

LEGISLATIVE BILL 317

Approved by the Governor May 21, 2007

Introduced by Speaker Flood, 19; at the request of the Governor

FOR AN ACT relating to appropriations; to amend Laws 2005, LB 424, sections 35 and 36; Laws 2005, LB 425, sections 65, 83, 84, 89, 92, 145, 146, 161, 223, and 239; Laws 2006, LB 454A, section 1; Laws 2006, LB 605A, sections 1 and 2; Laws 2006, LB 1024A, section 2; and Laws 2006, LB 1060, sections 130, 186, 190, 192, 194, 197, 200, 202, 204, and 206; to define terms; to provide, change, and eliminate provisions relating to appropriations; to provide for transfers; to repeal the original sections; to outright repeal Laws 2005, LB 126A, section 1; and to declare an emergency.

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

Section 1. DEFINITION OF APPROPRIATION PERIOD.

For purposes of this act and any other legislative bill passed by the One Hundredth Legislature, First or Second Session, which appropriates funds, FY2005-06 means the period July 1, 2005, through June 30, 2006; FY2006-07 means the period July 1, 2006, through June 30, 2007; FY2007-08 means the period July 1, 2007, through June 30, 2008; and FY2008-09 means the period July 1, 2008, through June 30, 2009.

Sec. 2. APPROPRIATION LANGUAGE.

There are hereby appropriated, for FY2005-06 and FY2006-07, the sums set forth in this act to each agency for each program from the respective funds for the general operations of state government, postsecondary education, and state aid, except as otherwise appropriated.

Sec. 3. REAPPROPRIATION OF BALANCES, FY2005-06 to FY2006-07.

In addition to the appropriations set forth in this act, there are hereby reappropriated all unexpended appropriation balances existing on June 30, 2006, for FY2006-07 to the respective agencies, programs, and funds listed in this act, except for budget programs contained in Laws 2005, LB 422, or as otherwise provided in this act.

Sec. 4. UNEXPENDED BALANCES AND CERTIFIED ENCUMBRANCES.

All General Fund appropriations existing on June 30, 2005, in excess of expended and certified encumbrance amounts are hereby lapsed unless otherwise provided. All Cash Fund and Revolving Fund appropriations existing on June 30, 2005, in excess of expended and certified encumbrance amounts are hereby lapsed unless otherwise expressly provided. All certified encumbrance amounts on June 30, 2005, and June 30, 2006, are hereby reappropriated for FY2005-06 and FY2006-07, respectively, which amounts shall be in addition to the amounts shown in this act.

Sec. 5. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

The definitions contained in the Nebraska Accounting System Manual, and any amendments thereto, on file with the Clerk of the Legislature are hereby adopted by the Legislature as the definitions for this act, except as provided in Laws 2005, LB 425, sections 136 and 278, Laws 2006, LB 1060, section 232, and section 49 of this act.

Sec. 6. DRAWING AND PAYING WARRANTS.

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

Sec. 7. AGENCY NO. 5 - SUPREME COURT

Program No. 52 - Operations

	<u>FY2005-06</u>	<u>FY2006-07</u>
<u>GENERAL FUND</u>	-0-	<u>115,000</u>
<u>PROGRAM TOTAL</u>	-0-	<u>115,000</u>

Sec. 8. AGENCY NO. 12 - STATE TREASURER

Program No. 503 - Treasury Management

	<u>FY2005-06</u>	<u>FY2006-07</u>
<u>CASH FUND</u>	-0-	<u>80,442</u>
<u>PROGRAM TOTAL</u>	-0-	<u>80,442</u>

SALARY LIMIT -0- -0-
Sec. 9. AGENCY NO. 12 - STATE TREASURER
Program No. 665 - Convention Center Facility Financing Assistance

	<u>FY2005-06</u>	<u>FY2006-07</u>
<u>CASH FUND</u>	-0-	799,636
<u>PROGRAM TOTAL</u>	-0-	799,636
<u>SALARY LIMIT</u>	-0-	-0-

There is included in the appropriation to this program from the Convention Center Support Fund for FY2006-07 \$799,636 Cash Funds, which shall only be disbursed to a city of the metropolitan class for which an application for state assistance has been approved under the Convention Center Facility Financing Assistance Act.

The State Treasurer shall transfer \$342,700 from the Convention Center Support Fund to the Local Civic, Cultural, and Convention Center Financing Fund within five days after the effective date of this act.

Sec. 10. AGENCY NO. 16 - DEPARTMENT OF REVENUE
Program No. 13 - Tax Commissioner

	<u>FY2005-06</u>	<u>FY2006-07</u>
<u>GENERAL FUND</u>	-0-	36,500
<u>PROGRAM TOTAL</u>	-0-	36,500
<u>SALARY LIMIT</u>	-0-	23,000

Sec. 11. AGENCY NO. 21 - STATE FIRE MARSHAL
Program No. 340 - Training Division

	<u>FY2005-06</u>	<u>FY2006-07</u>
<u>GENERAL FUND</u>	-0-	15,521
<u>PROGRAM TOTAL</u>	-0-	15,521
<u>SALARY LIMIT</u>	-0-	-0-

Sec. 12. AGENCY NO. 23 - DEPARTMENT OF LABOR
Program No. 31 - Division of Employment

	<u>FY2005-06</u>	<u>FY2006-07</u>
<u>SALARY LIMIT</u>	-0-	845,333

Sec. 13. AGENCY NO. 31 - MILITARY DEPARTMENT
Program No. 192 - Governor's Emergency Aid

	<u>FY2005-06</u>	<u>FY2006-07</u>
<u>GENERAL FUND</u>	-0-	1,450,000
<u>PROGRAM TOTAL</u>	-0-	1,450,000

The unexpended balance existing on June 30, 2007, of the appropriation made pursuant to this section is hereby reappropriated for FY2007-08.

Sec. 14. AGENCY NO. 31 - MILITARY DEPARTMENT
Program No. 544 - National and State Guard

	<u>FY2005-06</u>	<u>FY2006-07</u>
<u>GENERAL FUND</u>	-0-	29,000
<u>FEDERAL FUND est.</u>	-0-	87,000
<u>PROGRAM TOTAL</u>	-0-	116,000
<u>SALARY LIMIT</u>	-0-	-0-

Sec. 15. AGENCY NO. 48 - COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION
Program No. 640 - Postsecondary Education Coordination

	<u>FY2005-06</u>	<u>FY2006-07</u>
<u>GENERAL FUND</u>	-0-	25,000
<u>PROGRAM TOTAL</u>	-0-	25,000

The unexpended balance existing on June 30, 2007, of the appropriation made pursuant to this section is hereby reappropriated for FY2007-08 and FY2008-09.

Sec. 16. AGENCY NO. 50 - BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES
Program No. 48 - Nebraska State Colleges - System Office

	<u>FY2005-06</u>	<u>FY2006-07</u>
<u>GENERAL FUND</u>	-0-	98,690
<u>PROGRAM TOTAL</u>	-0-	98,690

Sec. 17. AGENCY NO. 50 - BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES
Program No. 951 - South Sioux City Education Center

	<u>FY2005-06</u>	<u>FY2006-07</u>
<u>STATE BUILDING FUND</u>	-0-	132,450
<u>PROGRAM TOTAL</u>	-0-	132,450

There is included in the appropriation to this program \$132,450 State Building Funds for FY2006-07 for a share of costs for continued planning through design development for a joint-use educational facility in South Sioux City. It is intended that the Board of Trustees continue planning for the facility in cooperation with the Board of Governors of the Northeast Community College Area.

Sec. 18. AGENCY NO. 54 - NEBRASKA STATE HISTORICAL SOCIETY
Program No. 648 - Nebraska State Historical Society

	<u>FY2005-06</u>	<u>FY2006-07</u>
<u>GENERAL FUND</u>	-0-	10,016
<u>PROGRAM TOTAL</u>	-0-	10,016
<u>SALARY LIMIT</u>	-0-	-0-

Sec. 19. AGENCY NO. 64 - NEBRASKA STATE PATROL
Program No. 100 - Public Protection

	<u>FY2005-06</u>	<u>FY2006-07</u>
<u>CASH FUND</u>	-0-	10,000
<u>PROGRAM TOTAL</u>	-0-	10,000
<u>SALARY LIMIT</u>	-0-	10,000

Sec. 20. AGENCY NO. 75 - NEBRASKA INVESTMENT COUNCIL
Program No. 610 - Investments Administration

	<u>FY2005-06</u>	<u>FY2006-07</u>
<u>CASH FUND</u>	-0-	115,000
<u>PROGRAM TOTAL</u>	-0-	115,000
<u>SALARY LIMIT</u>	-0-	-0-

Sec. 21. AGENCY NO. 82 - COMMISSION FOR THE DEAF AND HARD OF HEARING
Program No. 578 - Hearing Impaired

	<u>FY2005-06</u>	<u>FY2006-07</u>
<u>SALARY LIMIT</u>	-0-	18,247

Sec. 22. AGENCY NO. 93 - TAX EQUALIZATION AND REVIEW COMMISSION
Program No. 115 - Operations

	<u>FY2005-06</u>	<u>FY2006-07</u>
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<u>CASH FUND</u>	-0-	20,800
<u>PROGRAM TOTAL</u>	-0-	20,800
<u>SALARY LIMIT</u>	-0-	14,440

Sec. 23. Laws 2005, LB 424, section 35, is amended to read:

Sec. 35. AGENCY NO. 51 - UNIVERSITY OF NEBRASKA
 Program No. 915 - Agriculture Field Lab Fund

	FY2005-06	FY2006-07	FUTURE
CASH FUND <u>est.</u>	8,000	8,500	-0-
PROGRAM TOTAL	8,000	8,500	-0-

All receipts of the Agricultural Field Laboratory Fund are hereby appropriated to the Board of Regents of the University of Nebraska for the University of Nebraska-Lincoln for FY2005-06 and FY2006-07. The unexpended balances in the fund on June 30, 2005, and on June 30, 2006, are hereby reappropriated.

Sec. 24. Laws 2005, LB 424, section 36, is amended to read:

Sec. 36. AGENCY NO. 51 - UNIVERSITY OF NEBRASKA
 Program No. 937 - Agricultural Research Land - University of Nebraska-Lincoln

	FY2005-06	FY2006-07	FUTURE
CASH FUND <u>est.</u>	24,000	25,000	-0-
PROGRAM TOTAL	24,000	25,000	-0-

The Board of Regents of the University of Nebraska is hereby authorized to sell, pursuant to law and on terms and conditions to be prescribed by the board, real estate which has been used for agricultural research by the University of Nebraska when such functions are transferred to other lands more suitable for agricultural research programs.

All proceeds from the sale of such real estate along with any unexpended balances existing on June 30, 2005, and on June 30, 2006, together with accrued interest, if any, are hereby appropriated to the Board of Regents of the University of Nebraska to the Agricultural Research Land Fund to be used exclusively for the acquisition, development, and improvement of other real estate for the agricultural research programs of the University of Nebraska.

Sec. 25. Laws 2005, LB 425, section 65, is amended to read:

Sec. 65. AGENCY NO. 16 - DEPARTMENT OF REVENUE
 Program No. 102 - Revenue Administration

	FY2005-06	FY2006-07
GENERAL FUND	21,073,484	21,628,682
<u>GENERAL FUND</u>	<u>21,073,484</u>	<u>21,592,182</u>
CASH FUND	1,248,010	1,030,665
REVOLVING FUND	7,102	7,282
PROGRAM TOTAL	22,328,596	22,666,629
SALARY LIMIT	12,924,227	13,454,369
<u>PROGRAM TOTAL</u>	<u>22,328,596</u>	<u>22,630,129</u>
<u>SALARY LIMIT</u>	<u>12,924,227</u>	<u>13,431,369</u>

There is included in the appropriation to this program for FY2005-06 \$34,244 Cash Funds for a revenue auditor specialist from the Nebraska Health Care Cash Fund. There is included in the appropriation to this program for FY2006-07 \$34,244 Cash Funds for a revenue auditor specialist from the Nebraska Health Care Cash Fund.

Sec. 26. Laws 2005, LB 425, section 83, is amended to read:

Sec. 83. AGENCY NO. 19 - DEPARTMENT OF BANKING AND FINANCE
 Program No. 65 - Enforcement of Standards - Financial Institutions

FY2005-06	FY2006-07
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CASH FUND	4,107,195	4,225,309
PROGRAM TOTAL	4,107,195	4,225,309
SALARY LIMIT	2,467,554	2,571,812
<u>SALARY LIMIT</u>	<u>2,467,554</u>	<u>2,700,718</u>

Sec. 27. Laws 2005, LB 425, section 84, is amended to read:
 Sec. 84. AGENCY NO. 19 - DEPARTMENT OF BANKING AND FINANCE
 Program No. 66 - Enforcement of Standards - Securities

	FY2005-06	FY2006-07
CASH FUND	1,290,703	1,319,212
PROGRAM TOTAL	1,290,703	1,319,212
SALARY LIMIT	704,263	725,297
<u>SALARY LIMIT</u>	<u>704,263</u>	<u>730,835</u>

Sec. 28. Laws 2005, LB 425, section 89, is amended to read:
 Sec. 89. AGENCY NO. 21 - STATE FIRE MARSHAL
 Program No. 193 - Public Protection

	FY2005-06	FY2006-07
GENERAL FUND	2,888,121	3,018,092
<u>GENERAL FUND</u>	<u>2,888,121</u>	<u>3,002,571</u>
CASH FUND	1,094,283	1,127,375
FEDERAL FUND est.	50,000	50,000
PROGRAM TOTAL	4,032,404	4,195,467
<u>PROGRAM TOTAL</u>	<u>4,032,404</u>	<u>4,179,946</u>
SALARY LIMIT	2,289,581	2,387,214

The Department of Administrative Services shall monitor the appropriations and expenditures for this program according to the following program classifications:

- No. 225 - General Operations
- No. 226 - Pipeline Safety
- No. 227 - Underground Storage Tanks

There is included in the appropriation to this program for FY2005-06 \$50,000 Federal Funds estimate for state aid. There is included in the appropriation to this program for FY2006-07 \$50,000 Federal Funds estimate for state aid. If federal restrictions prevent using these Federal Funds for state aid, the State Fire Marshal may reallocate available funds in the Underground Storage Tank Fund to provide state aid payments to the affected political subdivisions.

Sec. 29. Laws 2005, LB 425, section 92, is amended to read:
 Sec. 92. AGENCY NO. 22 - DEPARTMENT OF INSURANCE
 Program No. 68 - Medical Professional Liability

	FY2005-06	FY2006-07
CASH FUND	152,129	154,971
PROGRAM TOTAL	152,129	154,971
<u>CASH FUND</u>	<u>152,129</u>	<u>199,421</u>
<u>PROGRAM TOTAL</u>	<u>152,129</u>	<u>199,421</u>
SALARY LIMIT	59,717	61,660

Sec. 30. Laws 2005, LB 425, section 145, is amended to read:
 Sec. 145. AGENCY NO. 31 - MILITARY DEPARTMENT
 Program No. 545 - Emergency Management

	FY2005-06	FY2006-07
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GENERAL FUND	861,481	885,158
<u>GENERAL FUND</u>	<u>861,481</u>	<u>635,158</u>
CASH FUND est.	455,648	467,158
FEDERAL FUND est.	2,597,987	2,631,113
<u>PROGRAM TOTAL</u>	<u>3,915,116</u>	<u>3,983,429</u>
<u>PROGRAM TOTAL</u>	<u>3,915,116</u>	<u>3,733,429</u>
SALARY LIMIT	1,167,383	1,205,352

Cash Fund expenditures shall not be limited to the amounts shown.

There is included in the appropriation to this program for FY2005-06 \$1,393,376 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2006-07 \$1,393,376 Federal Funds estimate for state aid, which shall only be used for such purpose.

Sec. 31. Laws 2005, LB 425, section 146, is amended to read:

Sec. 146. AGENCY NO. 31 - MILITARY DEPARTMENT

Program No. 548 - Tuition Assistance

	FY2005-06	FY2006-07
GENERAL FUND	828,000	828,000
<u>PROGRAM TOTAL</u>	<u>828,000</u>	<u>828,000</u>
<u>GENERAL FUND</u>	<u>828,000</u>	<u>157,351</u>
<u>PROGRAM TOTAL</u>	<u>828,000</u>	<u>157,351</u>
SALARY LIMIT	-0-	-0-

There is included in the appropriation to this program for FY2005-06 \$828,000 General Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2006-07 ~~\$828,000~~ \$157,351 General Funds for state aid, which shall only be used for such purpose.

Sec. 32. Laws 2005, LB 425, section 161, is amended to read:

Sec. 161. AGENCY NO. 35 - NEBRASKA LIQUOR CONTROL COMMISSION

Program No. 73 - Licensing and Regulation

	FY2005-06	FY2006-07
GENERAL FUND	810,394	838,883
<u>GENERAL FUND</u>	<u>810,394</u>	<u>867,595</u>
CASH FUND	54,441	54,441
<u>PROGRAM TOTAL</u>	<u>864,835</u>	<u>893,324</u>
<u>SALARY LIMIT</u>	<u>464,807</u>	<u>479,292</u>
<u>PROGRAM TOTAL</u>	<u>864,835</u>	<u>922,036</u>
<u>SALARY LIMIT</u>	<u>464,807</u>	<u>504,229</u>

Sec. 33. Laws 2005, LB 425, section 223, is amended to read:

Sec. 223. AGENCY NO. 69 - NEBRASKA ARTS COUNCIL

Program No. 326 - Promotion and Development of the Arts

	FY2005-06	FY2006-07
GENERAL FUND	548,361	566,598
CASH FUND	10,000	10,000
FEDERAL FUND est.	133,550	133,550
PROGRAM TOTAL	691,911	710,148

SALARY LIMIT	395,065	407,691
<u>SALARY LIMIT</u>	<u>395,065</u>	<u>415,317</u>

Sec. 34. Laws 2005, LB 425, section 239, is amended to read:

Sec. 239. AGENCY NO. 78 - NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE
 Program No. 155 - County Juvenile Services Aid

	FY2005-06	FY2006-07
GENERAL FUND	1,492,500	1,492,500
PROGRAM TOTAL	1,492,500	1,492,500
<u>GENERAL FUND</u>	<u>1,492,500</u>	<u>1,298,293</u>
<u>PROGRAM TOTAL</u>	<u>1,492,500</u>	<u>1,298,293</u>

There is included in the appropriation to this program \$1,492,500 General Funds for FY2005-06 for state aid, which shall only be used for such purpose. There is included in the appropriation to this program ~~\$1,492,500~~ \$1,298,293 General Funds for FY2006-07 for state aid, which shall only be used for such purpose.

Sec. 35. Laws 2006, LB 454A, section 1, is amended to read:

Section 1. There is hereby appropriated (1) \$774,000 from the ~~Public Safety~~ Nebraska State Patrol Cash Fund for FY2006-07 and (2) \$218,000 from the ~~Public Safety~~ Nebraska State Patrol Cash Fund for FY2007-08 to the Nebraska State Patrol, for Program 100, to aid in carrying out the provisions of Legislative Bill 454, Ninety-ninth Legislature, Second Session, 2006.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed \$240,320 for FY2006-07 or \$80,800 for FY2007-08.

There is included in this appropriation for FY2006-07 \$30,000 Cash Funds to contract with the Department of Motor Vehicles to pay for the cost of temporary staff and computer programming at the Department of Motor Vehicles in order to carry out the provisions of Legislative Bill 454, Ninety-ninth Legislature, Second Session, 2006.

Sec. 36. Laws 2006, LB 605A, section 1, is amended to read:

Section 1. There is hereby appropriated (1) \$5,500,000 from the ~~General~~ State Building Fund for FY2006-07 and (2) \$5,500,000 from the ~~General~~ State Building Fund for FY2007-08 to the Board of Regents of the University of Nebraska, for Program 920, to aid in carrying out the provisions of Legislative Bill 605, Ninety-ninth Legislature, Second Session, 2006.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 37. Laws 2006, LB 605A, section 2, is amended to read:

Sec. 2. There is hereby appropriated (1) \$1,125,000 from the ~~General~~ State Building Fund and \$200,000 from the State College Facility Fee Fund for FY2006-07 and (2) \$1,125,000 from the ~~General~~ State Building Fund and \$400,000 from the State College Facility Fee Fund for FY2007-08 to the Board of Trustees of the Nebraska State Colleges, for Program 919, to aid in carrying out the provisions of Legislative Bill 605, Ninety-ninth Legislature, Second Session, 2006.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 38. Laws 2006, LB 1024A, section 2, is amended to read:

Sec. 2. There is hereby appropriated ~~(1) \$114,200 from the General Fund for FY2006-07 and (2) \$282,600 from the General Fund for FY2007-08~~ to the State Department of Education, for Program 25, to aid in carrying out the provisions of Legislative Bill 1024, Ninety-ninth Legislature, Second Session, 2006.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed ~~\$70,000 for FY2006-07 or~~ \$168,036 for FY2007-08.

Sec. 39. Laws 2006, LB 1060, section 130, is amended to read:

Sec. 130. AGENCY NO. 50 - BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES
 Program No. 48 - Nebraska State Colleges - System Office

GENERAL FUND	257,917	132,450
PROGRAM TOTAL	257,917	132,450
<u>GENERAL FUND</u>	<u>257,917</u>	<u>-0-</u>
<u>PROGRAM TOTAL</u>	<u>257,917</u>	<u>-0-</u>

The Nebraska State Colleges System Office is authorized to distribute amounts appropriated in this section pursuant to approval by the Board of Trustees.

There is included in the appropriation to this program \$257,917 General Funds for FY2005-06 and -0- General Funds for FY2006-07 for increased utility costs less -0- General Funds to reflect an adjustment to FY2006-07 estimated health insurance costs.

There is included in the appropriation to this program \$132,450 General Funds for FY2006-07 for a share of costs for continued planning through design development for a joint-use educational facility in South Sioux City. It is intended that the Board of Trustees continue planning for the facility in cooperation with the Board of Governors of the Northeast Community College Area.

Sec. 40. Laws 2006, LB 1060, section 186, is amended to read:

Sec. 186. AGENCY NO. 46 - DEPARTMENT OF CORRECTIONAL SERVICES

Program No. 916 - Phase II Renovation - Nebraska Correctional Center for Women - York

	FY2005-06	FY2006-07	FUTURE
STATE BUILDING FUND	-0-	781,000	-0-
<u>STATE BUILDING FUND</u>	<u>-0-</u>	<u>1,179,102</u>	<u>-0-</u>
NEBRASKA CAPITAL			
CONSTRUCTION FUND	1,403,000	-0-	-0-
PROGRAM TOTAL	1,403,000	781,000	-0-
<u>PROGRAM TOTAL</u>	<u>1,403,000</u>	<u>1,179,102</u>	<u>-0-</u>

The Department of Correctional Services is hereby authorized to renovate existing facilities at the Nebraska Correctional Center for Women in York with the appropriation to this program. The total project cost shall not exceed ~~\$2,184,000~~ \$2,582,102.

There is included in the appropriation to this program for FY2005-06 \$1,403,000 from the Nebraska Capital Construction Fund to begin construction.

There is included in the appropriation to this program for FY2006-07 ~~\$781,000~~ \$1,179,102 from the State Building Fund to complete construction.

Sec. 41. Laws 2006, LB 1060, section 190, is amended to read:

Sec. 190. AGENCY NO. 5 - SUPREME COURT

Program No. 67 - Probation Services

	FY2005-06	FY2006-07
GENERAL FUND	17,535,310	18,344,356
<u>GENERAL FUND</u>	<u>17,535,310</u>	<u>18,166,736</u>
CASH FUND	652,417	652,417
PROGRAM TOTAL	18,187,727	18,996,773
<u>PROGRAM TOTAL</u>	<u>18,187,727</u>	<u>18,819,153</u>
SALARY LIMIT	12,978,607	13,235,157

The Department of Administrative Services shall monitor the appropriations and expenditures for this program according to the following program classifications:

No. 397 - Statewide Probation

No. 398 - Intensive Supervision Probation

Sec. 42. Laws 2006, LB 1060, section 192, is amended to read:

Sec. 192. AGENCY NO. 11 - ATTORNEY GENERAL

Program No. 507 - Interpretation and Application of Law

	FY2005-06	FY2006-07
GENERAL FUND	5,518,423	5,799,501
CASH FUND	603,896	626,730
FEDERAL FUND est.	684,962	639,302
REVOLVING FUND	638,410	712,879
PROGRAM TOTAL	7,445,691	7,778,412
SALARY LIMIT	4,489,879	4,744,778

The Department of Administrative Services shall monitor the appropriations and expenditures for this program according to the following program classifications:

- No. 270 - Administration
- No. 271 - Civil Bureau
- No. 272 - Criminal Bureau
- No. 273 - Legal Services Bureau
- No. 274 - Public Protection Bureau

General Fund expenditures within program classification number 270 shall only be coded against budget subprogram 1.

General Fund expenditures within program classification number 271 shall only be coded against budget subprogram 1. Revolving Fund expenditures within program classification number 271 shall only be coded against budget subprogram 4.

With the exception of the medicaid fraud control unit and crimes against children appropriations, all other General Fund expenditures within program classification number 272 shall only be coded against budget subprogram 1 and all other Federal Fund expenditures within program classification number 272 shall only be coded against budget subprogram 3.

All appropriations and expenditures for the medicaid fraud control unit within program classification number 272 shall only be coded against budget subprogram 5.

There is included in the appropriation to this program for FY2005-06 \$80,000 from the Attorney General Child Protection Cash Fund and for FY2006-07 \$80,000 General Funds, which appropriations shall only be administratively transferred to program classification number 272, and such appropriations shall only be expended from budget subprogram 6 as a separate and distinct budget subprogram and shall not be commingled with any other expenses, and such appropriations shall only be used to provide assistance for legal expenses incurred in prosecuting crimes against children by state and local prosecutors, including, but not limited to, expert witness costs, as determined by the Attorney General.

There is included in the appropriation to this program for FY2006-07 \$150,000 General Funds, which appropriation shall only be administratively transferred to program classification number 272, and such appropriation shall only be expended from budget subprogram 7 as a separate and distinct budget subprogram and shall not be commingled with any other expenses, and such appropriation shall only be used to pay for child autopsy expenses.

General Fund expenditures within program classification number 273 shall only be coded against budget subprogram 1. Cash Fund expenditures for Attorney General reports and opinions within program classification number 273 shall only be coded against budget subprogram 2. Revolving Fund expenditures within program classification number 273 shall only be coded against budget subprogram 4.

With the exception of water law division appropriations, all other General Fund expenditures for the public protection bureau within program classification number 274 shall only be coded against budget subprogram 1. General Fund expenditures for the water law division within program classification number 274 shall only be coded against budget subprogram 2. Cash Fund expenditures for motor vehicle fraud enforcement within program classification number 274 shall only be coded against budget subprogram 3.

There is included in the appropriation to this program for FY2005-06 \$150,000 Cash Funds and for FY2006-07 \$250,000 Cash Funds, which appropriations shall only be administratively transferred to program classification number 274, and such appropriations shall only be expended directly from the Nebraska Health Care Cash Fund from budget subprogram 4 for purposes of enforcing the tobacco settlement agreement.

There is included in the appropriation to this program for FY2005-06 \$234,313 Cash Funds and for FY2006-07 \$234,313 Cash Funds, which appropriations shall only be administratively transferred to program

classification number 274, and such appropriations shall only be expended from budget subprogram 5 for purposes of administering the administrative license revocation program.

There is included in the appropriation to this program for FY2005-06 \$10,000 Cash Funds and for FY2006-07 \$10,000 Cash Funds, which appropriations shall only be administratively transferred to program classification number 274, and such appropriations shall only be expended from budget subprogram 6 for purposes of administering the Department of Justice Natural Resources Enforcement Fund.

There is included in the appropriation to this program for FY2005-06 \$81,480 General Funds and for FY2006-07 \$81,480 General Funds, which appropriations shall only be administratively transferred to Agency 11, Program 575, for the purpose of meeting the state agency's matching share of federal Byrne Grant funds awarded by the Nebraska Commission on Law Enforcement and Criminal Justice. The budget division of the Department of Administrative Services shall lapse between July 1, 2006, and June 30, 2007, any excess General Fund appropriations within budget program number 575 that are not needed to meet the state matching requirements for Byrne Grants awarded to the Attorney General's office.

The agency budget request submitted by the Attorney General for the 2007-09 biennium for umbrella budget program number 507 shall be prepared and submitted at the detailed account level within the specified budget subprogram structure as required in this section.

Sec. 43. Laws 2006, LB 1060, section 194, is amended to read:

Sec. 194. AGENCY NO. 13 - STATE DEPARTMENT OF EDUCATION
 Program No. 158 - Education Aid

	FY2005-06	FY2006-07
GENERAL FUND	870,734,644	893,819,176
<u>GENERAL FUND</u>	<u>870,734,644</u>	<u>896,850,161</u>
CASH FUND	1,040,938	1,040,938
FEDERAL FUND est.	246,664,572	254,535,831
PROGRAM TOTAL	1,118,440,154	1,149,395,945
<u>PROGRAM TOTAL</u>	<u>1,118,440,154</u>	<u>1,152,426,930</u>

There is included in the appropriation to this program for FY2005-06 \$870,734,644 General Funds, \$1,040,938 Cash Funds, and \$246,664,572 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2006-07 \$893,819,176 \$896,850,161 General Funds, \$1,040,938 Cash Funds, and \$254,535,831 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the amount shown for FY2005-06 \$683,473,181 General Funds which are hereby appropriated to the Tax Equity and Educational Opportunities Fund, which fund is hereby appropriated to provide state aid to public school districts pursuant to the Tax Equity and Educational Opportunities Support Act. There is included in the amount shown for FY2006-07 ~~\$701,346,228~~ \$704,377,213 General Funds which are hereby appropriated to the Tax Equity and Educational Opportunities Fund, which fund is hereby appropriated to provide state aid to public school districts pursuant to the Tax Equity and Educational Opportunities Support Act.

There is included in the amount shown for this program \$169,204,057 General Funds provided as state aid for FY2005-06 for special education reimbursement. There is included in the amount shown for this program \$174,280,179 General Funds provided as state aid for FY2006-07 for special education reimbursement.

There is included in the amount shown for this program \$420,000 General Funds provided as state aid for FY2005-06 and \$420,000 General Funds provided as state aid for FY2006-07 to carry out the provisions of subsection (2) of section 79-734.

There is included in the amount shown for this program \$3,680,471 General Funds provided as state aid for FY2005-06 and \$3,680,471 General Funds provided as state aid for FY2006-07 for early childhood education projects.

There is included in the amount shown for this program \$8,163,027 General Funds provided as state aid for FY2005-06 and \$8,266,325 General Funds provided as state aid for FY2006-07 for core services for educational service units.

There is included in the amount shown for this program \$2,533,948

General Funds provided as state aid for FY2005-06 and \$2,566,013 General Funds provided as state aid for FY2006-07 for technology infrastructure for educational service units.

There is included in the amount shown for this program \$2,336,921 General Funds provided as state aid for FY2005-06 and \$2,336,921 General Funds provided as state aid for FY2006-07 for programs for learners with high ability.

There is included in the amount shown for this program \$271,378 General Funds provided as state aid for FY2005-06 and \$271,378 General Funds provided as state aid for FY2006-07 for the school breakfast program.

There is included in the amount shown for this program \$421,087 General Funds provided as state aid for FY2005-06 and \$421,087 General Funds provided as state aid for FY2006-07 for the school lunch program.

There is included in the amount shown for this program \$230,574 General Funds provided as state aid for FY2005-06 and \$230,574 General Funds provided as state aid for FY2006-07 for adult basic education programs.

There is included in the amount shown for this program \$1,000,000 Cash Funds provided as state aid for FY2005-06 and \$1,000,000 Cash Funds provided as state aid for FY2006-07 for base-year incentive aid.

On or before October 1, of each year, the Department of Health and Human Services Finance and Support and the State Department of Education shall jointly certify to the budget administrator of the budget division of the Department of Administrative Services the amount of federal medicaid funds paid to school districts pursuant to the Early Intervention Act for special education services for children age five years and older. The General Fund appropriation to the State Department of Education, Program 158, for state special education aid shall be decreased by an amount equal to the amount that would have been reimbursed with state General Funds to the school districts through the special education reimbursement process for special education services for children age five years and older that was paid to school districts or approved cooperatives with federal medicaid funds. There is hereby appropriated from the General Fund an amount equal to the amount certified to the budget administrator for FY2005-06 and FY2006-07 to the Department of Health and Human Services Finance and Support to aid in carrying out the provisions of Laws 1991, LB 701. The budget administrator shall distribute the amount appropriated between budget programs according to percentages certified by the Department of Health and Human Services Finance and Support.

Sec. 44. Laws 2006, LB 1060, section 197, is amended to read:

Sec. 197. AGENCY NO. 16 - DEPARTMENT OF REVENUE

Program No. 108 - Homestead Exemption

	FY2005-06	FY2006-07
GENERAL FUND	53,827,000	56,473,000
PROGRAM TOTAL	53,827,000	56,473,000
<u>GENERAL FUND</u>	<u>53,827,000</u>	<u>56,733,000</u>
<u>PROGRAM TOTAL</u>	<u>53,827,000</u>	<u>56,733,000</u>

There is included in the appropriation to this program for FY2005-06 \$53,827,000 General Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2006-07 ~~\$56,473,000~~ \$56,733,000 General Funds for state aid, which shall only be used for such purpose.

Sec. 45. Laws 2006, LB 1060, section 200, is amended to read:

Sec. 200. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

Program No. 365 - Mental Health Operations

	FY2005-06	FY2006-07
GENERAL FUND	50,099,102	52,777,155
<u>GENERAL FUND</u>	<u>50,099,102</u>	<u>45,777,155</u>
CASH FUND	3,534,038	3,569,762
FEDERAL FUND est.	7,838,231	7,865,530
PROGRAM TOTAL	61,471,371	64,212,447

<u>PROGRAM TOTAL</u>	<u>61,471,371</u>	<u>57,212,447</u>
SALARY LIMIT	38,660,796	39,908,972

Pursuant to Laws 2004, LB 1083, all funding related to the provision of regional center services that are reduced or discontinued shall be reallocated and expended for purposes related to the statewide development and provision of community-based behavioral health services. The budget administrator of the budget division of the Department of Administrative Services shall administratively transfer during FY2005-06 and FY2006-07 available appropriation balances as determined by the Director of Health and Human Services from the Department of Health and Human Services, Program 365, Mental Health Operations, to the Department of Health and Human Services, Program 33, Administration, and the Department of Health and Human Services Finance and Support, Program 38, Behavioral Health Aid, and Program 341, Administration.

Sec. 46. Laws 2006, LB 1060, section 202, is amended to read:

Sec. 202. AGENCY NO. 26 - DEPARTMENT OF HEALTH AND HUMAN SERVICES
 FINANCE AND SUPPORT
 Program No. 38 - Behavioral Health Aid

	FY2005-06	FY2006-07
GENERAL FUND	41,984,771	44,577,915
<u>GENERAL FUND</u>	<u>41,984,771</u>	<u>51,577,915</u>
CASH FUND	11,286,670	11,307,280
FEDERAL FUND est.	18,400,587	18,504,971
PROGRAM TOTAL	71,672,028	74,390,166
<u>PROGRAM TOTAL</u>	<u>71,672,028</u>	<u>81,390,166</u>

The unexpended Cash Fund appropriation balance existing on June 30, 2005, not to exceed \$6,000,000 is hereby reappropriated.

The unexpended General Fund appropriation balance existing on June 30, 2005, is hereby reappropriated.

There is included in the appropriation to this program for FY2005-06 \$41,984,771 General Funds, \$11,286,670 Cash Funds, and \$18,400,587 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2006-07 ~~\$44,577,915~~ \$51,577,915 General Funds, \$11,307,280 Cash Funds, and \$18,504,971 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the amount shown as General Fund aid in this program \$1,552,907 General Funds for FY2005-06 to be used for an annual three percent increase in rates paid to providers of mental health and substance abuse services, which funds shall only be used for such purpose.

There is included in the amount shown as General Fund aid in this program \$4,008,017 General Funds for FY2006-07 to be used for an annual 3.25 percent increase in rates paid to providers of mental health and substance abuse services, which funds shall only be used for such purpose.

There is included in the amount shown as Cash Fund aid in this program \$6,500,000 Cash Funds for FY2005-06 and \$6,500,000 Cash Funds for FY2006-07 from the Nebraska Health Care Cash Fund to be used for community-based mental health and substance abuse services, including intermediate-level residential mental health services. It is the intent of the Legislature that these funds shall be distributed to each of the six mental health regions based upon a formula determined by the Department of Health and Human Services Finance and Support.

There is included in the amount shown as Cash Fund aid in this program \$2,599,660 Cash Funds for FY2005-06 and \$2,599,660 Cash Funds for FY2006-07 from the Nebraska Health Care Cash Fund to be used for rates paid to providers of mental health and substance abuse services. It is the intent of the Legislature that the Director of Finance and Support ensure that funds appropriated for rate payments are used for such purpose.

There is included in the amount shown as Cash Fund aid in this program \$1,500,000 Cash Funds for FY2005-06 and \$1,500,000 Cash Funds for FY2006-07 from the Nebraska Health Care Cash Fund to be used for the cost of maintenance and treatment of persons in emergency protective custody under the Nebraska Mental Health Commitment Act. It is the intent of the Legislature that these funds be distributed to mental health regions based on a formula

determined by the Department of Health and Human Services Finance and Support.
 Sec. 47. Laws 2006, LB 1060, section 204, is amended to read:
 Sec. 204. AGENCY NO. 26 - DEPARTMENT OF HEALTH AND HUMAN SERVICES
 FINANCE AND SUPPORT
 Program No. 344 - Children's Health Insurance

	FY2005-06	FY2006-07
GENERAL FUND	10,673,536	10,842,937
<u>GENERAL FUND</u>	<u>10,673,536</u>	<u>4,742,937</u>
CASH FUND	5,000,000	5,000,000
FEDERAL FUND est.	31,997,558	33,051,481
PROGRAM TOTAL	47,671,094	48,894,418
<u>PROGRAM TOTAL</u>	<u>47,671,094</u>	<u>42,794,418</u>

The unexpended Cash Fund and Federal Fund appropriation balances existing on June 30, 2005, are hereby reappropriated.

There is included in the appropriation to this program for FY2005-06 \$10,673,536 General Funds, \$5,000,000 Cash Funds, and \$31,997,558 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2006-07 \$10,842,937 \$4,742,937 General Funds, \$5,000,000 Cash Funds, and \$33,051,481 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the appropriation to this program for FY2005-06 \$5,000,000 Cash Funds for state aid from the Nebraska Health Care Cash Fund. There is included in the appropriation to this program for FY2006-07 \$5,000,000 Cash Funds for state aid from the Nebraska Health Care Cash Fund.

It is the intent of the Legislature that phased-down state contributions to the federal government as defined and required by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 may be made from appropriations to this program.

Sec. 48. Laws 2006, LB 1060, section 206, is amended to read:

Sec. 206. AGENCY NO. 26 - DEPARTMENT OF HEALTH AND HUMAN SERVICES
 FINANCE AND SUPPORT
 Program No. 348 - Medical Assistance

	FY2005-06	FY2006-07
GENERAL FUND	507,020,799	560,863,546
<u>GENERAL FUND</u>	<u>507,020,799</u>	<u>547,363,546</u>
CASH FUND	19,657,896	19,657,896
FEDERAL FUND est.	949,534,581	991,840,375
PROGRAM TOTAL	1,476,213,276	1,572,361,817
<u>PROGRAM TOTAL</u>	<u>1,476,213,276</u>	<u>1,558,861,817</u>

There is included in the appropriation to this program for FY2005-06 \$507,020,799 General Funds, \$19,657,896 Cash Funds, and \$949,534,581 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2006-07 \$560,863,546 \$547,363,546 General Funds, \$19,657,896 Cash Funds, and \$991,840,375 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the appropriation to this program for FY2005-06 \$4,765,896 Cash Funds for state aid for the continuation of the behavioral health provider rate increase and behavioral health provider rate increase for managed care, inpatient services, and residential treatment services provided with funds from the Nebraska Health Care Cash Fund. There is included in the appropriation to this program for FY2006-07 \$4,765,896 Cash Funds for state aid for the continuation of the behavioral health provider rate increase and behavioral health provider rate increase for managed care, inpatient services, and residential treatment services provided with funds from the Nebraska Health Care Cash Fund.

It is the intent of the Legislature that phased-down state contributions to the federal government as defined and required by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 may be

made from appropriations to this program.

Sec. 49. LIMITATION ON SALARIES, WAGES, AND PER DIEMS.

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

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

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

(4) The limitation on expenditures for permanent and temporary salaries and per diems for FY2006-07 as established by the Legislature shall be the basis for continuation funding for each fiscal year of the succeeding biennium.

(5) The limitation on expenditures for permanent and temporary salaries and per diems for FY2006-07 shall be increased by certified encumbrance amounts from FY2005-06 for permanent and temporary salaries and per diems. Encumbered amounts shall be calculated in accordance with section 81-138.01.

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

Sec. 50. Original Laws 2005, LB 424, sections 35 and 36; Laws 2005, LB 425, sections 65, 83, 84, 89, 92, 145, 146, 161, 223, and 239; Laws 2006, LB 454A, section 1; Laws 2006, LB 605A, sections 1 and 2; Laws 2006, LB 1024A, section 2; and Laws 2006, LB 1060, sections 130, 186, 190, 192, 194, 197, 200, 202, 204, and 206, are repealed.

Sec. 51. The following section is outright repealed: Laws 2005, LB 126A, section 1.

Sec. 52. Since an emergency exists, this act takes effect when passed and approved according to law.