

LEGISLATIVE BILL 311

Approved by the Governor May 19, 2009

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

FOR AN ACT relating to appropriations; to amend Laws 2007, LB 320, sections 32 and 34, Laws 2007, LB 321, sections 111 and 117, Laws 2008, LB 959, sections 57, 72, 74, 76, and 90, and Laws 2008, LB 988A, section 1; to define terms; to provide, change, and eliminate provisions relating to appropriations; to reduce appropriations; to provide for a transfer of funds; to state intent; to repeal the original sections; 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 Hundred First Legislature, First or Second Session, which appropriates funds, FY2007-08 means the period July 1, 2007, through June 30, 2008; FY2008-09 means the period July 1, 2008, through June 30, 2009; FY2009-10 means the period July 1, 2009, through June 30, 2010; and FY2010-11 means the period July 1, 2010, through June 30, 2011.

Sec. 2. APPROPRIATION LANGUAGE.

There are hereby appropriated, for FY2007-08 and FY2008-09, 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. UNEXPENDED BALANCES AND CERTIFIED ENCUMBRANCES.

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

Sec. 4. REAPPROPRIATION OF BALANCES, FY2007-08 to FY2008-09.

In addition to the appropriations set forth in this act, there are hereby reappropriated all unexpended appropriation balances existing on June 30, 2008, for FY2008-09 to the respective agencies, programs, and funds listed in this act, except for budget programs contained in Laws 2007, LB 319, or as otherwise provided 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 2007, LB 321, sections 138 and 284, Laws 2008, LB 959, section 91, and section 50 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. 11 - ATTORNEY GENERAL

Program No. 496 - Interstate Water Litigation

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>GENERAL FUND</u>	-0-	511,000
<u>PROGRAM TOTAL</u>	-0-	511,000
<u>SALARY LIMIT</u>	-0-	-0-

Sec. 8. AGENCY NO. 11 - ATTORNEY GENERAL

Program No. 507 - Interpretation and Application of Law

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>GENERAL FUND</u>	-0-	118,555

<u>CASH FUND</u>	<u>-0-</u>	<u>60,000</u>
<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>178,555</u>
<u>SALARY LIMIT</u>	<u>-0-</u>	<u>92,000</u>

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

There is included in the appropriation to this program for FY2008-09 \$60,000 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.

Sec. 9. AGENCY NO. 12 - STATE TREASURER
Program No. 505 - Educational Savings Unit

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>CASH FUND</u>	<u>-0-</u>	<u>8,737</u>
<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>8,737</u>
<u>SALARY LIMIT</u>	<u>-0-</u>	<u>-0-</u>

Sec. 10. AGENCY NO. 12 - STATE TREASURER
Program No. 665 - Convention Center Facility Financing Assistance

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>CASH FUND</u>	<u>-0-</u>	<u>2,644,521</u>
<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>2,644,521</u>
<u>SALARY LIMIT</u>	<u>-0-</u>	<u>-0-</u>

There is included in the appropriation to this program from the Convention Center Support Fund for FY2008-09 \$2,644,521 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 \$1,133,366 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. 11. AGENCY NO. 13 - STATE DEPARTMENT OF EDUCATION
Program No. 25 - Education, Administration, and Support

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>SALARY LIMIT</u>	<u>-0-</u>	<u>96,810</u>

Sec. 12. AGENCY NO. 16 - DEPARTMENT OF REVENUE
Program No. 13 - Tax Commissioner

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>SALARY LIMIT</u>	<u>-0-</u>	<u>9,000</u>

Sec. 13. AGENCY NO. 23 - DEPARTMENT OF LABOR
Program No. 31 - Division of Employment

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>CASH FUND</u>	<u>-0-</u>	<u>1,300,000</u>
<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>1,300,000</u>
<u>SALARY LIMIT</u>	<u>-0-</u>	<u>-0-</u>

Sec. 14. AGENCY NO. 23 - DEPARTMENT OF LABOR
Program No. 194 - Division for Protection of People and Property

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

Sec. 15. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN SERVICES
Program No. 33 - Administration

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

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

Notwithstanding the provisions of Laws 2007, LB 321, section 100, the appropriations in this section shall be allocated by the chief executive officer of the Department of Health and Human Services according to the following budget program classifications for the purpose of program monitoring, accounting, and reporting:

- No. 261 - General Operations
- No. 262 - Public Health Administration
- No. 263 - Medicaid and Long-Term Care Administration
- No. 264 - Children and Family Services Administration
- No. 265 - Protection and Safety
- No. 266 - Economic and Family Support
- No. 267 - Developmental Disabilities Service Coordination
- No. 268 - Behavioral Health Administration
- No. 269 - Developmental Disabilities Administration

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

Program No. 38 - Behavioral Health Aid

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

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

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

Program No. 250 - Juvenile Services Operations

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>GENERAL FUND</u>	-0-	36,706
<u>PROGRAM TOTAL</u>	-0-	36,706
<u>SALARY LIMIT</u>	-0-	31,876

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

- No. 315 - Office of Juvenile Services
- No. 345 - Juvenile Community-Based Services
- No. 364 - Juvenile Parole Administration
- No. 371 - Youth Rehabilitation and Treatment Center-Geneva
- No. 374 - Youth Rehabilitation and Treatment Center-Kearney

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

Program No. 421 - Beatrice State Developmental Center

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>GENERAL FUND</u>	-0-	6,936,784
<u>PROGRAM TOTAL</u>	-0-	6,936,784
<u>SALARY LIMIT</u>	-0-	5,332,162

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

Program No. 519 - Veterans' Homes

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>GENERAL FUND</u>	-0-	111,102
<u>PROGRAM TOTAL</u>	-0-	111,102
<u>SALARY LIMIT</u>	-0-	96,484

Sec. 20. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN SERVICES - BEHAVIORAL HEALTH

Program No. 870 - Norfolk Sex Offender Treatment

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>GENERAL FUND</u>	-0-	27,952
<u>PROGRAM TOTAL</u>	-0-	27,952
<u>SALARY LIMIT</u>	-0-	24,274

Sec. 21. AGENCY NO. 30 - STATE ELECTRICAL BOARD
Program No. 197 - Public Protection

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>SALARY LIMIT</u>	-0-	6,323

Sec. 22. AGENCY NO. 31 - MILITARY DEPARTMENT
Program No. 192 - Governor's Emergency Aid

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>CASH FUND</u>	-0-	7,500,000
<u>PROGRAM TOTAL</u>	-0-	7,500,000

Sec. 23. AGENCY NO. 33 - GAME AND PARKS COMMISSION
Program No. 336 - Wildlife Conservation

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>SALARY LIMIT</u>	-0-	614,231

Sec. 24. AGENCY NO. 33 - GAME AND PARKS COMMISSION
Program No. 975 - Emergency Repairs to State Park System Areas

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>CASH FUND</u>	-0-	55,554
<u>PROGRAM TOTAL</u>	-0-	55,554

The Game and Parks Commission is hereby authorized to repair flood damage at the Champion Mill State Historical Park.

Sec. 25. AGENCY NO. 33 - GAME AND PARKS COMMISSION
Program No. 976 - Emergency Repairs to Fish and Wildlife Facilities

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>CASH FUND</u>	-0-	165,000
<u>PROGRAM TOTAL</u>	-0-	165,000

The Game and Parks Commission is hereby authorized to repair flood

damage at the Blue Bluffs Wildlife Management Area.

Sec. 26. AGENCY NO. 35 - NEBRASKA LIQUOR CONTROL COMMISSION
Program No. 73 - Licensing and Regulation

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>GENERAL FUND</u>	-0-	10,448
<u>CASH FUND</u>	-0-	-0-
<u>FEDERAL FUND est.</u>	-0-	-0-
<u>REVOLVING FUND</u>	-0-	-0-
<u>PROGRAM TOTAL</u>	-0-	10,448
<u>SALARY LIMIT</u>	-0-	9,075

This is a deficit request to cover the vacation and sick leave pay of a retiring employee.

Sec. 27. AGENCY NO. 41 - STATE REAL ESTATE COMMISSION
Program No. 77 - Enforcement of Standards - Real Estate

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>CASH FUND</u>	-0-	30,620
<u>PROGRAM TOTAL</u>	-0-	30,620
<u>SALARY LIMIT</u>	-0-	35,910

Sec. 28. AGENCY NO. 46 - DEPARTMENT OF CORRECTIONAL SERVICES
Program No. 200 - Operations

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>GENERAL FUND</u>	-0-	7,702,752
<u>PROGRAM TOTAL</u>	-0-	7,702,752
<u>SALARY LIMIT</u>	-0-	134,000

Sec. 29. AGENCY NO. 47 - NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION

Program No. 912 - KLNE HD RADIO

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>FEDERAL FUND est.</u>	-0-	66,260
<u>PROGRAM TOTAL</u>	-0-	66,260

The Nebraska Educational Telecommunications Commission is hereby authorized to add digital radio transmission capability at KLNE in Lexington, Nebraska.

Sec. 30. AGENCY NO. 47 - NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION

Program No. 917 - KHNE HD RADIO

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>CASH FUND</u>	-0-	80,000
<u>PROGRAM TOTAL</u>	-0-	80,000

The Nebraska Educational Telecommunications Commission is hereby authorized to add digital radio transmission capability at KHNE in Hastings, Nebraska.

Sec. 31. AGENCY NO. 47 - NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION

Program No. 925 - BEATRICE TRANSLATOR TOWER

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>FEDERAL FUND est.</u>	-0-	258,925
<u>PROGRAM TOTAL</u>	-0-	258,925

The Nebraska Educational Telecommunications Commission is hereby authorized to replace the television translator tower in Beatrice, Nebraska.

Sec. 32. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE SERVICES
Program No. 592 - Indemnification Claims

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>GENERAL FUND</u>	-0-	803,000
<u>PROGRAM TOTAL</u>	-0-	803,000
<u>SALARY LIMIT</u>	-0-	-0-

Sec. 33. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE SERVICES
Program No. 608 - Employee Relations Division

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>GENERAL FUND</u>	-0-	50,000
<u>PROGRAM TOTAL</u>	-0-	50,000
<u>SALARY LIMIT</u>	-0-	-0-

Sec. 34. AGENCY NO. 75 - NEBRASKA INVESTMENT COUNCIL
Program No. 610 - Investment Administration

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>CASH FUND</u>	-0-	481,000
<u>PROGRAM TOTAL</u>	-0-	481,000
<u>SALARY LIMIT</u>	-0-	-0-

Sec. 35. AGENCY NO. 77 - COMMISSION OF INDUSTRIAL RELATIONS
Program No. 490 - Commissioner Expenses

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>GENERAL FUND</u>	-0-	6,114
<u>PROGRAM TOTAL</u>	-0-	6,114
<u>SALARY LIMIT</u>	-0-	-0-

Sec. 36. AGENCY NO. 81 - COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

Program No. 357 - Blind and Visually Impaired

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>CASH FUND</u>	-0-	32,400
<u>PROGRAM TOTAL</u>	-0-	32,400
<u>SALARY LIMIT</u>	-0-	-0-

There is included in the appropriation to this program for FY2008-09 \$32,400 Cash Funds for state aid, which shall only be used for such purpose.

Sec. 37. AGENCY NO. 85 - PUBLIC EMPLOYEES RETIREMENT BOARD
Program No. 41 - Administration of Retirement Systems and Deferred Compensation

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>CASH FUND</u>	-0-	25,000
<u>PROGRAM TOTAL</u>	-0-	25,000
<u>SALARY LIMIT</u>	-0-	-0-

Sec. 38. AGENCY NO. 87 - NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

Program No. 94 - Nebraska Political Accountability

	<u>FY2007-08</u>	<u>FY2008-09</u>
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<u>GENERAL FUND</u>	-0-	12,321
<u>PROGRAM TOTAL</u>	-0-	12,321
<u>SALARY LIMIT</u>	-0-	13,821

Sec. 39. AGENCY NO. 92 - GRAIN SORGHUM DEVELOPMENT, UTILIZATION, AND MARKETING BOARD
Program No. 406 - Grain Sorghum Development

	<u>FY2007-08</u>	<u>FY2008-09</u>
<u>SALARY LIMIT</u>	-0-	3,140
Sec. 40. Laws 2007, LB 320, section 32, is amended to read:		
Sec. 32. <u>AGENCY NO. 50 - BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES</u> <u>Program No. 920 - Board Facilities Fee Fund Projects</u>		

	<u>FY2007-08</u>	<u>FY2008-09</u>	<u>FUTURE</u>
<u>NEBRASKA CAPITAL</u>			
<u>CONSTRUCTION FUND</u>	400,000	400,000	-0-
<u>REVOLVING FUND est.</u>	952,426	952,426	-0-
<u>PROGRAM TOTAL</u>	1,352,426	1,352,426	-0-
<u>NEBRASKA CAPITAL</u>			
<u>CONSTRUCTION FUND</u>	400,000	483,000	
<u>REVOLVING FUND est.</u>	952,426	952,426	
<u>PROGRAM TOTAL</u>	1,352,426	1,435,426	

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

Sec. 41. Laws 2007, LB 320, section 34, is amended to read:
 Sec. 34. AGENCY NO. 50 - BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES
Program No. 998 - Peru State College Library/Old Gym Renovation and Wayne State College Power Plant Construction

	<u>FY2007-08</u>	<u>FY2008-09</u>	<u>FUTURE</u>
<u>NEBRASKA CAPITAL</u>			
<u>CONSTRUCTION FUND</u>	2,009,360	2,009,360	-0-
<u>PROGRAM TOTAL</u>	2,009,360	2,009,360	-0-
<u>NEBRASKA CAPITAL</u>			
<u>CONSTRUCTION FUND</u>	2,009,360	1,926,360	-0-
<u>PROGRAM TOTAL</u>	2,009,360	1,926,360	-0-

The Legislature hereby acknowledges and reaffirms the directive made by Laws 1999, LB 878, section 33, which authorizes the Board of Trustees of the Nebraska State Colleges to design, renovate, and construct as is necessary to provide quality library stack, circulation, classroom, and office space in the combined and connected Library and Old Gym facilities on the Peru State College campus. The total project cost to be supported from state funds is estimated as \$6,630,419. Nonstate tax funds may be used to supplement the project.

The Board of Trustees of the Nebraska State Colleges is hereby authorized to design and construct a plant to produce steam and chilled water to meet heating and cooling requirements of the Wayne State College campus. Should it prove to be in the greater long-term financial interest

of the State of Nebraska and Wayne State College, the Board of Trustees is alternatively authorized to purchase and improve an existing steam and chilled water production facility to meet heating and cooling requirements of the Wayne State College campus. Prior to exercising its authority to undertake either alternative under provisions of this section, the Board of Trustees shall secure the approval of the Governor. The total project cost to be supported from state funds is estimated as \$3,803,877. Nonstate tax funds may be used to supplement the project.

The Board of Trustees may enter into long-term financing contracts with any person, firm, or corporation for purposes of the Peru State College Library/Old Gym Renovation and Addition project and the Wayne State College Power Plant Construction project. The payments of costs of the renovation may occur over a contract period not to extend beyond June 30, 2009. The Board of Trustees shall not pledge the credit of the State of Nebraska for the payment of any sum owing on account of such contracts, except that there may be pledged for payment of any such contracts any appropriations made by the Legislature for such purpose. No contracts shall be entered into pursuant to this section without prior approval by resolution of the Board of Trustees. The Board of Trustees may schedule contractual payments on a monthly, quarterly, or semiannual basis consistent with the state fiscal year. ~~On or before August 31, 2009, any funds appropriated from the State Building Fund and the Nebraska Capital Construction Fund for the projects held in the state treasury and held by any trustee which are not necessary to meet the terms of any long-term financing agreements entered into pursuant to this section shall be transferred to the General Fund.~~

Sec. 42. Laws 2007, LB 321, section 111, is amended to read:

Sec. 111. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN SERVICES - MEDICAID AND LONG-TERM CARE
 Program No. 348 - Medical Assistance

	FY2007-08	FY2008-09
GENERAL FUND	576,765,451	590,252,985
<u>GENERAL FUND</u>	<u>576,765,451</u>	<u>479,681,184</u>
CASH FUND	19,657,896	19,657,896
FEDERAL FUND est.	922,961,711	952,315,556
<u>FEDERAL FUND est.</u>	<u>922,961,711</u>	<u>948,804,759</u>
PROGRAM TOTAL	1,519,385,058	1,562,226,437
<u>PROGRAM TOTAL</u>	<u>1,519,385,058</u>	<u>1,448,143,839</u>

There is included in the appropriation to this program for FY2007-08 \$576,765,451 General Funds, \$19,657,896 Cash Funds, and \$922,961,711 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2008-09 ~~\$590,252,985~~ \$479,681,184 General Funds, \$19,657,896 Cash Funds, and ~~\$952,315,556~~ \$948,804,759 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the appropriation to this program for FY2007-08 \$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 FY2008-09 \$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.

There is included in the Federal Fund estimate \$64,840,697 for FY2008-09 to be received as authorized by ARRA, for Title 5, Federal Medicaid Assistance Participation rate.

Sec. 43. Laws 2007, LB 321, section 117, is amended to read:

Sec. 117. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN SERVICES -

CHILDREN AND FAMILY SERVICES
 Program No. 347 - Public Assistance

	FY2007-08	FY2008-09
GENERAL FUND	234,638,533	241,873,264
<u>GENERAL FUND</u>	<u>234,638,533</u>	<u>217,792,687</u>
CASH FUND	6,044,444	6,044,444
FEDERAL FUND est.	118,641,094	119,188,279
<u>FEDERAL FUND est.</u>	<u>118,641,094</u>	<u>120,368,732</u>
PROGRAM TOTAL	359,324,071	367,105,987
<u>PROGRAM TOTAL</u>	<u>359,324,071</u>	<u>344,205,863</u>

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

There is included in the appropriation to this program for FY2007-08 \$234,638,533 General Funds, \$6,044,444 Cash Funds, and \$118,641,094 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2008-09 ~~\$241,873,264~~ \$217,792,687 General Funds, \$6,044,444 Cash Funds, and ~~\$119,188,279~~ \$120,368,732 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the appropriation to this program for FY2007-08 \$810,000 Cash Funds from the Nebraska Health Care Cash Fund for state aid to aid in carrying out the Nebraska Lifespan Respite Services Program and to provide payment to caregivers to purchase services under the respite subsidy program. There is included in the appropriation to this program for FY2008-09 \$810,000 Cash Funds from the Nebraska Health Care Cash Fund for state aid to aid in carrying out the Nebraska Lifespan Respite Services Program and to provide payment to caregivers to purchase services under the respite subsidy program.

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

There is included in the Federal Fund estimate \$1,180,453 for FY2008-09 to be received as authorized by ARRA, for Title 5, Adoption Assistance and Foster Care.

Sec. 44. Laws 2008, LB 959, section 57, is amended to read:
 Sec. 57. AGENCY NO. 93 - TAX EQUALIZATION AND REVIEW COMMISSION
 Program No. 115 - Operations

	FY2007-08	FY2008-09
GENERAL FUND	0-	73,025
CASH FUND	11,884	70,000
PROGRAM TOTAL	11,884	143,025
SALARY LIMIT	1,011	30,000
<u>GENERAL FUND</u>	<u>0-</u>	<u>38,025</u>
<u>CASH FUND</u>	<u>11,884</u>	<u>35,000</u>
<u>PROGRAM TOTAL</u>	<u>11,884</u>	<u>73,025</u>
<u>SALARY LIMIT</u>	<u>1,011</u>	<u>15,000</u>

There is included in the appropriation to this program for FY2008-09 ~~\$73,025~~ \$38,025 General Funds and ~~\$70,000~~ \$30,000 Cash Funds for the Tax Equalization and Review Commission to contract for mediation of the purpose of

resolving valuation appeals, which shall only be used for such purpose.

Sec. 45. Laws 2008, LB 959, section 72, is amended to read:

Sec. 72. AGENCY NO. 16 - DEPARTMENT OF REVENUE

Program No. 108 - Homestead Exemption

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

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

Sec. 46. Laws 2008, LB 959, section 74, is amended to read:

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

Program No. 514 - Health Aid

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

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

There is included in the appropriation to this program \$530,420 General Funds for FY2007-08 and \$640,894 General Funds for FY2008-09, which shall only be used for the following purposes: Reimbursement for the provision of pap smears, colposcopy, cervical biopsy, cryotherapy, loop electrosurgical excision procedure (LEEP), and such other treatments and procedures as may be developed for the followup of abnormal pap smears; the diagnosis and treatment of sexually transmitted diseases, including, but not limited to, chlamydia, gonorrhea, HPV (genital warts), and herpes; and associated laboratory and equipment costs and staff training costs relating to the use of colposcopy equipment. None of the General Funds provided under this program shall be used to perform or facilitate the performance of abortion or to counsel or refer for abortion.

Sec. 47. Laws 2008, LB 959, section 76, is amended to read:

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

Program No. 365 - Mental Health Operations

	FY2007-08	FY2008-09
GENERAL FUND	32,185,734	37,366,082
<u>GENERAL FUND</u>	<u>32,185,734</u>	<u>33,966,313</u>
CASH FUND	3,569,762	3,569,762

FEDERAL FUND est.	7,865,530	7,865,530
PROGRAM TOTAL	43,621,026	48,801,374
<u>PROGRAM TOTAL</u>	<u>43,621,026</u>	<u>45,401,605</u>
SALARY LIMIT	28,276,752	28,939,254
<u>SALARY LIMIT</u>	<u>28,276,752</u>	<u>29,026,298</u>

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 FY2007-08 and FY2008-09 available appropriation balances as determined by the chief executive officer of the Department of Health and Human Services from the Department of Health and Human Services - Behavioral Health, Program 365, Mental Health Operations, to the Department of Health and Human Services, Program 33, Administration, and the Department of Health and Human Services - Behavioral Health, Program 38, Behavioral Health Aid.

Sec. 48. Laws 2008, LB 959, section 90, is amended to read:
 Sec. 90. AGENCY NO. 77 - COMMISSION OF INDUSTRIAL RELATIONS
 Program No. 531 - Administration

	FY2007-08	FY2008-09
GENERAL FUND	282,770	193,589
PROGRAM TOTAL	282,770	193,589
SALARY LIMIT	166,448	80,728
<u>GENERAL FUND</u>	<u>282,770</u>	<u>187,475</u>
<u>PROGRAM TOTAL</u>	<u>282,770</u>	<u>187,475</u>
<u>SALARY LIMIT</u>	<u>166,448</u>	<u>81,208</u>

Sec. 49. Laws 2008, LB 988A, section 1, is amended to read:
 Section 1. AGENCY NO. 13 - STATE DEPARTMENT OF EDUCATION
 Program No. 158 - Education Aid

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

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

There is included in the amount shown for FY2007-08 \$753,555,548 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 FY2008-09 ~~\$823,527,243~~ \$825,056,857 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 \$179,508,584 General Funds provided as state aid for FY2007-08 for special education reimbursement. There is included in the amount shown for this program \$184,893,842 General Funds provided as state aid for FY2008-09 for special education reimbursement.

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

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

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

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

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

There is included in the amount shown for this program \$2,336,921 General Funds provided as state aid for FY2007-08 and \$2,336,921 General Funds provided as state aid for FY2008-09 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 FY2007-08 and \$271,378 General Funds provided as state aid for FY2008-09 for the school breakfast program.

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

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

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

The unexpended appropriation balance of the \$2,000,000 Cash Funds appropriated from the School District Reorganization Fund for base year reorganization incentives existing on June 30, 2007, is hereby reappropriated.

On or before October 1 of each year, the Department of Health and Human Services 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 FY2007-08 and FY2008-09 to the Department of Health and Human Services 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.

It is the intent of the Legislature that the changes made by Legislative Bill Laws 2008, LB 959, section 69, to Laws 2007, LB321, section 49, are null and void and are superseded by the changes made by this legislative bill.

Sec. 50. 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 of the Legislature 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 FY2008-09 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 FY2008-09 shall be increased by certified encumbrance amounts from FY2007-08 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. 51. Original Laws 2007, LB 320, sections 32 and 34, Laws 2007, LB 321, sections 111 and 117, Laws 2008, LB 959, sections 57, 72, 74, 76, and 90, and Laws 2008, LB 988A, section 1, are repealed.

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