

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 311**

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

Read first time January 15, 2009

Committee: Appropriations

A BILL

1 FOR AN ACT relating to appropriations; to amend Laws 2007, LB 320,  
2 sections 32 and 34, Laws 2007, LB 321, sections 111 and  
3 117, Laws 2008, LB 959, sections 57, 72, 74, 76, and  
4 90, and Laws 2008, LB 988A, section 1; to define terms;  
5 to provide, change, and eliminate provisions relating to  
6 appropriations; to reduce an appropriation; to provide  
7 for a transfer of funds; to state intent; to require  
8 reports; to repeal the original sections; and to declare  
9 an emergency.

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

1           Section 1. DEFINITION OF APPROPRIATION PERIOD.

2           For purposes of this act and any other legislative bill  
3 passed by the One Hundred First Legislature, First or Second  
4 Session, which appropriates funds, FY2007-08 means the period July  
5 1, 2007, through June 30, 2008; FY2008-09 means the period July 1,  
6 2008, through June 30, 2009; FY2009-10 means the period July 1,  
7 2009, through June 30, 2010; and FY2010-11 means the period July 1,  
8 2010, through June 30, 2011.

9           Sec. 2. APPROPRIATION LANGUAGE.

10          There are hereby appropriated, for FY2007-08 and  
11 FY2008-09, the sums set forth in this act to each agency for each  
12 program from the respective funds for the general operations of  
13 state government, postsecondary education, and state aid, except  
14 as otherwise appropriated.

15          Sec. 3. UNEXPENDED BALANCES AND CERTIFIED ENCUMBRANCES.

16          All General Fund appropriations existing on June 30,  
17 2007, in excess of expended and certified encumbrance amounts  
18 are hereby lapsed unless otherwise provided. All Cash Fund  
19 and Revolving Fund appropriations existing on June 30, 2007,  
20 in excess of expended and certified encumbrance amounts are  
21 hereby lapsed unless otherwise expressly provided. All certified  
22 encumbrance amounts on June 30, 2007, and June 30, 2008, are hereby  
23 reappropriated for FY2007-08 and FY2008-09, respectively, which  
24 amounts shall be in addition to the amounts shown in this act.

25          Sec. 4. REAPPROPRIATION OF BALANCES, FY2007-08 to

1 FY2008-09.

2 In addition to the appropriations set forth in this  
3 act, there are hereby reappropriated all unexpended appropriation  
4 balances existing on June 30, 2008, for FY2008-09 to the respective  
5 agencies, programs, and funds listed in this act, except for budget  
6 programs contained in Laws 2007, LB 319, or as otherwise provided  
7 in this act.

8 Sec. 5. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

9 The definitions contained in the Nebraska Accounting  
10 System Manual, and any amendments thereto, on file with the Clerk  
11 of the Legislature are hereby adopted by the Legislature as the  
12 definitions for this act, except as provided in Laws 2007, LB 321,  
13 sections 138 and 284, Laws 2008, LB 959, section 91, and section  
14 39 of this act.

15 Sec. 6. DRAWING AND PAYING WARRANTS.

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

21 Sec. 7. AGENCY NO. 11 - ATTORNEY GENERAL

22 Program No. 496 - Interstate Water Litigation

	<u>FY2007-08</u>	<u>FY2008-09</u>
23		
24 <u>GENERAL FUND</u>	<u>-0-</u>	<u>511,000</u>
25 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>511,000</u>

1 SALARY LIMIT -0- -0-

2 Sec. 8. AGENCY NO. 11 - ATTORNEY GENERAL

3 Program No. 507 - Interpretation and Application of Law

	<u>FY2007-08</u>	<u>FY2008-09</u>
4		
5	<u>GENERAL FUND</u>	<u>118,555</u>
6	<u>CASH FUND</u>	<u>60,000</u>
7	<u>PROGRAM TOTAL</u>	<u>178,555</u>
8	<u>SALARY LIMIT</u>	<u>92,000</u>

9 There is included in the appropriation to this program  
 10 for FY2008-09 \$118,555 General Funds, which appropriations shall  
 11 only be administratively transferred to program classification  
 12 number 273.

13 There is included in the appropriation to this program  
 14 for FY2008-09 \$60,000 Cash Funds, which appropriations shall only  
 15 be administratively transferred to program classification number  
 16 274, and such appropriations shall only be expended directly from  
 17 the Nebraska Health Care Cash Fund from budget subprogram 4 for  
 18 purposes of enforcing the tobacco settlement agreement.

19 Sec. 9. AGENCY NO. 12 - STATE TREASURER

20 Program No. 505 - Educational Savings Unit

	<u>FY2007-08</u>	<u>FY2008-09</u>
21		
22	<u>CASH FUND</u>	<u>8,737</u>
23	<u>PROGRAM TOTAL</u>	<u>8,737</u>

1	<u>SALARY LIMIT</u>	<u>-0-</u>	<u>-0-</u>
2	Sec. 10. <u>AGENCY NO. 13 - STATE DEPARTMENT OF EDUCATION</u>		
3	<u>Program No. 25 - Education, Administration, and Support</u>		
4		<u>FY2007-08</u>	<u>FY2008-09</u>
5	<u>SALARY LIMIT</u>	<u>-0-</u>	<u>96,810</u>
6	Sec. 11. <u>AGENCY NO. 13 - STATE DEPARTMENT OF EDUCATION</u>		
7	<u>Program No. 402 - Nebraska Center for the Education of</u>		
8	<u>Children who are Blind or Visually Impaired</u>		
9	<u>The unexpended appropriation balance of General Funds</u>		
10	<u>existing on June 30, 2007, up to \$35,000, originally reappropriated</u>		
11	<u>for roof replacement, is authorized to be used for structural</u>		
12	<u>building repair in FY2008-09.</u>		
13	Sec. 12. <u>AGENCY NO. 16 - DEPARTMENT OF REVENUE</u>		
14	<u>Program No. 13 - Tax Commissioner</u>		
15		<u>FY2007-08</u>	<u>FY2008-09</u>
16	<u>SALARY LIMIT</u>	<u>-0-</u>	<u>9,000</u>
17	Sec. 13. <u>AGENCY NO. 23 - DEPARTMENT OF LABOR</u>		
18	<u>Program No. 31 - Division of Employment</u>		
19		<u>FY2007-08</u>	<u>FY2008-09</u>
20	<u>CASH FUND</u>	<u>-0-</u>	<u>1,300,000</u>
21	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>1,300,000</u>
22	<u>SALARY LIMIT</u>	<u>-0-</u>	<u>-0-</u>
23	Sec. 14. <u>AGENCY NO. 23 - DEPARTMENT OF LABOR</u>		

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1                    Program No. 194 - Division for Protection of People and  
2 Property

	<u>FY2007-08</u>	<u>FY2008-09</u>
4 <u>CASH FUND</u>	<u>-0-</u>	<u>700,000</u>
5 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>700,000</u>
6 <u>SALARY LIMIT</u>	<u>-0-</u>	<u>-0-</u>

7                    Sec. 15. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
8 SERVICES

9                    Program No. 33 - Administration

	<u>FY2007-08</u>	<u>FY2008-09</u>
11 <u>GENERAL FUND</u>	<u>-0-</u>	<u>100,250</u>
12 <u>CASH FUND</u>	<u>-0-</u>	<u>100,000</u>
13 <u>FEDERAL FUND est.</u>	<u>-0-</u>	<u>100,250</u>
14 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>300,500</u>
15 <u>SALARY LIMIT</u>	<u>-0-</u>	<u>148,496</u>

16                    There is included in the appropriation to this program  
17 for FY2008-09 \$100,000 Cash Funds from the Nebraska Health Care  
18 Cash Fund for a study to evaluate options to privatize the  
19 operation of the Beatrice State Developmental Center.

20                    Notwithstanding the provisions of Laws 2007, LB 321,  
21 section 100, the appropriations in this section shall be allocated  
22 by the chief executive officer of the Department of Health  
23 and Human Services according to the following budget program

1 classifications for the purpose of program monitoring, accounting,  
2 and reporting:

- 3 No. 261 - General Operations
- 4 No. 262 - Public Health Administration
- 5 No. 263 - Medicaid and Long-Term Care Administration
- 6 No. 264 - Children and Family Services Administration
- 7 No. 265 - Protection and Safety
- 8 No. 266 - Economic and Family Support
- 9 No. 267 - Developmental Disabilities Service Coordination
- 10 No. 268 - Behavioral Health Administration
- 11 No. 269 - Developmental Disabilities Administration

12 Sec. 16. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
13 SERVICES - BEHAVIORAL HEALTH

14 Program No. 38 - Behavioral Health Aid

	<u>FY2007-08</u>	<u>FY2008-09</u>
15		
16 <u>GENERAL FUND</u>	<u>-0-</u>	<u>3,500,000</u>
17 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>3,500,000</u>

18 There is included in the appropriation to this program  
19 for FY2008-09 \$3,500,000 General Funds for state aid, which shall  
20 only be used for such purpose.

21 Sec. 17. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
22 SERVICES - CHILDREN AND FAMILY SERVICES

23 Program No. 250 - Juvenile Services Operations

	<u>FY2007-08</u>	<u>FY2008-09</u>
24		

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1	<u>CASH FUND</u>	<u>-0-</u>	<u>36,706</u>
2	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>36,706</u>
3	<u>SALARY LIMIT</u>	<u>-0-</u>	<u>31,876</u>

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

7           No. 315 - Office of Juvenile Services  
8           No. 345 - Juvenile Community-Based Services  
9           No. 364 - Juvenile Parole Administration  
10          No. 371 - Youth Rehabilitation and Treatment

11 Center-Geneva

12          No. 374 - Youth Rehabilitation and Treatment

13 Center-Kearney

14          Sec. 18. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
15 SERVICES - DEVELOPMENTAL DISABILITIES

16          Program No. 421 - Beatrice State Developmental Center

17		<u>FY2007-08</u>	<u>FY2008-09</u>
18	<u>GENERAL FUND</u>	<u>-0-</u>	<u>7,000,000</u>
19	<u>CASH FUND</u>	<u>-0-</u>	<u>37,034</u>
20	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>7,037,034</u>
21	<u>SALARY LIMIT</u>	<u>-0-</u>	<u>5,332,162</u>

22          Sec. 19. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
23 SERVICES - VETERANS' HOMES

24          Program No. 519 - Veterans' Homes



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1		
	<u>FY2007-08</u>	<u>FY2008-09</u>
2	<u>CASH FUND</u>	<u>100,231</u>
3	<u>PROGRAM TOTAL</u>	<u>100,231</u>
4	<u>SALARY LIMIT</u>	<u>87,044</u>
5	Sec. 20. <u>AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN</u>	
6	<u>SERVICES - BEHAVIORAL HEALTH</u>	
7	<u>Program No. 870 - Norfolk Sex Offender Treatment</u>	
8		
	<u>FY2007-08</u>	<u>FY2008-09</u>
9	<u>CASH FUND</u>	<u>27,952</u>
10	<u>PROGRAM TOTAL</u>	<u>27,952</u>
11	<u>SALARY LIMIT</u>	<u>24,274</u>
12	Sec. 21. <u>AGENCY NO. 30 - STATE ELECTRICAL BOARD</u>	
13	<u>Program No. 197 - Public Protection</u>	
14		
	<u>FY2007-08</u>	<u>FY2008-09</u>
15	<u>SALARY LIMIT</u>	<u>6,323</u>
16	Sec. 22. <u>AGENCY NO. 31 - MILITARY DEPARTMENT</u>	
17	<u>Program No. 192 - Governor's Emergency Aid</u>	
18		
	<u>FY2007-08</u>	<u>FY2008-09</u>
19	<u>CASH FUND</u>	<u>10,000,000</u>
20	<u>PROGRAM TOTAL</u>	<u>10,000,000</u>
21	Sec. 23. <u>AGENCY NO. 41 - STATE REAL ESTATE COMMISSION</u>	
22	<u>Program No. 77 - Enforcement of Standards - Real Estate</u>	

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	<u>FY2007-08</u>	<u>FY2008-09</u>
1		
2	<u>SALARY LIMIT</u>	<u>5,290</u>
3	Sec. 24. <u>AGENCY NO. 46 - DEPARTMENT OF CORRECTIONAL</u>	
4	<u>SERVICES</u>	
5	<u>Program No. 200 - Operations</u>	
6	<u>FY2007-08</u>	<u>FY2008-09</u>
7	<u>GENERAL FUND</u>	<u>7,702,752</u>
8	<u>PROGRAM TOTAL</u>	<u>7,702,752</u>
9	<u>SALARY LIMIT</u>	<u>134,000</u>
10	Sec. 25. <u>AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE</u>	
11	<u>SERVICES</u>	
12	<u>Program No. 592 - Indemnification Claims</u>	
13	<u>FY2007-08</u>	<u>FY2008-09</u>
14	<u>GENERAL FUND</u>	<u>803,000</u>
15	<u>PROGRAM TOTAL</u>	<u>803,000</u>
16	<u>SALARY LIMIT</u>	<u>-0-</u>
17	Sec. 26. <u>AGENCY NO. 77 - COMMISSION OF INDUSTRIAL</u>	
18	<u>RELATIONS</u>	
19	<u>Program No. 490 - Commissioner Expenses</u>	
20	<u>FY2007-08</u>	<u>FY2008-09</u>
21	<u>GENERAL FUND</u>	<u>6,114</u>
22	<u>PROGRAM TOTAL</u>	<u>6,114</u>
23	<u>SALARY LIMIT</u>	<u>-0-</u>

1                   Sec. 27. AGENCY NO. 82 - COMMISSION FOR THE DEAF AND HARD  
2 OF HEARING

3                   Program No. 578 - Hearing Impaired

4		<u>FY2007-08</u>	<u>FY2008-09</u>
5	<u>SALARY LIMIT</u>	<u>-0-</u>	<u>10,465</u>

6                   Sec. 28. AGENCY NO. 87 - NEBRASKA ACCOUNTABILITY AND  
7 DISCLOSURE COMMISSION

8                   Program No. 94 - Nebraska Political Accountability

9		<u>FY2007-08</u>	<u>FY2008-09</u>
10	<u>SALARY LIMIT</u>	<u>-0-</u>	<u>1,500</u>

11                   Sec. 29. Laws 2007, LB 320, section 32, is amended to  
12 read:

13                   Sec. 32. AGENCY NO. 50 - BOARD OF TRUSTEES OF THE  
14 NEBRASKA STATE COLLEGES

15                   Program No. 920 - Board Facilities Fee Fund Projects

16		<u>FY2007-08</u>	<u>FY2008-09</u>	<u>FUTURE</u>
17	<u>NEBRASKA CAPITAL</u>			
18	<u>CONSTRUCTION FUND</u>	<u>400,000</u>	<u>400,000</u>	<u>-0-</u>
19	<u>REVOLVING FUND est.</u>	<u>952,426</u>	<u>952,426</u>	<u>-0-</u>
20	<u>PROGRAM TOTAL</u>	<u>1,352,426</u>	<u>1,352,426</u>	<u>-0-</u>
21	<u>NEBRASKA CAPITAL</u>			
22	<u>CONSTRUCTION FUND</u>	<u>400,000</u>	<u>483,000</u>	
23	<u>REVOLVING FUND est.</u>	<u>952,426</u>	<u>952,426</u>	
24	<u>PROGRAM TOTAL</u>	<u>1,352,426</u>	<u>1,435,426</u>	

1           The Legislature hereby acknowledges and reaffirms the  
 2 directive made by Laws 1998, LB 1100, sections 6 and 7, which  
 3 authorizes the Board of Trustees of the Nebraska State Colleges  
 4 to complete various renewal and renovation projects on all state  
 5 college campuses with the appropriation to this program.

6           Sec. 30. Laws 2007, LB 320, section 34, is amended to  
 7 read:

8           Sec. 34. AGENCY NO. 50 - BOARD OF TRUSTEES OF THE  
 9 NEBRASKA STATE COLLEGES

10           Program No. 998 - Peru State College Library/Old Gym  
 11 Renovation and Wayne State College Power Plant Construction

	FY2007-08	FY2008-09	FUTURE
12			
13	<u>NEBRASKA CAPITAL</u>		
14	<u>2,009,360</u>	<u>2,009,360</u>	<u>-0-</u>
15	<u>PROGRAM TOTAL</u>	<u>2,009,360</u>	<u>-0-</u>
16	<u>NEBRASKA CAPITAL</u>		
17	<u>CONSTRUCTION FUND</u>	<u>1,926,360</u>	<u>-0-</u>
18	<u>PROGRAM TOTAL</u>	<u>1,926,360</u>	<u>-0-</u>

19           The Legislature hereby acknowledges and reaffirms the  
 20 directive made by Laws 1999, LB 878, section 33, which authorizes  
 21 the Board of Trustees of the Nebraska State Colleges to design,  
 22 renovate, and construct as is necessary to provide quality library  
 23 stack, circulation, classroom, and office space in the combined  
 24 and connected Library and Old Gym facilities on the Peru State  
 25 College campus. The total project cost to be supported from state

1 funds is estimated as \$6,630,419. Nonstate tax funds may be used to  
2 supplement the project.

3           The Board of Trustees of the Nebraska State Colleges is  
4 hereby authorized to design and construct a plant to produce steam  
5 and chilled water to meet heating and cooling requirements of the  
6 Wayne State College campus. Should it prove to be in the greater  
7 long-term financial interest of the State of Nebraska and Wayne  
8 State College, the Board of Trustees is alternatively authorized  
9 to purchase and improve an existing steam and chilled water  
10 production facility to meet heating and cooling requirements of the  
11 Wayne State College campus. Prior to exercising its authority to  
12 undertake either alternative under provisions of this section, the  
13 Board of Trustees shall secure the approval of the Governor. The  
14 total project cost to be supported from state funds is estimated  
15 as \$3,803,877. Nonstate tax funds may be used to supplement the  
16 project.

17           The Board of Trustees may enter into long-term financing  
18 contracts with any person, firm, or corporation for purposes of the  
19 Peru State College Library/Old Gym Renovation and Addition project  
20 and the Wayne State College Power Plant Construction project. The  
21 payments of costs of the renovation may occur over a contract  
22 period not to extend beyond June 30, 2009. The Board of Trustees  
23 shall not pledge the credit of the State of Nebraska for the  
24 payment of any sum owing on account of such contracts, except  
25 that there may be pledged for payment of any such contracts

1 any appropriations made by the Legislature for such purpose.  
 2 No contracts shall be entered into pursuant to this section  
 3 without prior approval by resolution of the Board of Trustees. The  
 4 Board of Trustees may schedule contractual payments on a monthly,  
 5 quarterly, or semiannual basis consistent with the state fiscal  
 6 year. On or before August 31, 2009, any funds appropriated from  
 7 the State Building Fund and the Nebraska Capital Construction Fund  
 8 for the projects held in the state treasury and held by any  
 9 trustee which are not necessary to meet the terms of any long-term  
 10 financing agreements entered into pursuant to this section shall be  
 11 transferred to the General Fund.

12           Sec. 31. Laws 2007, LB 321, section 111, is amended to  
 13 read:

14           Sec. 111. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
 15 SERVICES - MEDICAID AND LONG-TERM CARE

16           Program No. 348 - Medical Assistance

	FY2007-08	FY2008-09
17		
18	<del>576,765,451</del>	590,252,985
19	<u>576,765,451</u>	<u>544,521,881</u>
20	19,657,896	19,657,896
21	<del>FEDERAL FUND est. 922,961,711</del>	<del>952,315,556</del>
22	<u>FEDERAL FUND est. 922,961,711</u>	<u>883,964,062</u>
23	<del>PROGRAM TOTAL 1,519,385,058</del>	<del>1,562,226,437</del>
24	<u>PROGRAM TOTAL 1,519,385,058</u>	<u>1,448,143,839</u>

25           There is included in the appropriation to this

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1 program for FY2007-08 \$576,765,451 General Funds, \$19,657,896  
2 Cash Funds, and \$922,961,711 Federal Funds estimate for state  
3 aid, which shall only be used for such purpose. There is  
4 included in the appropriation to this program for FY2008-09  
5 ~~\$590,252,985~~ \$544,521,881 General Funds, \$19,657,896 Cash Funds,  
6 and ~~\$952,315,556~~ \$883,964,062 Federal Funds estimate for state aid,  
7 which shall only be used for such purpose.

8           There is included in the appropriation to this program  
9 for FY2007-08 \$4,765,896 Cash Funds for state aid for the  
10 continuation of the behavioral health provider rate increase  
11 and behavioral health provider rate increase for managed care,  
12 inpatient services, and residential treatment services provided  
13 with funds from the Nebraska Health Care Cash Fund. There  
14 is included in the appropriation to this program for FY2008-09  
15 \$4,765,896 Cash Funds for state aid for the continuation of the  
16 behavioral health provider rate increase and behavioral health  
17 provider rate increase for managed care, inpatient services,  
18 and residential treatment services provided with funds from the  
19 Nebraska Health Care Cash Fund.

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

25           Sec. 32. Laws 2007, LB 321, section 117, is amended to

1 read:

2                   Sec. 117. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
3 SERVICES - CHILDREN AND FAMILY SERVICES  
4                   Program No. 347 - Public Assistance

	FY2007-08	FY2008-09
6 GENERAL FUND	234,638,533	241,873,264
7 <u>GENERAL FUND</u>	<u>234,638,533</u>	<u>218,973,140</u>
8 CASH FUND	6,044,444	6,044,444
9 FEDERAL FUND est.	118,641,094	119,188,279
10 <u>PROGRAM TOTAL</u>	<u>359,324,071</u>	<u>367,105,987</u>
11 <u>PROGRAM TOTAL</u>	<u>359,324,071</u>	<u>344,205,863</u>

12                   Of the unexpended General Fund balance remaining on June  
13 30, 2007, \$600,000 is hereby reappropriated to Agency 25, Program  
14 39, for continuation and expansion of home visitation programs  
15 established under the provisions of section 68-1202.

16                   There is included in the appropriation to this program  
17 for FY2007-08 \$234,638,533 General Funds, \$6,044,444 Cash Funds,  
18 and \$118,641,094 Federal Funds estimate for state aid, which  
19 shall only be used for such purpose. There is included in  
20 the appropriation to this program for FY2008-09 ~~\$241,873,264~~  
21 \$218,973,140 General Funds, \$6,044,444 Cash Funds, and \$119,188,279  
22 Federal Funds estimate for state aid, which shall only be used for  
23 such purpose.

24                   There is included in the appropriation to this program  
25 for FY2007-08 \$810,000 Cash Funds from the Nebraska Health Care



1 Cash Fund for state aid to aid in carrying out the Nebraska  
 2 Lifespan Respite Services Program and to provide payment to  
 3 caregivers to purchase services under the respite subsidy program.  
 4 There is included in the appropriation to this program for  
 5 FY2008-09 \$810,000 Cash Funds from the Nebraska Health Care Cash  
 6 Fund for state aid to aid in carrying out the Nebraska Lifespan  
 7 Respite Services Program and to provide payment to caregivers to  
 8 purchase services under the respite subsidy program.

9           There is included in the appropriation to this program  
 10 for FY2007-08 \$2,734,444 Cash Funds from the Nebraska Health Care  
 11 Cash Fund for state aid for the continuation of the behavioral  
 12 health provider rate increase provided. There is included in  
 13 the appropriation to this program for FY2008-09 \$2,734,444 Cash  
 14 Funds from the Nebraska Health Care Cash Fund for state aid for  
 15 the continuation of the behavioral health provider rate increase  
 16 provided.

17           Sec. 33. Laws 2008, LB 959, section 57, is amended to  
 18 read:

19           Sec. 57. AGENCY NO. 93 - TAX EQUALIZATION AND REVIEW  
 20 COMMISSION

21           Program No. 115 - Operations

	FY2007-08	FY2008-09
22		
23 GENERAL FUND	-0-	73,025
24 CASH FUND	11,884	70,000
25 PROGRAM TOTAL	11,884	143,025

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1	<u>SALARY LIMIT</u>	<u>1,011</u>	<u>30,000</u>
2	<u>GENERAL FUND</u>	<u>-0-</u>	<u>38,025</u>
3	<u>CASH FUND</u>	<u>11,884</u>	<u>35,000</u>
4	<u>PROGRAM TOTAL</u>	<u>11,884</u>	<u>73,025</u>
5	<u>SALARY LIMIT</u>	<u>1,011</u>	<u>15,000</u>

6           There is included in the appropriation to this program  
7 for FY2008-09 ~~\$73,025~~ \$38,025 General Funds and ~~\$70,000~~ \$30,000  
8 Cash Funds for the ~~Tax Equalization and Review Commission~~ to  
9 ~~contract for mediation of~~ the purpose of resolving valuation  
10 appeals, which shall only be used for such purpose.

11           Sec. 34. Laws 2008, LB 959, section 72, is amended to  
12 read:

13           Sec. 72. AGENCY NO. 16 - DEPARTMENT OF REVENUE  
14           Program No. 108 - Homestead Exemption

15		FY2007-08	FY2008-09
16	<u>GENERAL FUND</u>	<u>63,056,960</u>	<u>76,120,104</u>
17	<u>PROGRAM TOTAL</u>	<u>63,056,960</u>	<u>76,120,104</u>
18	<u>GENERAL FUND</u>	<u>63,056,960</u>	<u>61,250,000</u>
19	<u>PROGRAM TOTAL</u>	<u>63,056,960</u>	<u>61,250,000</u>

20           There is included in the appropriation to this program  
21 for FY2007-08 \$63,056,960 General Funds for state aid, which  
22 shall only be used for such purpose. There is included in the  
23 appropriation to this program for FY2008-09 ~~\$76,120,104~~ \$61,250,000  
24 General Funds for state aid, which shall only be used for such  
25 purpose.

1                   Sec. 35. Laws 2008, LB 959, section 74, is amended to  
2 read:

3                   Sec. 74. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
4 SERVICES - PUBLIC HEALTH

5                   Program No. 514 - Health Aid

	FY2007-08	FY2008-09
6           GENERAL FUND	3,944,700	4,124,776
7           GENERAL FUND	<u>3,944,700</u>	<u>4,034,155</u>
8           CASH FUND	8,904,897	9,172,044
9           CASH FUND	<u>8,904,897</u>	<u>10,672,044</u>
10          FEDERAL FUND est.	34,687,255	34,687,255
11          PROGRAM TOTAL	47,536,852	47,984,075
12          PROGRAM TOTAL	<u>47,536,852</u>	<u>49,393,454</u>

14                   There is included in the appropriation to this program  
15 for FY2007-08 \$3,944,700 General Funds, \$8,904,897 Cash Funds, and  
16 \$34,687,255 Federal Funds estimate for state aid, which shall only  
17 be used for such purpose. There is included in the appropriation  
18 to this program for FY2008-09 ~~\$4,124,776~~ \$4,034,155 General Funds,  
19 ~~\$9,172,044~~ \$10,672,044 Cash Funds, and \$34,687,255 Federal Funds  
20 estimate for state aid, which shall only be used for such purpose.

21                   There is included in the appropriation to this program  
22 \$530,420 General Funds for FY2007-08 and \$640,894 General Funds for  
23 FY2008-09, which shall only be used for the following purposes:  
24 Reimbursement for the provision of pap smears, colposcopy, cervical  
25 biopsy, cryotherapy, loop electrosurgical excision procedure

1 (LEEP), and such other treatments and procedures as may be  
 2 developed for the followup of abnormal pap smears; the diagnosis  
 3 and treatment of sexually transmitted diseases, including, but not  
 4 limited to, chlamydia, gonorrhea, HPV (genital warts), and herpes;  
 5 and associated laboratory and equipment costs and staff training  
 6 costs relating to the use of colposcopy equipment. None of the  
 7 General Funds provided under this program shall be used to perform  
 8 or facilitate the performance of abortion or to counsel or refer  
 9 for abortion.

10 Sec. 36. Laws 2008, LB 959, section 76, is amended to  
 11 read:

12 Sec. 76. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
 13 SERVICES - BEHAVIORAL HEALTH

14 Program No. 365 - Mental Health Operations

	FY2007-08	FY2008-09
15		
16	<del>32,185,734</del>	<del>37,366,082</del>
17	<u>32,185,734</u>	<u>33,866,082</u>
18	<del>3,569,762</del>	<del>3,569,762</del>
19	<u>3,569,762</u>	<u>3,690,464</u>
20	7,865,530	7,865,530
21	<del>43,621,026</del>	<del>48,801,374</del>
22	<u>43,621,026</u>	<u>45,422,076</u>
23	<del>28,276,752</del>	<del>28,939,254</del>
24	<u>28,276,752</u>	<u>29,044,075</u>

25 Pursuant to Laws 2004, LB 1083, all funding related to

1 the provision of regional center services that are reduced or  
 2 discontinued shall be reallocated and expended for purposes related  
 3 to the statewide development and provision of community-based  
 4 behavioral health services. The budget administrator of the  
 5 budget division of the Department of Administrative Services shall  
 6 administratively transfer during FY2007-08 and FY2008-09 available  
 7 appropriation balances as determined by the chief executive officer  
 8 of the Department of Health and Human Services from the Department  
 9 of Health and Human Services - Behavioral Health, Program 365,  
 10 Mental Health Operations, to the Department of Health and Human  
 11 Services, Program 33, Administration, and the Department of Health  
 12 and Human Services - Behavioral Health, Program 38, Behavioral  
 13 Health Aid.

14           Sec. 37. Laws 2008, LB 959, section 90, is amended to  
 15 read:

16           Sec. 90. AGENCY NO. 77 - COMMISSION OF INDUSTRIAL  
 17 RELATIONS

18           Program No. 531 - Administration

	FY2007-08	FY2008-09
19		
20	<del>282,770</del>	<del>193,589</del>
21	<del>282,770</del>	<del>193,589</del>
22	<del>166,448</del>	<del>80,728</del>
23	<u>282,770</u>	<u>187,475</u>
24	<u>282,770</u>	<u>187,475</u>
25	<u>166,448</u>	<u>81,208</u>

1                   Sec. 38. Laws 2008, LB 988A, section 1, is amended to  
2 read:

3                   Section 1. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION  
4                   Program No. 158 - Education Aid

	FY2007-08	FY2008-09
6   GENERAL FUND	952,197,997	1,027,559,109
7 <u>GENERAL FUND</u>	<u>952,197,997</u>	<u>1,029,088,723</u>
8   CASH FUND	2,282,938	2,282,938
9   FEDERAL FUND est.	254,923,780	262,443,987
10   PROGRAM TOTAL	<u>1,209,404,715</u>	<u>1,292,286,034</u>
11 <u>PROGRAM TOTAL</u>	<u>1,209,404,715</u>	<u>1,293,815,648</u>

12                   There is included in the appropriation to this  
13 program for FY2007-08 \$952,197,997 General Funds, \$2,282,938  
14 Cash Funds, and \$254,923,780 Federal Funds estimate for state  
15 aid, which shall only be used for such purpose. There is  
16 included in the appropriation to this program for FY2008-09  
17 ~~\$1,027,559,109~~ \$1,029,088,723 General Funds, \$2,282,938 Cash Funds,  
18 and \$262,443,987 Federal Funds estimate for state aid, which shall  
19 only be used for such purpose.

20                   There is included in the amount shown for FY2007-08  
21 \$753,555,548 General Funds which are hereby appropriated to  
22 the Tax Equity and Educational Opportunities Fund, which  
23 fund is hereby appropriated to provide state aid to public  
24 school districts pursuant to the Tax Equity and Educational  
25 Opportunities Support Act. There is included in the amount shown  
26 for FY2008-09 ~~\$823,527,243~~ \$825,056,857 General Funds which are

1 hereby appropriated to the Tax Equity and Educational Opportunities  
2 Fund, which fund is hereby appropriated to provide state aid to  
3 public school districts pursuant to the Tax Equity and Educational  
4 Opportunities Support Act.

5           There is included in the amount shown for this program  
6 \$179,508,584 General Funds provided as state aid for FY2007-08 for  
7 special education reimbursement. There is included in the amount  
8 shown for this program \$184,893,842 General Funds provided as state  
9 aid for FY2008-09 for special education reimbursement.

10           There is included in the amount shown for this program  
11 \$435,000 General Funds provided as state aid for FY2007-08 and  
12 \$450,000 General Funds provided as state aid for FY2008-09 to carry  
13 out the provisions of subsection (2) of section 79-734.

14           There is included in the amount shown for this program  
15 \$3,626,267 General Funds provided as state aid for FY2007-08 and  
16 \$3,615,426 General Funds provided as state aid for FY2008-09 for  
17 early childhood education projects.

18           There is included in the amount shown for this program  
19 \$8,266,325 General Funds provided as state aid for FY2007-08 and  
20 \$8,266,325 General Funds provided as state aid for FY2008-09 for  
21 core services for educational service units.

22           There is included in the amount shown for this program  
23 \$2,566,013 General Funds provided as state aid for FY2007-08 and  
24 \$2,566,013 General Funds provided as state aid for FY2008-09 for  
25 technology infrastructure for educational service units.

1           There is included in the amount shown for this program  
2 \$530,300 General Funds provided as state aid for FY2007-08 and  
3 \$530,300 General Funds provided as state aid for FY2008-09 for  
4 distance education aid to educational service units.

5           There is included in the amount shown for this program  
6 \$2,336,921 General Funds provided as state aid for FY2007-08 and  
7 \$2,336,921 General Funds provided as state aid for FY2008-09 for  
8 programs for learners with high ability.

9           There is included in the amount shown for this program  
10 \$271,378 General Funds provided as state aid for FY2007-08 and  
11 \$271,378 General Funds provided as state aid for FY2008-09 for the  
12 school breakfast program.

13           There is included in the amount shown for this program  
14 \$421,087 General Funds provided as state aid for FY2007-08 and  
15 \$421,087 General Funds provided as state aid for FY2008-09 for the  
16 school lunch program.

17           There is included in the amount shown for this program  
18 \$230,574 General Funds provided as state aid for FY2007-08 and  
19 \$230,574 General Funds provided as state aid for FY2008-09 for  
20 adult basic education programs.

21           There is included in the amount shown for this program  
22 \$450,000 General Funds provided as state aid for FY2007-08 and  
23 \$450,000 General Funds provided as state aid for FY2008-09 for the  
24 Career Education Partnership Act.

25           The unexpended appropriation balance of the \$2,000,000



1 Cash Funds appropriated from the School District Reorganization  
2 Fund for base year reorganization incentives existing on June 30,  
3 2007, is hereby reappropriated.

4           On or before October 1 of each year, the Department of  
5 Health and Human Services and the State Department of Education  
6 shall jointly certify to the budget administrator of the budget  
7 division of the Department of Administrative Services the amount  
8 of federal medicaid funds paid to school districts pursuant to  
9 the Early Intervention Act for special education services for  
10 children age five years and older. The General Fund appropriation  
11 to the State Department of Education, Program 158, for state  
12 special education aid shall be decreased by an amount equal to  
13 the amount that would have been reimbursed with state General  
14 Funds to the school districts through the special education  
15 reimbursement process for special education services for children  
16 age five years and older that was paid to school districts or  
17 approved cooperatives with federal medicaid funds. There is hereby  
18 appropriated from the General Fund an amount equal to the amount  
19 certified to the budget administrator for FY2007-08 and FY2008-09  
20 to the Department of Health and Human Services to aid in carrying  
21 out the provisions of Laws 1991, LB 701. The budget administrator  
22 shall distribute the amount appropriated between budget programs  
23 according to percentages certified by the Department of Health and  
24 Human Services.

25           It is the intent of the Legislature that the changes made

1 by Legislative Bill 959, section 69, to Laws 2007, LB321, section  
2 49, are null and void and are superseded by the changes made by  
3 this legislative bill.

4 Sec. 39. LIMITATION ON SALARIES, WAGES, AND PER DIEMS.

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

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

1 requests for increases in the limitation on permanent and temporary  
2 salaries and per diems shall be addressed to the Appropriations  
3 Committee when the Legislature is in session.

4 (3) Expenditures for permanent and temporary salaries  
5 resulting from awards made to employees under sections 81-1346 to  
6 81-1354 shall be in addition to the limitations on permanent and  
7 temporary salaries and per diems otherwise shown in this act.

8 (4) The limitation on expenditures for permanent and  
9 temporary salaries and per diems for FY2008-09 as established by  
10 the Legislature shall be the basis for continuation funding for  
11 each fiscal year of the succeeding biennium.

12 (5) The limitation on expenditures for permanent and  
13 temporary salaries and per diems for FY2008-09 shall be increased  
14 by certified encumbrance amounts from FY2007-08 for permanent and  
15 temporary salaries and per diems. Encumbered amounts shall be  
16 calculated in accordance with section 81-138.01.

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

21 Sec. 40. Original Laws 2007, LB 320, sections 32 and  
22 34, Laws 2007, LB 321, sections 111 and 117, Laws 2008, LB 959,  
23 sections 57, 72, 74, 76, and 90, and Laws 2008, LB 988A, section 1,  
24 are repealed.

25 Sec. 41. Since an emergency exists, this act takes effect

LB 311

LB 311

1 when passed and approved according to law.