bridge Match Program terminates on June 30, ~~2029~~ 2023.

Sec. 11. Section 46-1,164, Revised Statutes Cumulative Supplement, 2022, is amended to read:

46-1,164 There is hereby created the Surface Water Irrigation Infrastructure Fund to be administered by the Department of Natural Resources. The fund shall be used to provide grants in accordance with section 46-1,165 to irrigation districts. There shall be a one-time transfer of fifty million dollars from the Cash Reserve Fund to the Surface Water Irrigation Infrastructure Fund to carry out the purposes of section 46-1,165. Any money in the Surface Water Irrigation Infrastructure Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Investment earnings from investment of money in the fund shall be credited to the fund.

Sec. 12. Section 61-218, Revised Statutes Cumulative Supplement, 2022, is amended to read:

61-218 (1) The Water Resources Cash Fund is created. The fund shall be administered by the Department of Natural Resources. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The State Treasurer shall credit to the fund such money as is (a) transferred to the fund by the Legislature, (b) paid to the state as fees, deposits, payments, and repayments relating to the fund, both principal and interest, (c) donated as gifts, bequests, or other contributions to such fund from public or private entities, (d) made available by any department or agency of the United States if so directed by such department or agency, (e) allocated pursuant to section 81-15,175, and (f) received by the state for settlement of claims regarding Colorado's past use of water under the Republican River Compact.

(3) The fund shall be expended by the department (a) to aid management actions taken to reduce consumptive uses of water or to enhance streamflows or ground water recharge in river basins, subbasins, or reaches which are deemed by the department overappropriated pursuant to section 46-713 or fully appropriated pursuant to section 46-714 or are bound by an interstate compact or decree or a formal state contract or agreement, (b) for purposes of projects or proposals described in the grant application as set forth in subdivision (2) (h) of section 81-15,175, and (c) to the extent funds are not expended pursuant to subdivisions (a) and (b) of this subsection, the department may conduct a statewide assessment of short-term and long-term water management activities and funding needs to meet statutory requirements in sections 46-713 to 46-718 and 46-739 and any requirements of an interstate compact or decree or formal state contract or agreement. The fund shall not be used to pay for administrative expenses or any salaries for the department or any political subdivision.

(4) It is the intent of the Legislature that three million three hundred thousand dollars be transferred each fiscal year from the General Fund to the Water Resources Cash Fund for FY2011-12 through FY2022-23, except that for FY2012-13 it is the intent of the Legislature that four million seven hundred thousand dollars be transferred from the General Fund to the Water Resources Cash Fund. It is the intent of the Legislature that the State Treasurer credit any money received from any Republican River Compact settlement to the Water Resources Cash Fund in the fiscal year in which it is received.

(5)(a) Expenditures from the Water Resources Cash Fund may be made to natural resources districts eligible under subsection (3) of this section for activities to either achieve a sustainable balance of consumptive water uses or assure compliance with an interstate compact or decree or a formal state contract or agreement and shall require a match of local funding in an amount equal to or greater than forty percent of the total cost of carrying out the eligible activity. The department shall, no later than August 1 of each year, beginning in 2007, determine the amount of funding that will be made available to natural resources districts from the Water Resources Cash Fund and notify natural resources districts of this determination. The department shall adopt and promulgate rules and regulations governing application for and use of the Water Resources Cash Fund by natural resources districts. Such rules and regulations shall, at a minimum, include the following components:

(i) Require an explanation of how the planned activity will achieve a sustainable balance of consumptive water uses or will assure compliance with an interstate compact or decree or a formal state contract or agreement as required by section 46-715 and the controls, rules, and regulations designed to carry out the activity; and

(ii) A schedule of implementation of the activity or its components, including the local match as set forth in subdivision (5)(a) of this section.

(b) Any natural resources district that fails to implement and enforce its controls, rules, and regulations as required by section 46-715 shall not be eligible for funding from the Water Resources Cash Fund until it is determined by the department that compliance with the provisions required by section 46-715 has been established.

(6) The Department of Natural Resources shall submit electronically an annual report to the Legislature no later than October 1 of each year, beginning in the year 2007, that shall detail the use of the Water Resources Cash Fund in the previous year. The report shall provide:

(a) Details regarding the use and cost of activities carried out by the department; and

(b) Details regarding the use and cost of activities carried out by each natural resources district that received funds from the Water Resources Cash Fund.

(7)(a) Prior to the application deadline for fiscal year 2011-12, the Department of Natural Resources shall apply for a grant of nine million nine hundred thousand dollars from the Nebraska Environmental Trust Fund, to be paid out in three annual installments of three million three hundred thousand dollars. The purposes listed in the grant application shall be consistent with the uses of the Water Resources Cash Fund provided in this section and shall be used to aid management actions taken to reduce consumptive uses of water, to enhance streamflows, to recharge ground water, or to support wildlife habitat in any river basin determined to be fully appropriated pursuant to section 46-714 or designated as overappropriated pursuant to section 46-713.

(b) If the application is granted, funds received from such grant shall be remitted to the State Treasurer for credit to the Water Resources Cash Fund for the purpose of supporting the projects set forth in the grant application. The department shall include in its grant application documentation that the Legislature has authorized a transfer of three million three hundred thousand dollars from the General Fund into the Water Resources Cash Fund for each of fiscal years 2011-12 and 2012-13 and has stated its intent to transfer three million three hundred thousand dollars to the Water Resources Cash Fund for fiscal year 2013-14.

(c) It is the intent of the Legislature that the department apply for an additional three-year grant that would begin in fiscal year 2014-15, an additional three-year grant from the Nebraska Environmental Trust Fund that would begin in fiscal year 2017-18, and an additional three-year grant from the Nebraska Environmental Trust Fund that would begin in fiscal year 2020-21 if the criteria established in subsection (4) of section 81-15,175 are achieved.

(8) The department shall establish a subaccount within the Water Resources Cash Fund for the accounting of all money received as a grant from the Nebraska Environmental Trust Fund as the result of an application made pursuant to subsection (7) of this section. At the end of each calendar month, the department shall calculate the amount of interest earnings accruing to the subaccount and shall notify the State Treasurer who shall then transfer a like amount from the Water Resources Cash Fund to the Nebraska Environmental Trust Fund.

(9) Any funds transferred from the Nebraska Environmental Trust Fund to the Water Resources Cash Fund shall be expended in accordance with section 81-15,168.

Sec. 13. Section 61-224, Revised Statutes Cumulative Supplement, 2022, is amended to read:

61-224 There is hereby created the Critical Infrastructure Facilities Cash Fund in the Department of Natural Resources. The fund shall consist of funds appropriated or transferred by the Legislature. The fund shall be used by the Department of Natural Resources (1) to provide a grant to a natural resources district to offset costs related to soil and water improvements intended to protect critical infrastructure facilities within the district which includes military installations, transportation routes, and wastewater treatment facilities, and (2) to provide a grant to an irrigation district for reimbursement of costs related to temporary repairs to the main canal and tunnels of an interstate irrigation system which experienced a failure, and (3) to provide a grant to an entity within a county with a population exceeding one hundred thousand inhabitants formed pursuant to the Interlocal Cooperation Act for the purpose of funding a portion of the cost of a wastewater system. Any funds remaining after all such project costs have been completely funded shall be transferred to the General Fund. Transfers may be made from the Critical Infrastructure Facilities Cash Fund to the General Fund at the direction of the Legislature. ~~The State Treasurer shall transfer three hundred eighty-four thousand two hundred twenty-two dollars plus any accrued interest through April 5, 2018, from the Critical Infrastructure Facilities Cash Fund to the General Fund on or before June 30, 2019, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.~~ Any money in the Critical Infrastructure Facilities Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act, and any interest earned by the fund shall be credited to the General Fund.

Sec. 14. Section 61-305, Revised Statutes Cumulative Supplement, 2022, is amended to read:

61-305 (1) The Perkins County Canal Project Fund is created. The fund

shall be administered by the Department of Natural Resources. The State Treasurer shall credit to the fund any money transferred by the Legislature and such grants, loans, donations, gifts, bequests, or other money received from any federal or state agency or public or private source for use by the department for the canal project. Any fees collected for water delivery may be credited to the fund. Any money in the Perkins County Canal Project Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Any investment earnings from investment of money in the fund shall be credited to the fund.

(2)(a) The department shall use the fund to identify the optimal route and purchase land for and develop, construct, manage, and operate the Perkins County Canal for design, engineering, permitting, and options to purchase land related to building a canal as outlined by the South Platte River Compact and to contract with an independent firm for the purposes of completing a study of such canal. The study shall include, but may not be limited to, the following:

(i) Costs of completion of a canal and adjoining reservoirs as outlined in the South Platte River Compact;

(ii) A timeline for completion of a canal and adjoining reservoirs as outlined in the South Platte River Compact;

(iii) A cost-effectiveness study examining alternatives, including alternatives that may reduce environmental or financial impacts; and

(iv) The impacts of the canal on drinking water supplies for the cities of Lincoln and Omaha.

(b) The department shall provide the findings of such study electronically to the Clerk of the Legislature and present the findings at a public hearing held by the Appropriations Committee of the Legislature on or before December 31, 2022.

Sec. 15. Section 71-7611, Revised Statutes Cumulative Supplement, 2022, is amended to read:

71-7611 (1) The Nebraska Health Care Cash Fund is created. The State Treasurer shall transfer (a) sixty million three hundred thousand dollars on or before July 15, 2014, (b) sixty million three hundred fifty thousand dollars on or before July 15, 2015, (c) sixty million three hundred fifty thousand dollars on or before July 15, 2016, (d) sixty million seven hundred thousand dollars on or before July 15, 2017, (e) five hundred thousand dollars on or before May 15, 2018, (f) sixty-one million six hundred thousand dollars on or before July 15, 2018, (g) sixty-two million dollars on or before July 15, 2019, (h) sixty-one million four hundred fifty thousand dollars on or before July 15, 2020, (i) sixty-six million two hundred thousand dollars on or before July 15, 2022, and (j) fifty-six million seven hundred thousand dollars on or before July 15, 2023, (k) fifty-six million five hundred thousand dollars on or before July 15, 2024, and (l) fifty-five million four hundred thousand ~~fifty-one million~~ dollars on or before every July 15 thereafter from the Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust Fund to the Nebraska Health Care Cash Fund, except that such amount shall be reduced by the amount of the unobligated balance in the Nebraska Health Care Cash Fund at the time the transfer is made. The state investment officer shall advise the State Treasurer on the amounts to be transferred first from the Nebraska Medicaid Intergovernmental Trust Fund until the fund balance is depleted and from the Nebraska Tobacco Settlement Trust Fund thereafter in order to sustain such transfers in perpetuity. The state investment officer shall report electronically to the Legislature on or before October 1 of every even-numbered year on the sustainability of such transfers. The Nebraska Health Care Cash Fund shall also include money received pursuant to section 77-2602. Except as otherwise provided by law, no more than the amounts specified in this subsection may be appropriated or transferred from the Nebraska Health Care Cash Fund in any fiscal year.

The State Treasurer shall transfer ten million dollars from the Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on June 28, 2018, and June 28, 2019.

Except as otherwise provided in subsections (5) and (6) ~~and (7)~~ of this section, it is the intent of the Legislature that no additional programs are funded through the Nebraska Health Care Cash Fund until funding for all programs with an appropriation from the fund during FY2012-13 are restored to their FY2012-13 levels.

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

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

~~(4) The State Treasurer shall transfer fifty thousand dollars on or before July 15, 2016, from the Nebraska Health Care Cash Fund to the Board of Regents of the University of Nebraska for the University of Nebraska Medical Center. It is the intent of the Legislature that these funds be used by the College of Public Health for workforce training.~~

(4) ~~(5)~~ It is the intent of the Legislature that the cost of the staff and operating costs necessary to carry out the changes made by Laws 2018, LB439, and not covered by fees or federal funds shall be funded from the Nebraska Health Care Cash Fund for fiscal years 2018-19 and 2019-20.

(5) ~~(6)~~ It is the intent of the Legislature to fund the grants to be awarded pursuant to section 75-1101 with the Nebraska Health Care Cash Fund for FY2019-20 and FY2020-21.

(6) ~~(7)~~ The State Treasurer shall transfer fifteen million dollars from the Nebraska Health Care Cash Fund on or after July 1, 2022, but before June 30, 2023, to the Board of Regents of the University of Nebraska for the University of Nebraska Medical Center for pancreatic cancer research at the University of Nebraska Medical Center. Transfers from the Nebraska Health Care Cash Fund in this subsection shall be contingent upon receipt of any matching funds from private or other sources, up to fifteen million dollars, certified by the budget administrator of the budget division of the Department of Administrative Services. Upon receipt of any matching funds certified by the budget administrator, the State Treasurer shall transfer an equal amount of funds to the Board of Regents of the University of Nebraska.

Sec. 16. Section 72-729.01, Revised Statutes Cumulative Supplement, 2022, is amended to read:

72-729.01 There is hereby created the Hall of Fame Trust Fund to be administered by the Nebraska Hall of Fame Commission for the purpose of the creation, design, size, configuration, and placement of busts or other appropriate objects as authorized in section 72-729. Deposits to such fund shall include money received from public donation and from funds appropriated specifically for such purpose by the Legislature. The State Treasurer shall transfer ~~It is the intent of the Legislature that~~ ten thousand dollars be transferred from the General Fund to the Hall of Fame Trust Fund annually beginning with fiscal year 2021-22, between July 1 and July 30 of each year, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services, except that if the balance of the Hall of Fame Trust Fund exceeds fifty thousand dollars on the last day of the preceding fiscal year, such transfer shall not take place. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 17. Section 72-2201, Revised Statutes Cumulative Supplement, 2022, is amended to read:

72-2201 Sections 72-2201 to 72-2215 and section 19 of this act shall be known and may be cited as the Nebraska State Capitol Preservation and Restoration Act.

Sec. 18. Section 72-2211, Reissue Revised Statutes of Nebraska, is amended to read:

72-2211 (1) The Capitol Restoration Cash Fund is created. The administrator shall administer the fund, which shall consist of money received from the sale of material, rental revenue, private donations, public donations, transfers from the Capitol Preservation, Restoration, and Enhancement Endowment Fund, and transfers from the Nebraska Capital Construction Fund as directed by the Legislature.

(2)(a) The Capitol Restoration Cash Fund shall be used to finance projects for the restoration, preservation, and enhancement of to restore the State Capitol and its courtyards and capitol grounds to their original condition, to purchase and conserve items to be added to the Nebraska Capitol Collections housed in the State Capitol, to produce promotional material concerning the State Capitol, its grounds, and the Nebraska State Capitol Environs District, and to pay the expenditures for a project manager for the Capitol Heating, Ventilation, and Air Conditioning Systems Replacement Project until such time as the project is completed, except that transfers may be made from the fund to the General Fund at the direction of the Legislature. Such expenditures shall be prescribed by the administrator and approved by the commission.

(b) Money transferred to the fund from the Capitol Preservation, Restoration, and Enhancement Endowment Fund shall only be used for the restoration, preservation, and enhancement of the courtyards located at the State Capitol.

(3) Any money in the Capitol Restoration Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 19. (1) The Capitol Preservation, Restoration, and Enhancement Endowment Fund is created. The commission shall administer the fund. The fund shall consist of money transferred to the fund by the Legislature and bequests, donations, gifts, grants, or other money received from any federal or state agency or public or private source for the preservation, restoration, and enhancement of the State Capitol and capitol grounds. Any money accepted by the state for credit to the fund that is subject to conditions shall be held in trust and used subject to such conditions. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The State Treasurer shall transfer money from the Capitol Preservation, Restoration, and Enhancement Endowment Fund to the Capitol Restoration Cash Fund in amounts and at times as directed by the commission. Money transferred from the Capitol Preservation, Restoration, and Enhancement Endowment Fund in any year shall not exceed four percent of the total balance in the fund as the balance existed on January 1 of the most recent odd-numbered year.

Sec. 20. Section 75-109.01, Revised Statutes Cumulative Supplement, 2022, is amended to read:

75-109.01 Except as otherwise specifically provided by law, the Public

Service Commission shall have jurisdiction, as prescribed, over the following subjects:

- (1) Common carriers, generally, pursuant to sections 75-101 to 75-158;
- (2) Grain pursuant to the Grain Dealer Act and the Grain Warehouse Act and sections 89-1,104 to 89-1,108;
- (3) Manufactured homes and recreational vehicles pursuant to the Uniform Standard Code for Manufactured Homes and Recreational Vehicles;
- (4) Modular housing units pursuant to the Nebraska Uniform Standards for Modular Housing Units Act;
- (5) Motor carrier registration, licensure, and safety pursuant to sections 75-301 to 75-343, 75-369.03, 75-370, and 75-371;
- (6) Pipeline carriers and rights-of-way pursuant to the Major Oil Pipeline Siting Act, the State Natural Gas Regulation Act, and sections 75-501 to 75-503. If the provisions of Chapter 75 are inconsistent with the provisions of the Major Oil Pipeline Siting Act, the provisions of the Major Oil Pipeline Siting Act control;
- (7) Railroad carrier safety pursuant to sections 74-918, 74-919, 74-1323, and 75-401 to 75-430;
- (8) Telecommunications carriers pursuant to the Automatic Dialing-Announcing Devices Act, the Emergency Telephone Communications Systems Act, the Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call Regulation Act, the Nebraska Telecommunications Regulation Act, the Nebraska Telecommunications Universal Service Fund Act, the Telecommunications Relay System Act, the Telephone Consumer Slamming Prevention Act, and sections 86-574 to ~~86-578~~ 86-579, 86-1307, and 86-1308;
- (9) Transmission lines and rights-of-way pursuant to sections 70-301 and 75-702 to 75-724;
- (10) Water service pursuant to the Water Service Regulation Act; and
- (11) Jurisdictional utilities governed by the State Natural Gas Regulation Act. If the provisions of Chapter 75 are inconsistent with the provisions of the State Natural Gas Regulation Act, the provisions of the State Natural Gas Regulation Act control.

Sec. 21. Section 77-913, Reissue Revised Statutes of Nebraska, is amended to read:

77-913 The Insurance Tax Fund is created. The State Treasurer shall receive the funds paid pursuant to Chapter 77, article 9, and except as provided in sections 77-912 and 77-918 shall keep all money received in the Insurance Tax Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Prior to June 1 of each year, the State Treasurer shall disburse or allocate all of the funds in the Insurance Tax Fund on May 1 of each year as follows:

- (1) Ten percent of the total shall be allocated to the counties proportionately in the proportion that the population of each county bears to the entire state, as shown by the last federal decennial census;
- (2) Thirty percent of the total shall be allocated to the Municipal Equalization Fund; and
- (3) Sixty percent of the total shall be allocated to the State Department of Education for distribution to school districts as equalization aid pursuant to the Tax Equity and Educational Opportunities Support Act as follows: The Commissioner of Education shall (a) include the amount certified by the State Treasurer pursuant to this section ~~with the amount appropriated to the Tax Equity and Educational Opportunities Fund for distribution in the ensuing school fiscal year,~~ (b) include such amounts in the state aid certified to each school district pursuant to section 79-1022, and (b) ~~(e)~~ distribute such funds as equalization aid under the provisions of the act during the ensuing fiscal year.

Sec. 22. Section 79-1021, Reissue Revised Statutes of Nebraska, is amended to read:

79-1021 (1) The Education Future Tax Equity and Educational Opportunities Fund is created. The fund shall be administered by the department and shall consist of money transferred to the fund by the Legislature receive dedicated income tax appropriations and appropriations made by the Legislature to fund the Tax Equity and Educational Opportunities Support Act and shall be administered by the state board. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The fund shall be used only for the following purposes, in order of priority:

- (a) To fully fund equalization aid under the Tax Equity and Educational Opportunities Support Act;
- (b) To fund reimbursements related to special education under section 79-1142;
- (c) To fund foundation aid under the Tax Equity and Educational Opportunities Support Act;
- (d) To increase funding for school districts in a way that results in direct property tax relief, which means a dollar-for-dollar replacement of property taxes by a state funding source;
- (e) To provide funding for a grant program created by the Legislature to address teacher turnover rates and keep existing teachers in classrooms;
- (f) To provide funding to increase career and technical educational classroom opportunities for students. Such funding must provide students with

the academic and technical skills, knowledge, and training necessary to succeed in future careers; and

(g) To provide funding for a grant program created by the Legislature to provide students the opportunity to have a mentor who will continuously engage with the student directly to aid in the student's professional growth and give ongoing support and encouragement to the student.

(3)(a) The State Treasurer shall transfer one billion dollars from the General Fund to the Education Future Fund in fiscal year 2023-24 on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(b) The State Treasurer shall transfer two hundred fifty million dollars from the General Fund to the Education Future Fund in fiscal year 2024-25, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(c) It is the intent of the Legislature that two hundred fifty million dollars be transferred from the General Fund to the Education Future Fund in fiscal year 2025-26 and each fiscal year thereafter.

Sec. 23. Section 80-401, Reissue Revised Statutes of Nebraska, is amended to read:

80-401 (1) There is hereby established a fund to be known as the Nebraska Veterans' Aid Fund. The Nebraska Investment Council is directed to purchase bonds or notes issued by the government of the United States or the State of Nebraska, or any county, school district, or municipality therein, with a face value of twelve million dollars, as of August 1, 1984, to carry out sections 80-401 to 80-405 and to place them in the custody and control of the State Treasurer of the State of Nebraska under the same conditions as other state money.

(2) Such fund shall be managed as follows: (a) When necessary to pay a premium for bonds for such fund, the amount of the premium shall be amortized over the term of the bonds from the interest received on such bonds; and (b) when bonds for such fund are purchased at a discount, the amount of the discount shall be used to purchase additional bonds, it being contemplated that the face amount of the bonds in such fund may in this manner aggregate in excess of twelve million dollars at some future time. Transfers may be made from the Nebraska Veterans' Aid Fund to the Veteran Cemetery Construction Fund at the direction of the Legislature until July 30, 2024. The State Treasurer shall transfer four million dollars from the Nebraska Veterans' Aid Fund to the Veteran Cemetery Construction Fund on July 15, 2023. The State Treasurer shall transfer four million dollars from the Nebraska Veterans' Aid Fund to the Veteran Cemetery Construction Fund on July 15, 2024.

(3) The interest on the Nebraska Veterans' Aid Fund, except so much as may be required for amortization of premium bond purchases as authorized in this section and so much as may be required to pay a pro rata share of the budget appropriated for the Nebraska Investment Council pursuant to section 72-1249.02, shall be paid to the Veterans' Aid Income Fund, which fund is hereby created. The Veterans' Aid Income Fund, when appropriated by the Legislature, shall be available to the Director of Veterans' Affairs for aid to needy veterans as authorized by law.

(4) The Nebraska Investment Council shall manage the Nebraska Veterans' Aid Fund, with investment and reinvestment to be made in the same type securities authorized for investment of funds by the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(5) The director shall advise the Nebraska Investment Council when amounts in the Veterans' Aid Income Fund are not immediately required for aid to needy veterans. The state investment officer shall invest such amounts available from the Veterans' Aid Income Fund in the same manner as investments of the Nebraska Veterans' Aid Fund, and the interest thereon shall also become a part of the Veterans' Aid Income Fund.

Sec. 24. Section 81-12,147, Revised Statutes Cumulative Supplement, 2022, is amended to read:

81-12,147 (1) Except as provided in subsection (2) of this section, the Department of Economic Development shall use the Site and Building Development Fund to finance loans, grants, subsidies, credit enhancements, and other financial assistance for industrial site and building development and for expenses of the department as appropriated by the Legislature for administering the fund. The following activities are eligible for assistance from the fund:

(a) Grants or zero-interest loans to villages, cities, or counties to acquire land, infuse infrastructure, or otherwise make large sites and buildings ready for industrial development;

(b) Matching funds for new construction, rehabilitation, or acquisition of land and buildings to assist villages, cities, and counties;

(c) Technical assistance, design and finance services, and consultation for villages, cities, and counties for the preparation and creation of industrial-ready sites and buildings;

(d) Loan guarantees for eligible projects;

(e) Projects making industrial-ready sites and buildings more accessible to business and industry;

(f) Infrastructure projects necessary for the development of industrial-ready sites and buildings;

(g) Projects that mitigate the economic impact of a closure or downsizing of a private-sector entity by making necessary improvements to buildings and infrastructure;

(h) Public and private sector initiatives that will improve the military

value of military installations by making necessary improvements to buildings and infrastructure, including, but not limited to, a grant for the establishment of the United States Strategic Command Nuclear Command, Control, and Communications public-private-partnership facility; ~~and~~

(i) A grant to a city of the second class that is served by two first-class railroads, that is within fifteen miles of two state borders, and that Grants to any city of the second class which partners with public power utilities for purposes of expanding electrical system capacities and enhancing redundancy and resilience; -

(j) A grant of two million dollars to a city of the first class located in the first congressional district if the property previously housed a university or college that is no longer extant and if the improvement and revitalization of the real property is for purposes of supporting the housing, employment, and program needs of youth exiting the foster care system. In addition, the real property may be used for youth exiting juvenile court supervision in an out-of-home placement;

(k) Public and private sector initiatives that will improve the value of cities of the second class that have partnered with the United States Department of Defense or its contractors on upgrades to ground-based nuclear deterrence. Such improvements include the construction of electrical, drinking water, and clean water infrastructure; and

(l) Identification, evaluation, and development of large commercial and industrial sites and building infrastructure to attract major investment and employment opportunities for advanced manufacturing, processing, trade, technology, aerospace, automotive, clean energy, life science, and other transformational industries in Nebraska by means of the department providing grants to or partnering with political subdivisions, including inland port authorities under the Municipal Inland Port Authority Act, or nonprofit economic development corporations and entering into contracts for consulting, engineering, and development studies to identify, evaluate, and develop large commercial and industrial sites in Nebraska.

(2) The Department of Economic Development shall use the subaccount of the Site and Building Development Fund described in subsection (2) of section 81-12,146 to provide financial assistance to any inland port authority created under the Municipal Inland Port Authority Act to help finance large shovel-ready commercial and industrial sites developed under such act.

Sec. 25. Section 81-12,148, Revised Statutes Cumulative Supplement, 2022, is amended to read:

81-12,148 (1) Governmental subdivisions and Nebraska nonprofit organizations are eligible to receive assistance under the Site and Building Development Act. Any entity receiving assistance under subsection (1) of section 81-12,147 shall provide, or cause to be provided, matching funds for the eligible activity in an amount determined by the Department of Economic Development, which amount shall be at least equal to one hundred percent of the amount of assistance provided by the Site and Building Development Fund. Nothing in the act shall be construed to allow individuals or businesses to receive direct loans from the fund.

(2) An applicant for a grant for development of a public-private-partnership facility under subdivision (1)(h) of section 81-12,147 shall provide the Director of Economic Development with a letter of support from the United States Strategic Command prior to approval of the application and with proof of the availability of twenty million dollars in private or other funds for the facility. No funds shall be expended or grants awarded until receipt of proof of the availability of twenty million dollars in private or other funds for the facility and certification is provided by the Director of Economic Development to the budget administrator of the budget division of the Department of Administrative Services.

(3) An applicant for a grant for development under subdivision (1)(k) of section 81-12,147 is not required to meet the matching fund requirements pursuant to this section but shall provide the Director of Economic Development a letter from the United States Department of Defense or contractor providing upgrades to ground-based nuclear deterrence that infrastructure improvements, including the construction of electrical, drinking water, and clean water infrastructure, will not be included in the scope of the project. No grants shall be awarded or funds expended until such letter is received.

(4) ~~(3)~~ This section does not apply to any inland port authority receiving assistance under subsection (2) of section 81-12,147.

Sec. 26. Section 81-12,220, Revised Statutes Cumulative Supplement, 2022, is amended to read:

81-12,220 The purpose of the Shovel-Ready Capital Recovery and Investment Act is to partner with the private sector by providing grants to qualified nonprofit organizations to assist such organizations with capital projects that have been delayed due to COVID-19 or ~~and~~ that will provide a positive economic impact in the State of Nebraska.

Sec. 27. Section 81-12,221, Revised Statutes Cumulative Supplement, 2022, is amended to read:

81-12,221 For purposes of the Shovel-Ready Capital Recovery and Investment Act:

(1) Capital project means a construction project to build, expand, or develop a new or existing facility or facilities or restoration work on a facility designated as a National Historic Landmark;

(2) Cost, in the context of a capital project, means the cost of land, engineering, architectural planning, contract services, construction,

materials, and equipment needed to complete the capital project;

(3) COVID-19 means the novel coronavirus identified as SARS-CoV-2, the disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating therefrom, and the health conditions or threats associated with the disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating therefrom;

(4) Department means the Department of Economic Development;

(5) Qualified nonprofit organization means a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code that:

(a) Is related to arts, culture, or the humanities, including any organization formed for the purpose of developing and promoting the work of artists and the humanities in various visual and performing forms, such as film, sculpture, dance, painting, horticulture, multimedia, poetry, photography, performing arts, zoology, or botany; ~~or~~

(b) Operates a sports complex; or

(c) Is a postsecondary educational institution in a city of the metropolitan class and partners with an organization hosting a regional or national event for purposes of infrastructure development related to furnishing and equipment for a health sciences education center, enhanced mobility by vacation of a public street, pedestrian safety, and construction of a community athletic complex;

(6) Sports complex means property that:

(a) Includes indoor areas, outdoor areas, or both;

(b) Is primarily used for competitive sports; and

(c) Contains multiple separate sports venues; and

(7) Sports venue includes, but is not limited to:

(a) A baseball field;

(b) A softball field;

(c) A soccer field;

(d) An outdoor stadium primarily used for competitive sports;

(e) An outdoor arena primarily used for competitive sports; and

(f) An enclosed, temperature-controlled building primarily used for competitive sports.

Sec. 28. Section 81-12,222, Revised Statutes Cumulative Supplement, 2022, is amended to read:

81-12,222 (1) Beginning July 1, ~~2023~~ ~~2021~~, through July 1, ~~2024~~ ~~15, 2021~~, a qualified nonprofit organization may apply to the department for a grant under the Shovel-Ready Capital Recovery and Investment Act. The application shall include, but not be limited to, the following information:

(a) A description of the qualified nonprofit organization's capital project;

(b) The estimated cost of the capital project; and

~~(c) The date when the capital project was delayed due to COVID-19 and the date when the capital project is expected to begin or resume, which shall be no later than June 30, 2022; and~~

~~(c) (d)~~ Documentation on the amount of funds for the capital project which have been received or will be received by the qualified nonprofit organization from private sources. Such amount shall be at least equal to the amount of any grant received under the act. The documentation provided under this subdivision does not need to identify the names of any donors.

(2) The department shall consider applications in the order in which they are received. If an applicant is a qualified nonprofit organization and otherwise qualifies for funding under the Shovel-Ready Capital Recovery and Investment Act, the department shall, subject to subsection (3) of this section, approve the application and notify the applicant of the approval.

(3) The department may approve applications within the limits of available funding. The amount of any grant approved under this section shall be equal to the amount of funds to be supplied by the qualified nonprofit organization from private sources, as documented under subdivision ~~(1)(c)~~ ~~(1)(d)~~ of this section, subject to the following limitations:

(a) For any capital project with an estimated cost of less than five hundred thousand dollars, the grant shall not exceed two hundred fifty thousand dollars;

(b) (a) For any capital project with an estimated cost of at least five hundred thousand dollars but less than five million dollars, the grant shall not exceed one million five hundred thousand dollars;

(c) (b) For any capital project with an estimated cost of at least five million dollars but less than twenty-five million dollars, the grant shall not exceed five million dollars;

(d) (c) For any capital project with an estimated cost of at least twenty-five million dollars but less than fifty million dollars, the grant shall not exceed ten million dollars; ~~and~~

(e) (d) For any capital project with an estimated cost of at least fifty million dollars but less than one hundred million dollars ~~or more~~, the grant shall not exceed fifteen million dollars; ~~and~~ -

(f) For any capital project with an estimated cost of at least one hundred million dollars, the grant shall not exceed thirty million dollars.

Sec. 29. Section 81-12,223, Revised Statutes Cumulative Supplement, 2022, is amended to read:

81-12,223 (1) Each qualified nonprofit organization that receives a grant under the Shovel-Ready Capital Recovery and Investment Act shall:

(a) Secure all of the private funds described in subdivision ~~(1)(c)~~ ~~(1)(d)~~ of section 81-12,222 through a written pledge or payment by December 31, ~~2024~~ ~~2021~~, and shall begin or resume construction on the organization's capital

project by June 30, ~~2025~~ 2022; and

(b) Abide by the federal laws commonly known as the Davis-Bacon and Related Acts.

(2) Any qualified nonprofit organization that fails to meet the requirements of subsection (1) of this section shall repay any grant funds received under the act.

Sec. 30. Section 81-12,225, Revised Statutes Cumulative Supplement, 2022, is amended to read:

81-12,225 (1) For any federal funds appropriated to the department pursuant to the Shovel-Ready Capital Recovery and Investment Act, it is the intent of the Legislature that the department divide the total appropriation for grants to capital projects eligible under the act equally for each congressional district and give priority to grant requests less than or equal to five million dollars. After eligible grantees with priority status have been awarded grant funds, remaining funds may be awarded on a statewide basis with the department considering each project based on the overall economic impact of the project to the respective community and the overall benefit to the State of Nebraska. It is the intent of the Legislature that the department make reasonable adjustments to dates and deadlines and request additional documentation pursuant to any requirements for the use of funds received pursuant to the federal American Rescue Plan Act of 2021.

(2) For any cash funds appropriated to the department pursuant to the Shovel-Ready Capital Recovery and Investment Act, it is the intent of the Legislature that the department divide the total appropriation for grants to capital projects eligible under the act as follows:

(a) Thirty million dollars for grants to nonprofit organizations holding a certificate of exemption under section 501(c)(3) of the Internal Revenue Code that are qualified nonprofit organizations under subdivision (5)(c) of section 81-12,221; and

(b) Remaining funds equally by each congressional district.

(3) The changes made in this section and sections 81-12,220, 81-12,221, 81-12,222, and 81-12,223 by this legislative bill apply to all grant applications filed on or after July 1, 2023. For all applications filed prior to the effective date of this act, the provisions of the Shovel-Ready Capital Recovery and Investment Act as they existed immediately prior to such date apply.

~~It is the intent of the Legislature to allocate fifteen million dollars from the General Fund and an additional amount of federal funds, subject to the appropriations process, up to the amount needed to fully fund all approved grants, from federal funds allocated to states pursuant to the American Rescue Plan Act of 2021 from the Coronavirus State Fiscal Recovery Fund and received by the State of Nebraska on or after May 26, 2021, if such use is permitted under section 9901 of the American Rescue Plan Act of 2021, for use by the department for purposes of carrying out the Shovel-Ready Capital Recovery and Investment Act.~~

Sec. 31. Section 81-12,241, Revised Statutes Cumulative Supplement, 2022, is amended to read:

81-12,241 (1) A primary responsibility of the Economic Recovery and Incentives Division of the Department of Economic Development shall be to utilize federal or state funding to award grants as provided in this section. The division shall develop a coordinated plan and a grant application and scoring process to award grants under subsection (3) of this section.

(2) The coordinated plan developed pursuant to this section shall direct and prioritize the use of grants toward the economic recovery of those communities and neighborhoods within qualified census tracts located within the boundaries of a city of the metropolitan class that were disproportionately impacted by the COVID-19 public health emergency and related challenges, with an emphasis on housing needs, assistance for small businesses, job training, and business development within such communities and neighborhoods. In prioritizing the use of grants, the Economic Recovery and Incentives Division may rely on any studies produced pursuant to section 81-12,242. Not later than August 1, 2022, the division shall submit a copy of an initial coordinated plan to the Economic Recovery Special Committee of the Legislature. Not later than December 1, 2022, the division shall submit a final copy of such coordinated plan to the Economic Recovery Special Committee of the Legislature.

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

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

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

(d) All remaining funds shall be allocated for grants distributed under the grant program to eligible grantees in qualified census tracts that are located in a city of the metropolitan class, with no less than thirty-five million dollars in such grants allocated to eligible grantees which are located south of Dodge Street and east of 72nd Street in such city and no less than fifty-five million dollars in such grants allocated to eligible grantees which are located north of Dodge Street and east of 72nd Street in such city. Any

funds not applied for within such areas may be allocated for grants to eligible grantees in any qualified census tract in such city.

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Removal and remediation of environmental contaminants or hazards from vacant or abandoned properties in disproportionately impacted communities when conducted in compliance with applicable environmental laws or regulations;

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

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

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

Sec. 32. Section 81-12,243, Revised Statutes Cumulative Supplement, 2022, is amended to read:

81-12,243 (1) The Economic Recovery Contingency Fund is created. The fund shall consist of transfers by the Legislature to carry out the Economic Recovery Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The Department of Economic Development may review the projects listed in the coordination plan and the appendices by the Economic Recovery Special Committee of the Legislature dated January 10, 2023, and shall prioritize the use of the fund on projects listed in the coordination plan followed by the projects in the appendices ~~No funds shall be expended from the Economic Recovery Contingency Fund until the Economic Recovery and Incentives Division of the Department of Economic Development has submitted a final copy of its coordinated plan to the Economic Recovery Special Committee of the Legislature pursuant to section 81-12,241 and to the budget administrator of the budget division of the Department of Administrative Services.~~

Sec. 33. Section 81-15,174, Reissue Revised Statutes of Nebraska, is amended to read:

81-15,174 The Nebraska Environmental Trust Fund is created. The fund shall be maintained in the state accounting system as a cash fund. Except as otherwise provided in this section, the fund shall be used to carry out the purposes of the Nebraska Environmental Trust Act, including the payment of administrative costs. Money in the fund shall include proceeds credited pursuant to section 9-812 and proceeds designated by the board pursuant to section 81-15,173. Transfers may be made from the Nebraska Environmental Trust Fund to the Water Resources Cash Fund at the direction of the Legislature, and any money so transferred shall be expended in accordance with section 81-15,168. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 34. Section 84-612, Revised Statutes Cumulative Supplement, 2022, is amended to read:

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

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

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

(4) The State Treasurer shall transfer two million dollars from the Governor's Emergency Cash Fund to the Cash Reserve Fund on or before June 30, 2024, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

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

(5) The State Treasurer shall transfer two hundred sixteen ~~fifteen~~ million one ~~five~~ hundred twenty ~~eighty~~ thousand dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund on or after July 1, 2022, but before June 15, 2023, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(6) The State Treasurer shall transfer one hundred eighty-two million six hundred twenty-three thousand eight hundred twenty-five dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund on or after July 1, 2023, but before June 30, 2024, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(7) ~~(6)~~ The State Treasurer shall transfer fifty-three million five hundred thousand dollars from the Cash Reserve Fund to the Perkins County Canal Project Fund on or before June 30, 2023, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(8) ~~(7)~~ No funds shall be transferred from the Cash Reserve Fund to fulfill the obligations created under the Nebraska Property Tax Incentive Act unless the balance in the Cash Reserve Fund after such transfer will be at least equal to five hundred million dollars.

(9) ~~(8)~~ The State Treasurer shall transfer thirty million dollars from the Cash Reserve Fund to the Military Base Development and Support Fund on or before June 30, 2023, but not before July 1, 2022, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(10) ~~(9)~~ The State Treasurer shall transfer eight million three hundred thousand dollars from the Cash Reserve Fund to the Trail Development and Maintenance Fund on or after July 1, 2022, but before July 30, 2022, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(11) ~~(10)~~ The State Treasurer shall transfer fifty million dollars from the Cash Reserve Fund to the Nebraska Rural Projects Fund on or after July 1, 2022, but before July 15, 2023, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(12) ~~(11)~~ The State Treasurer shall transfer thirty million dollars from the Cash Reserve Fund to the Rural Workforce Housing Investment Fund on or after July 1, 2022, but before July 15, 2023, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(13) ~~(12)~~ The State Treasurer shall transfer twenty million dollars from the Cash Reserve Fund to the Intern Nebraska Cash Fund on or after July 1, 2022, but before June 15, 2023, on such dates and in such amounts as directed

by the budget administrator of the budget division of the Department of Administrative Services.

~~(14)~~ (13) The State Treasurer shall transfer twenty million dollars from the Cash Reserve Fund to the Middle Income Workforce Housing Investment Fund on July 15, 2022, or as soon thereafter as administratively possible, and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

~~(15)~~ (14) The State Treasurer shall transfer eighty million dollars from the Cash Reserve Fund to the Jobs and Economic Development Initiative Fund on or after July 1, 2022, but before July 15, 2023, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

~~(16)~~ (15) The State Treasurer shall transfer twenty million dollars from the Cash Reserve Fund to the Site and Building Development Fund on July 15, 2022, or as soon thereafter as administratively possible, and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

~~(17)~~ (16) The State Treasurer shall transfer fifty million dollars from the Cash Reserve Fund to the Surface Water Irrigation Infrastructure Fund on or after July 15, 2022, but before January 1, 2023, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

~~(18)~~ (17) The State Treasurer shall transfer fifteen million dollars from the Cash Reserve Fund to the Site and Building Development Fund on or before June 30, 2022, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

~~(19)~~ (18) The State Treasurer shall transfer fifty-five million dollars from the Cash Reserve Fund to the Economic Recovery Contingency Fund on or before June 30, 2022, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(20) The State Treasurer shall transfer three million dollars from the Cash Reserve Fund to the Risk Loss Trust on or before June 30, 2024, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(21) The State Treasurer shall transfer eleven million three hundred twenty thousand dollars from the Cash Reserve Fund to the Health and Human Services Cash Fund on or after July 1, 2023, but on or before June 30, 2024, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(22) The State Treasurer shall transfer five hundred seventy-four million five hundred thousand dollars from the Cash Reserve Fund to the Perkins County Canal Project Fund on or before June 30, 2024, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(23) The State Treasurer shall transfer one million four hundred thousand dollars from the Cash Reserve Fund to the State Building Revolving Fund on or before July 10, 2023, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(24) The State Treasurer shall transfer one million one hundred thousand dollars from the Cash Reserve Fund to the Accounting Division Revolving Fund on or before July 10, 2023, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(25) The State Treasurer shall transfer one million one hundred fifteen thousand dollars from the Cash Reserve Fund to the Public Safety Cash Fund on or after July 1, 2023, but before June 30, 2024, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(26) The State Treasurer shall transfer one hundred million dollars from the Cash Reserve Fund to the Roads Operations Cash Fund before June 30, 2023, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(27) The State Treasurer shall transfer eighteen million seven hundred fifty thousand dollars from the Cash Reserve Fund to the State Self-Insured Indemnification Fund before June 30, 2023, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(28) The State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Nebraska Public Safety Communication System Revolving Fund on or after July 1, 2023, but before June 30, 2024, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(29) The State Treasurer shall transfer seventy million dollars from the Cash Reserve Fund to the Shovel-Ready Capital Recovery and Investment Fund on or after July 1, 2023, but before June 30, 2024, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(30) The State Treasurer shall transfer two million dollars from the Cash Reserve Fund to the Site and Building Development Fund on or after July 1, 2023, but before June 30, 2024, on such dates and in such amounts as directed

by the budget administrator of the budget division of the Department of Administrative Services.

(31) The State Treasurer shall transfer twenty million dollars from the Cash Reserve Fund to the Economic Development Cash Fund on or after July 1, 2023, but before June 30, 2024, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(32) The State Treasurer shall transfer zero dollars from the Cash Reserve Fund to the Rural Workforce Housing Investment Fund on or after July 1, 2023, but before June 30, 2024, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(33) The State Treasurer shall transfer zero dollars from the Cash Reserve Fund to the Middle Income Workforce Housing Investment Fund on or after July 1, 2023, but before June 30, 2024, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(34) The State Treasurer shall transfer two hundred forty million dollars from the Cash Reserve Fund to the Economic Recovery Contingency Fund on or after July 1, 2023, but before June 30, 2024, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(35) The State Treasurer shall transfer ten million dollars from the Cash Reserve Fund to the Critical Infrastructure Facilities Cash Fund on or after July 1, 2023, but before June 30, 2024, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(36) The State Treasurer shall transfer four hundred forty million dollars from the General Fund to the Cash Reserve Fund on or after July 1, 2023, but before June 30, 2024, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(37) The State Treasurer shall transfer zero dollars from the Cash Reserve Fund to the Site and Building Development Fund on or after July 1, 2024, but before June 30, 2025, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(38) The State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the General Fund on or after July 1, 2024, but before June 30, 2025, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(39) The State Treasurer shall transfer twenty-five million four hundred fifty-eight thousand eight hundred dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund on or after July 1, 2024, but before June 30, 2025, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(40) The State Treasurer shall transfer two million five hundred thousand dollars from the Cash Reserve Fund to the Materiel Division Revolving Fund on or after July 1, 2023, but before June 30, 2024, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(41) The State Treasurer shall transfer ten million dollars from the Cash Reserve Fund to the Youth Outdoor Education Innovation Fund on or after July 1, 2023, but before June 30, 2024, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

Sec. 35. Section 86-163, Revised Statutes Cumulative Supplement, 2022, is amended to read:

86-163 The commission shall file with the Clerk of the Legislature an annual report on or before September 30 of each year on the status of the Nebraska telecommunications industry. The report shall be submitted in electronic format. The report shall:

(1) Describe the quality of telecommunications service being provided to the citizens of Nebraska;

(2) Describe the availability of diverse and affordable telecommunications service to all of the people of Nebraska;

(3) Describe the level of telecommunications service rates;

(4) Describe the use and continued need for the Nebraska Telecommunications Universal Service Fund;

(5) Describe the availability and location of 911 service and E-911 service as required by section 86-437;

(6) Describe the availability and location of wireless 911 service or enhanced wireless 911 service as required by section 86-460;

(7) Address the need for further legislation to achieve the purposes of the Nebraska Telecommunications Regulation Act; and

~~(8) Address the funding level of the Nebraska Competitive Telephone Marketplace Fund and an accounting of commission expenses related to its duties under section 86-127; and~~

(8) (9) Assess, based on information provided by public safety answering points, the level of wireless E-911 location accuracy compliance for wireless carriers.

Sec. 36. Section 86-324, Revised Statutes Cumulative Supplement, 2022, is

amended to read:

86-324 (1) The Nebraska Telecommunications Universal Service Fund is hereby created. The fund shall provide the assistance necessary to make universal access to telecommunications services available to all persons in the state consistent with the policies set forth in the Nebraska Telecommunications Universal Service Fund Act. Only eligible telecommunications companies designated by the commission shall be eligible to receive support to serve high-cost areas from the fund. A telecommunications company that receives such support shall use that support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. Any such support should be explicit and sufficient to achieve the purpose of the act.

(2) Notwithstanding the provisions of section 86-124, in addition to other provisions of the act, and to the extent not prohibited by federal law, the commission:

(a) Shall have authority and power to subject eligible telecommunications companies to service quality, customer service, and billing regulations. Such regulations shall apply only to the extent of any telecommunications services or offerings made by an eligible telecommunications company which are eligible for support by the fund. The commission shall be reimbursed from the fund for all costs related to drafting, implementing, and enforcing the regulations and any other services provided on behalf of customers pursuant to this subdivision;

(b) Shall have authority and power to issue orders carrying out its responsibilities and to review the compliance of any eligible telecommunications company receiving support for continued compliance with any such orders or regulations adopted pursuant to the act;

(c) May withhold all or a portion of the funds to be distributed from any telecommunications company failing to continue compliance with the commission's orders or regulations;

(d) Shall require every telecommunications company to contribute to any universal service mechanism established by the commission pursuant to state law. The commission shall require, as reasonably necessary, an annual audit of any telecommunications company to be performed by a third-party certified public accountant to insure the billing, collection, and remittance of a surcharge for universal service. The costs of any audit required pursuant to this subdivision shall be paid by the telecommunications company being audited;

(e) Shall require an audit of information provided by a telecommunications company to be performed by a third-party certified public accountant for purposes of calculating universal service fund payments to such telecommunications company. The costs of any audit required pursuant to this subdivision shall be paid by the telecommunications company being audited; and

(f) May administratively fine pursuant to section 75-156 any person who violates the Nebraska Telecommunications Universal Service Fund Act.

(3) Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(4) Transfers may be made from earnings on the Nebraska Telecommunications Universal Service Fund to the 211 Cash Fund at the direction of the Legislature. The State Treasurer shall transfer one million two hundred seventy-five nine hundred fifty-five thousand dollars on July 1, 2023, beginning in 2022 from the earnings on the Nebraska Telecommunications Universal Service Fund to the 211 Cash Fund. The State Treasurer shall transfer one million four hundred fifty-five thousand dollars on July 1, 2024, from the earnings on the Nebraska Telecommunications Universal Service Fund to the 211 Cash Fund.

Sec. 37. The HCBS Enhanced FMAP Fund is created. The fund shall be used to enhance and expand home and community-based services (HCBS) spending as outlined in the federal American Rescue Plan Act of 2021, 42 U.S.C. 802, as amended. The fund shall be administered by the Department of Health and Human Services. The fund shall consist of transfers authorized by the Legislature and any gifts, grants, or bequests for such purposes from any source, including federal, state, public, and private sources. Any money in the fund available for investment may be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 38. The Department of Health and Human Services shall submit a state plan amendment to the federal Administration for Children and Families, pursuant to Section 404(a)(2) of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, to allow the funds provided to the state for the Temporary Assistance for Needy Families program established in 42 U.S.C. 601 et seq., as such sections existed on January 1, 2023, to be used for the following purposes:

(1) Activities of child advocacy centers pursuant to sections 28-728 to 28-730;

(2) Coordination activities of the state chapter of child advocacy centers as defined in 34 U.S.C. 20302, as such section existed on January 1, 2023, including, but not limited to, development of a distribution formula for funding provided pursuant to subdivision (1) of this section, data collection and analysis required for reports to the federal Administration for Children and Families, accounting of the fund expenditures per state and federal requirements, and preparing the annual Temporary Assistance for Needy Families reports for funds appropriated pursuant to this subdivision and subdivision (1) of this section, which shall be filed with the Department of Health and Human

Services on a date specified by the department;

(3) Domestic violence services; and

(4) Grants to nonprofit organizations holding a certificate of exemption under section 501(c)(3) of the Internal Revenue Code that distribute food in ten or more counties in Nebraska and qualify for the Emergency Food Assistance Program administered by the United States Department of Agriculture, which shall be applicable for FY2023-24 only.

Sec. 39. The Economic Development Cash Fund is created. The Department of Economic Development shall administer the fund to provide a grant to a community college serving a city of the metropolitan class to partner with a four-year public university serving a city of the metropolitan class to offer microcredentials to support education expansion, curricula development, and staff hires to meet demand for microchip fabrication and microelectronics manufacturing in the state in conjunction with the Creating Helpful Incentives to Produce Semiconductors (CHIPS) for America Act, Public Law 116-283. The fund shall consist of money transferred by the Legislature and gifts, grants, or bequests from any source, including money remitted to the fund from any other federal, state, public, and private sources. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 40. The Lead Service Line Cash Fund is created. The fund shall be administered by the Department of Environment and Energy. The fund shall consist of funds transferred by the Legislature. The fund shall be used for grants to utilities districts to expedite the replacement of homeowner-owned lead service lines. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 41. (1) The Panhandle Improvement Project Cash Fund is created. The fund shall be administered by the Department of Economic Development. The fund shall consist of funds transferred by the Legislature. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The fund shall be used for grants for the following purposes:

(a) A grant to a county in the third congressional district that owns and operates the county fairgrounds for renovation to the fairgrounds. A grant under this subdivision shall be limited to nine hundred ninety-five thousand dollars; and

(b) A grant to a village with a population of less than ten persons for renovation to a community facility that serves the surrounding rural area. A grant under this subdivision shall be limited to five thousand dollars.

(3) The Department of Economic Development shall develop criteria for grant applications pursuant to this section.

Sec. 42. (1) For purposes of this section:

(a) Department means the Department of Economic Development;

(b) Director means the Director of Economic Development;

(c) Eligible grantee means a nonprofit organization holding a certificate of exemption under section 501(c)(3) of the Internal Revenue Code of 1986; and

(d) Eligible location means a location on or contiguous to the location of a youth outdoor education camp that is located west of the one hundredth meridian where youth outdoor education camp facilities were destroyed by a natural or manmade disaster that occurred after January 1, 2022.

(2)(a) An eligible grantee may apply to the department for a grant for ten million dollars for the uses described in subsection (4) of this section at an eligible location.

(b) The department shall award one grant for ten million dollars to an eligible grantee if:

(i) The eligible grantee completes a feasibility study for the intended use of the grant and presents such completed feasibility study to the director on or before June 30, 2024; and

(ii) The director finds that the results of the completed feasibility study demonstrate the viability of the project and approves such completed feasibility study.

(3) The grantee shall receive grant money on a dollar-for-dollar matching basis from the department, which may be released in multiple stages, at any time within ten years after being awarded the grant, if the applicant provides documentation to the department that matching funds have been received in the amount requested for release and that the grant money is being used to complete the project in conformity with the approved feasibility study. At the end of the ten-year allowable grant period, if any grant money was not spent in conformity with the approved feasibility study or if any unmatched grant money was erroneously awarded to the grantee, the grantee shall remit such grant money to the State Treasurer for credit to the Youth Outdoor Education Innovation Fund. The matching funds may include any money, real estate subject to section 81-1108.33, in-kind donation, private or public grant, gift, endowment raised to sustain the uses described in subsection (4) of this section, expense for a feasibility study, or planning cost.

(4) The grant may be used to pay for:

(a) Construction of physical structures;

(b) Construction of year-round facilities, including lodging, conference, and meeting facilities, and related infrastructure, to generate local and regional economic development;

(c) Equipment that will be used for construction and maintenance of

physical structures, facilities, and infrastructure described in this subsection; and

(d) Infrastructure necessary to ensure accessibility to the physical structures and facilities by the public.

(5) The department may adopt and promulgate rules and regulations to carry out this section.

Sec. 43. The Youth Outdoor Education Innovation Fund is created. The fund shall consist of transfers made by the Legislature and any gifts, grants, bequests, donations, or money remitted pursuant to section 42 of this act for credit to the fund. The Department of Economic Development shall administer the fund for the purposes described in section 42 of this act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Investment earnings from investment of money in the fund shall be credited to the fund.

Sec. 44. Original sections 9-1,101, 37-324, 39-2805, 72-2211, 77-913, 79-1021, 80-401, and 81-15,174, Reissue Revised Statutes of Nebraska, and sections 37-1804, 46-1,164, 61-218, 61-224, 61-305, 71-7611, 72-729.01, 72-2201, 75-109.01, 81-12,147, 81-12,148, 81-12,220, 81-12,221, 81-12,222, 81-12,223, 81-12,225, 81-12,241, 81-12,243, 84-612, 86-163, and 86-324, Revised Statutes Cumulative Supplement, 2022, are repealed.

Sec. 45. The following sections are outright repealed: Sections 72-2208, 81-1278, 81-1279, and 81-1280, Reissue Revised Statutes of Nebraska, and sections 86-127 and 86-579, Revised Statutes Cumulative Supplement, 2022.

Sec. 46. Since an emergency exists, this act takes effect when passed and approved according to law.