

LEGISLATIVE BILL 545A

Approved by the Governor May 19, 2009

Introduced by Adams, 24.

FOR AN ACT relating to appropriations; to amend section 49, Legislative Bill 315, One Hundred First Legislature, First Session, 2009; to appropriate funds to aid in carrying out the provisions of Legislative Bill 545, One Hundred First Legislature, First Session, 2009; to change appropriations; to provide an operative date; to repeal the original section; and to declare an emergency.

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

Section 1. Section 49, Legislative Bill 315, One Hundred First Legislature, First Session, 2009, is amended to read:

Sec. 49. AGENCY NO. 13 - STATE DEPARTMENT OF EDUCATION
 Program No. 158 - Education Aid

	FY2009-10	FY2010-11
GENERAL FUND	1,035,897,500	1,036,675,660
<u>GENERAL FUND</u>	<u>1,034,708,390</u>	<u>1,035,716,478</u>
CASH FUND	3,290,938	3,290,938
FEDERAL FUND est.	364,083,935	440,776,314
PROGRAM TOTAL	1,403,272,373	1,480,742,912
<u>FEDERAL FUND est.</u>	<u>373,683,935</u>	<u>431,176,314</u>
<u>PROGRAM TOTAL</u>	<u>1,411,683,263</u>	<u>1,470,183,730</u>

There is included in the appropriation to this program for FY2009-10 ~~\$1,035,897,500~~ \$1,034,708,390 General Funds, \$3,290,938 Cash Funds, and ~~\$364,083,935~~ \$373,683,935 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2010-11 ~~\$1,036,675,660~~ \$1,035,716,478 General Funds, \$3,290,938 Cash Funds, and ~~\$440,776,314~~ \$431,176,314 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the amount shown for FY2009-10 ~~\$826,149,269~~ \$824,960,159 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 FY2010-11 ~~\$826,887,980~~ \$825,928,798 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 FY2009-10 ~~\$84,068,750~~ \$93,668,750 Federal Funds estimate pursuant to the American Recovery and Reinvestment Act of 2009 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 FY2010-11 ~~\$149,887,176~~ \$140,287,176 Federal Funds estimate pursuant to the American Recovery and Reinvestment Act of 2009 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 \$184,893,842 General Funds provided as state aid for FY2009-10 for special education reimbursement. There is included in the amount shown for this program \$184,893,842 General Funds provided as state aid for FY2010-11 for special education reimbursement.

There is included in the amount shown for this program \$500,000 General Funds provided as state aid for FY2009-10 and \$500,000 General Funds provided as state aid for FY2010-11 to carry out the provisions of subsection (2) of section 79-734.

There is included in the amount shown for this program \$3,615,426

General Funds provided as state aid for FY2009-10 and \$3,615,426 General Funds provided as state aid for FY2010-11 for early childhood education projects.

There is included in the amount shown for this program \$11,858,793 General Funds provided as state aid for FY2009-10 and \$11,858,793 General Funds provided as state aid for FY2010-11 for core services for educational service units.

There is included in the amount shown for this program \$3,700,477 General Funds provided as state aid for FY2009-10 and \$3,700,477 General Funds provided as state aid for FY2010-11 for technology infrastructure for educational service units.

There is included in the amount shown for this program \$328,300 General Funds provided as state aid for FY2009-10 and \$328,300 General Funds provided as state aid for FY2010-11 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 FY2009-10 and \$2,336,921 General Funds provided as state aid for FY2010-11 for programs for learners with high ability.

There is included in the amount shown for this program \$412,811 General Funds provided as state aid for FY2009-10 and \$427,260 General Funds provided as state aid for FY2010-11 for the school breakfast program.

There is included in the amount shown for this program \$421,087 General Funds provided as state aid for FY2009-10 and \$421,087 General Funds provided as state aid for FY2010-11 for the school lunch program.

There is included in the amount shown for this program \$230,574 General Funds provided as state aid for FY2009-10 and \$230,574 General Funds provided as state aid for FY2010-11 for adult basic education programs.

There is included in the amount shown for this program \$450,000 General Funds provided as state aid for FY2009-10 and \$450,000 General Funds provided as state aid for FY2010-11 for the Career Education Partnership Act.

There is included in the amount shown for this program \$1,000,000 General Funds provided as state aid for FY2009-10 and \$1,025,000 General Funds provided as state aid for FY2010-11 for learning community aid.

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 FY2009-10 and FY2010-11 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.

Notwithstanding other provisions of this act, all appropriations within this program existing on June 30, 2009, in excess of expended or encumbered amounts are hereby lapsed.

Sec. 2. This act becomes operative on July 1, 2009.

Sec. 3. Original section 49, Legislative Bill 315, One Hundred First Legislature, First Session, 2009, is repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.