

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 373**

Final Reading

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

Read first time January 13, 2011

Committee: Appropriations

A BILL

1 FOR AN ACT relating to appropriations; to amend Laws 2009, LB 314,  
2 section 31; Laws 2009, LB 315, section 216; Laws 2009, LB  
3 603A, sections 1 and 2; Laws 2009, First Special Session,  
4 LB 1, sections 14, 91, 96, 100, 101, 103, 122, and 217;  
5 Laws 2010, LB 935, sections 11, 19, 43, 45, 46, 64, 99,  
6 106, 107, 108, 111, and 112; and section 90-519, Revised  
7 Statutes Cumulative Supplement, 2010; to define terms; to  
8 provide, change, and eliminate provisions relating to  
9 appropriations; to reduce appropriations; to state  
10 intent; to provide for transfer of funds; to repeal the  
11 original sections; and to declare an emergency.

12 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 Second Legislature, First or Second  
4 Session, which appropriates funds, FY2009-10 means the period July 1,  
5 2009, through June 30, 2010; and FY2010-11 means the period July 1,  
6 2010, through June 30, 2011.

7           Sec. 2. APPROPRIATION LANGUAGE.

8           There are hereby appropriated, for FY2009-10 and  
9 FY2010-11, the sums set forth in this act to each agency for each  
10 program from the respective funds for the general operations of state  
11 government, postsecondary education, and state aid, except as  
12 otherwise appropriated.

13           Sec. 3. UNEXPENDED BALANCES AND CERTIFIED ENCUMBRANCES.

14           All General Fund appropriations existing on June 30,  
15 2009, in excess of expended and certified encumbrance amounts are  
16 hereby lapsed unless otherwise provided. All Cash Fund and Revolving  
17 Fund appropriations existing on June 30, 2009, in excess of expended  
18 and certified encumbrance amounts are hereby lapsed unless otherwise  
19 expressly provided. All certified encumbrance amounts on June 30,  
20 2009, and June 30, 2010, are hereby reappropriated for FY2009-10 and  
21 FY2010-11, respectively, which amounts shall be in addition to the  
22 amounts shown in this act.

23           Sec. 4. REAPPROPRIATION OF BALANCES, FY2009-10 to  
24 FY2010-11.

25           In addition to the appropriations set forth in this act,

1 there are hereby reappropriated all unexpended appropriation balances  
 2 existing on June 30, 2010, for FY2010-11 to the respective agencies,  
 3 programs, and funds listed in this act, except for budget programs  
 4 contained in Laws 2009, LB 313, or as otherwise provided in this act.

5 Sec. 5. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

6 The definitions contained in the Nebraska Accounting  
 7 System Manual, and any amendments thereto, on file with the Clerk of  
 8 the Legislature are hereby adopted by the Legislature as the  
 9 definitions for this act, except as provided in section 34 of this  
 10 act.

11 Sec. 6. DRAWING AND PAYING WARRANTS.

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

17 Sec. 7. AGENCY NO. 12 - STATE TREASURER

18 Program No. 665 - Convention Center Facility Financing  
 19 Assistance

	<u>FY2009-10</u>	<u>FY2010-11</u>
20		
21	<u>CASH FUND</u>	<u>-0-</u>
		<u>2,396,299</u>
22	<u>PROGRAM TOTAL</u>	<u>-0-</u>
		<u>2,396,299</u>
23	<u>SALARY LIMIT</u>	<u>-0-</u>
		<u>-0-</u>

24 There is included in the appropriation to this program  
 25 from the Convention Center Support Fund for FY2010-11 \$2,396,299 Cash

1 Funds, which shall only be disbursed to a city of the metropolitan  
 2 class for which an application for state assistance has been approved  
 3 under the Convention Center Facility Financing Assistance Act.

4 The State Treasurer shall transfer \$1,026,985 from the  
 5 Convention Center Support Fund to the Local Civic, Cultural, and  
 6 Convention Center Financing Fund within five days after the effective  
 7 date of this act.

8 Sec. 8. AGENCY NO. 16 - DEPARTMENT OF REVENUE

9 Program No. 108 - Homestead Exemption

	<u>FY2009-10</u>	<u>FY2010-11</u>
11 <u>GENERAL FUND</u>	<u>-0-</u>	<u>3,800,000</u>
12 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>3,800,000</u>
13 <u>SALARY LIMIT</u>	<u>-0-</u>	<u>-0-</u>

14 There is included in the appropriation to this program  
 15 for FY2010-11 \$3,800,000 General Funds for state aid, which shall  
 16 only be used for such purpose.

17 Sec. 9. Laws 2009, LB 314, section 31, is amended to  
 18 read:

19 Sec. 31. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE  
 20 SERVICES

21 Program No. 901 - State Capitol Improvements

	<u>FY2009-10</u>	<u>FY2010-11</u>	<u>FUTURE</u>
23 <u>NEBRASKA CAPITAL</u>	<u>1,000,000</u>	<u>1,000,000</u>	<u>-0-</u>
24 <u>CONSTRUCTION FUND</u>			

1 PROGRAM TOTAL 1,000,000 1,000,000 -0-

2 The unexpended Nebraska Capital Construction Fund  
 3 appropriation balance existing on June 30, 2010, less \$682,985, is  
 4 hereby reappropriated.

5 The State Capitol Administrator is hereby authorized to  
 6 undertake projects identified within the Master Plan for the  
 7 Conservation and Restoration of the Nebraska State Capitol. Prior to  
 8 expending any amounts appropriated in this section, the State Capitol  
 9 Administrator shall identify projects planned to be undertaken with  
 10 such amounts and shall submit such plans to the Nebraska Capitol  
 11 Commission for approval. There is included in the appropriation to  
 12 this program \$1,000,000 for FY2009-10 and \$1,000,000 for FY2010-11  
 13 from the Nebraska Capital Construction Fund for such purpose. Of the  
 14 amount appropriated for FY2009-10, not less than \$150,000 shall be  
 15 allocated for conservation and restoration of Capitol space occupied  
 16 by the Legislature. Of the amount appropriated for FY2010-11, not  
 17 less than \$150,000 shall be allocated for conservation and  
 18 restoration of Capitol space occupied by the Legislature.

19 Sec. 10. Laws 2009, LB 315, section 216, is amended to  
 20 read:

21 Sec. 216. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE  
 22 SERVICES

23 Program No. 591 - Tort Claims

24		FY2009-10	FY2010-11
25	GENERAL FUND	210,000	210,000

1	<del>CASH FUND</del>	50,000	50,000
2	<del>PROGRAM TOTAL</del>	260,000	260,000
3	<u>CASH FUND</u>	50,000	<u>143,433</u>
4	<u>PROGRAM TOTAL</u>	<u>260,000</u>	<u>353,433</u>
5	SALARY LIMIT	-0-	-0-

6 (1) The following amounts are hereby transferred to the  
7 Tort Claims Fund from the respective agency fund balances:

- 8 (a) \$198 from the Department of Motor Vehicles;  
9 (b) \$15,048 from the Department of Roads;  
10 (c) \$4,884 from the Game and Parks Commission; and  
11 (d) \$254 from the Department of Administrative Services  
12 state building division.

13 Such sums shall be transferred to the risk management and  
14 state claims division no later than August 1, 2009, or in four equal  
15 payments on August 1, October 1, January 1, and April 1, at the  
16 discretion of the Risk Manager.

17 (2) The following amounts are hereby transferred to the  
18 Tort Claims Fund from the respective agency fund balances:

- 19 (a) ~~\$198~~ \$1,107 from the Department of Motor Vehicles;  
20 (b) ~~\$15,048~~ \$158,728 from the Department of Roads;  
21 (c) ~~\$4,884~~ \$3,418 from the Game and Parks Commission; and  
22 (d) ~~\$254~~ \$288 from the Department of Administrative  
23 Services state building division.

24 Such sums shall be transferred to the risk management and

1 state claims division ~~no later than August 1, 2010, or in four equal~~  
2 ~~payments on August 1, October 1, January 1, and April 1,~~ at the  
3 discretion of the Risk Manager.

4 It is the intent of the Legislature that transfers  
5 specified in this section for FY2010-11 be adjusted by the One  
6 Hundred First Legislature, Second Session, 2010, in accordance with  
7 information available after July 1, 2009.

8 The unexpended cash fund balance existing on June 30,  
9 2011, is hereby reappropriated into the 2011-13 biennium.

10 Sec. 11. Laws 2009, LB 603A, section 1, is amended to  
11 read:

12 Section 1. There is hereby appropriated (1) \$1,386,548  
13 from the General Fund and \$296,548 from federal funds for FY2009-10  
14 and (2) ~~\$2,251,029~~ \$1,941,029 from the General Fund and \$374,002 from  
15 federal funds for FY2010-11 to the Department of Health and Human  
16 Services, for Program 33, to aid in carrying out the provisions of  
17 Legislative Bill 603, One Hundred First Legislature, First Session,  
18 2009.

19 Total expenditures for permanent and temporary salaries  
20 and per diems from funds appropriated in this section shall not  
21 exceed \$416,659 for FY2009-10 or \$556,012 for FY2010-11.

22 Sec. 12. Laws 2009, LB 603A, section 2, is amended to  
23 read:

24 Sec. 2. There is hereby appropriated (1) \$1,111,984 from  
25 the General Fund for FY2009-10 and (2) ~~\$2,056,047~~ \$1,866,047 from the

1 General Fund for FY2010-11 to the Department of Health and Human  
2 Services, for Program 38, to aid in carrying out the provisions of  
3 Legislative Bill 603, One Hundred First Legislature, First Session,  
4 2009.

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

8 Sec. 13. Laws 2009, First Special Session, LB 1, section  
9 14, is amended to read:

10 Sec. 14. AGENCY NO. 3 - LEGISLATIVE COUNCIL

11 ~~Program No. 85 - Legislative Council Operations~~

12 The Department of Administrative Services shall monitor  
13 the appropriations and expenditures for this ~~program~~agency for  
14 FY2009-10 and FY2010-11 according to the following program  
15 classifications:

16 No. 122 - Legislative Services

17 No. 123 - Clerk of the Legislature

18 No. 126 - Legislative Research

19 No. 127 - Revisor of Statutes

20 No. 129 - Legislative Audit

21 No. 501 - Intergovernmental Cooperation

22 No. 504 - Office of Public Counsel

23 No. 638 - Fiscal and Program Analysis Office

24 ~~The Executive Board of the Legislative Council~~budget  
25 administrator of the budget division of the Department of



1 Administrative Services shall have the authority to transfer  
 2 appropriations and salary limits among the above-listed program  
 3 classifications as directed by the Executive Board of the Legislative  
 4 Council.

5           Sec. 14. Laws 2009, First Special Session, LB 1, section  
 6 91, is amended to read:

7           Sec. 91. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
 8 SERVICES

9           Program No. 38 - Behavioral Health Aid

	FY2009-10	FY2010-11
10		
11 GENERAL FUND	74,091,067	74,537,011
12 CASH FUND	14,582,280	14,582,280
13 FEDERAL FUND est.	10,504,971	10,504,971
14 PROGRAM TOTAL	99,178,318	99,624,262

15           There is included in the appropriation to this program  
 16 for FY2009-10 \$74,091,067 General Funds, \$14,582,280 Cash Funds, and  
 17 \$10,504,971 Federal Funds estimate for state aid, which shall only be  
 18 used for such purpose. There is included in the appropriation to this  
 19 program for FY2010-11 \$74,537,011 General Funds, \$14,582,280 Cash  
 20 Funds, and \$10,504,971 Federal Funds estimate for state aid, which  
 21 shall only be used for such purpose.

22           There is included in the amount shown as General Fund aid  
 23 in this program \$1,318,061 General Funds for FY2009-10 and \$1,764,005  
 24 General Funds for FY2010-11 for an increase in rates paid to

1 providers of mental health and substance abuse services, which funds  
2 shall only be used for such purpose.

3           There is included in the amount shown as Cash Fund aid in  
4 this program \$6,500,000 Cash Funds for FY2009-10 and \$6,500,000 Cash  
5 Funds for FY2010-11 from the Nebraska Health Care Cash Fund to be  
6 used for community-based mental health and substance abuse services,  
7 including intermediate-level residential mental health services. It  
8 is the intent of the Legislature that these funds shall be  
9 distributed to each of the six behavioral health regions based upon a  
10 formula determined by the Department of Health and Human Services.

11           There is included in the amount shown as Cash Fund aid in  
12 this program \$2,599,660 Cash Funds for FY2009-10 and \$2,599,660 Cash  
13 Funds for FY2010-11 from the Nebraska Health Care Cash Fund to be  
14 used for rates paid to providers of mental health and substance abuse  
15 services.

16           There is included in the amount shown as Cash Fund aid in  
17 this program \$1,500,000 Cash Funds for FY2009-10 and \$1,500,000 Cash  
18 Funds for FY2010-11 from the Nebraska Health Care Cash Fund to be  
19 used for the cost of maintenance and treatment of persons in  
20 emergency protective custody under the Nebraska Mental Health  
21 Commitment Act.

22           There is included in the amount shown as Cash Fund aid in  
23 this program \$225,000 Cash Funds for FY2009-10 and \$225,000 Cash  
24 Funds for FY2010-11 from the Nebraska Health Care Cash Fund to be  
25 used for compulsive gamblers assistance programs.

1           The unexpended General Fund appropriation balance  
2 existing on June 30, 2009, less \$4,767,970, is hereby reappropriated.

3           The unexpended General Fund appropriation balance  
4 existing on June 30, 2010, less \$6,860,778, is hereby reappropriated.

5           Sec. 15. Laws 2009, First Special Session, LB 1, section  
6 96, is amended to read:

7           Sec. 96. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
8 SERVICES

9           Program No. 344 - Children's Health Insurance

	FY2009-10	FY2010-11
10		
11 GENERAL FUND	6,937,592	8,553,462
12 CASH FUND est.	5,000,000	5,000,000
13 FEDERAL FUND est.	35,096,231	36,044,236
14 PROGRAM TOTAL	47,033,823	49,597,698

15           There is included in the appropriation to this program  
16 for FY2009-10 \$6,937,592 General Funds, \$5,000,000 Cash Funds  
17 estimate, and \$35,096,231 Federal Funds estimate for state aid, which  
18 shall only be used for such purpose. There is included in the  
19 appropriation to this program for FY2010-11 \$8,553,462 General Funds,  
20 \$5,000,000 Cash Funds estimate, and \$36,044,236 Federal Funds  
21 estimate for state aid, which shall only be used for such purpose.

22           There is included in the appropriation to this program  
23 for FY2009-10 \$5,000,000 Cash Funds for state aid from the Nebraska  
24 Health Care Cash Fund. There is included in the appropriation to this

1 program for FY2010-11 \$5,000,000 Cash Funds for state aid from the  
 2 Nebraska Health Care Cash Fund.

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

7 The unexpended General Fund appropriation balance  
 8 existing on June 30, 2009, less \$656,914, is hereby reappropriated.

9 The unexpended General Fund appropriation balance  
 10 existing on June 30, 2010, less \$3,930,320, is hereby reappropriated.

11 Sec. 16. Laws 2009, First Special Session, LB 1, section  
 12 100, is amended to read:

13 Sec. 100. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
 14 SERVICES

15 Program No. 422 - Beatrice State Developmental Center  
 16 Contingency Fund

	FY2009-10	FY2010-11
17		
18	<del>15,000,000</del>	24,477,558
19	<del>PROGRAM TOTAL</del>	24,477,558
20	<u>15,000,000</u>	<u>22,477,558</u>
21	<u>PROGRAM TOTAL</u>	<u>22,477,558</u>

22 There is included in the appropriation to this program  
 23 for FY2009-10 \$15,000,000 General Funds and for FY2010-11 ~~\$24,477,558~~  
 24 \$22,477,558 General Funds to be used solely to supplant federal funds

1 lost due to federal action to decertify the participation of the  
 2 Beatrice State Developmental Center in the medical assistance  
 3 program.

4           No expenditures shall be made from this program. The  
 5 chief executive officer of the Department of Health and Human  
 6 Services, or his or her designee, shall certify to the budget  
 7 administrator of the budget division of the Department of  
 8 Administrative Services for FY2009-10 and FY2010-11 the amounts  
 9 necessary to supplant federal funds not available to operate the  
 10 Beatrice State Developmental Center due to federal decertification of  
 11 the Beatrice State Developmental Center from participation in the  
 12 medical assistance program. The budget administrator shall  
 13 administratively transfer during FY2009-10 and FY2010-11 available  
 14 appropriation balances as certified by the chief executive officer of  
 15 the Department of Health and Human Services, or his or her designee,  
 16 from appropriations contained in this section to the Beatrice State  
 17 Developmental Center, Program 421.

18           Sec. 17. Laws 2009, First Special Session, LB 1, section  
 19 101, is amended to read:

20           Sec. 101. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
 21 SERVICES

22           Program No. 424 - Developmental Disability Aid

	FY2009-10	FY2010-11
23		
24 GENERAL FUND	83,269,149	90,573,431
25 CASH FUND	6,112,000	6,112,000

1       PROGRAM TOTAL                               89,381,149                       96,685,431

2                       There is included in the appropriation to this program  
3 for FY2009-10 \$83,269,149 General Funds and \$6,112,000 Cash Funds for  
4 state aid, which shall only be used for such purpose. There is  
5 included in the appropriation to this program for FY2010-11  
6 \$90,573,431 General Funds and \$6,112,000 Cash Funds for state aid,  
7 which shall only be used for such purpose.

8                       There is included in the amount shown as General Fund aid  
9 in this program for FY2009-10 \$1,844,913 General Funds and for  
10 FY2010-11 \$2,601,327 General Funds for an increase in rates paid to  
11 providers of developmental disability services, which funds shall  
12 only be used for such purpose.

13                      There is included in the amount shown as Cash Fund aid in  
14 this program for FY2009-10 \$5,000,000 Cash Funds and for FY2010-11  
15 \$5,000,000 Cash Funds from the Nebraska Health Care Cash Fund to be  
16 used for services for persons with developmental disabilities (1) who  
17 were on the waiting list for such services prior to July 1, 2001, and  
18 began receiving such services on and after such date and (2) who are  
19 on the waiting list for such services on and after July 1, 2009,  
20 beginning with those who have been on the waiting list for the  
21 greatest length of time past their date of need.

22                      There is included in the appropriation to this program  
23 for FY2009-10 a total of \$4,697,920 General Funds to be used for  
24 services for persons with developmental disabilities who are on the  
25 waiting list for such services beginning with those who have been on

1 the waiting list for the greatest length of time past their date of  
2 need. Two-thirds of such funds, or \$3,131,947 General Funds, shall be  
3 provided for services to persons waiting the longest past their date  
4 of need. One-third of such funds, or \$1,565,973 General Funds, shall  
5 be provided to persons waiting the longest for services past their  
6 date of need who opt for supported services.

7           There is included in the appropriation to this program  
8 for FY2010-11 a total of \$10,525,788 General Funds to be used for  
9 services for persons with developmental disabilities who are on the  
10 waiting list for such services beginning with those who have been on  
11 the waiting list for the greatest length of time past their date of  
12 need. Two-thirds of such funds, or \$7,020,700 General Funds, shall be  
13 provided for services to persons waiting the longest past their date  
14 of need. One-third of such funds, or \$3,505,088 General Funds, shall  
15 be provided to persons waiting the longest for services past their  
16 date of need who opt for supported services.

17           It is the intent of the Legislature that the Department  
18 of Health and Human Services shall provide a quarterly report to the  
19 Legislature regarding the usage of General Funds and Federal Funds  
20 for the waiting list. The initial quarterly report shall be submitted  
21 within two weeks after the quarter ending on September 30, 2009.  
22 Subsequent reports shall be submitted for the ensuing quarters,  
23 within two weeks after the end of each quarter, for FY2009-10 and  
24 FY2010-11. The reports shall include, but not be limited to, the  
25 number of persons offered services, the type of service offered and

1 the cost of such services, the number of persons accepting services,  
 2 the services accepted, the cost of each type of service accepted in  
 3 each fiscal year, and ongoing annual expenditures for such services.

4 The unexpended General Fund appropriation balance  
 5 existing on June 30, 2010, less \$6,774,348, is hereby reappropriated.

6 Sec. 18. Laws 2009, First Special Session, LB 1, section  
 7 103, is amended to read:

8 Sec. 103. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
 9 SERVICES

10 Program No. 514 - Health Aid

	FY2009-10	FY2010-11
11 GENERAL FUND	4,786,648	4,807,372
12 CASH FUND	10,555,484	11,295,817
13 FEDERAL FUND est.	35,381,001	36,011,715
14 PROGRAM TOTAL	50,723,133	52,114,904

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

19 There is included in the appropriation to this program  
 20 for FY2009-10 \$4,786,648 General Funds, \$10,555,484 Cash Funds, and  
 21 \$35,381,001 Federal Funds estimate for state aid, which shall only be  
 22 used for such purpose. There is included in the appropriation to this  
 23 program for FY2010-11 \$4,807,372 General Funds, \$11,295,817 Cash  
 24 Funds, and \$36,011,715 Federal Funds estimate for state aid, which



1 shall only be used for such purpose.

2           There is included in the appropriation to this program  
3 \$650,507 General Funds for FY2009-10 and \$653,759 General Funds for  
4 FY2010-11, which shall only be used for the following purposes:  
5 Reimbursement for the provision of pap smears, colposcopy, cervical  
6 biopsy, cryotherapy, loop electrosurgical excision procedure (LEEP),  
7 and such other treatments and procedures as may be developed for the  
8 followup of abnormal pap smears; the diagnosis and treatment of  
9 sexually transmitted diseases, including, but not limited to,  
10 chlamydia, gonorrhoea, HPV (genital warts), and herpes; and associated  
11 laboratory and equipment costs and staff training costs relating to  
12 the use of colposcopy equipment. None of the General Funds provided  
13 under this program shall be used to perform or facilitate the  
14 performance of abortion or to counsel or refer for abortion.

15           The unexpended General Fund appropriation balance  
16 existing on June 30, 2010, less \$568,612, is hereby reappropriated.

17           Sec. 19. Laws 2009, First Special Session, LB 1, section  
18 122, is amended to read:

19           Sec. 122. AGENCY NO. 31 – MILITARY DEPARTMENT

20           Program No. 192 - Governor's Emergency Aid

	FY2009-10	FY2010-11
21		
22	<del>1,000,000</del>	500,000
23	<u>1,000,000</u>	<u>11,360,000</u>
24	FEDERAL FUND est. 4,500,000	4,500,000

1	<del>PROGRAM TOTAL</del>	5,500,000	5,000,000
2	<u>PROGRAM TOTAL</u>	<u>5,500,000</u>	<u>15,860,000</u>

3           There is no salary limitation for this program.  
 4           The unexpended General Fund and Cash Fund appropriation  
 5 balances existing on June 30, 2009, are hereby reappropriated.

6           There is included in the appropriation to this program  
 7 for FY2009-10 \$1,000,000 General Funds, \$4,500,000 Federal Funds  
 8 estimate, plus any reappropriated amount, for state aid. There is  
 9 included in the appropriation to this program for FY2010-11 ~~\$500,000~~  
 10 \$11,360,000 General Funds and \$4,500,000 Federal Funds estimate for  
 11 state aid.

12           Expenditures from this program shall not be restricted to  
 13 state aid if other expenditures are necessary to fulfill the goals of  
 14 the Governor's Emergency Aid Program.

15           Sec. 20. Laws 2009, First Special Session, LB 1, section  
 16 217, is amended to read:

17           Sec. 217. AGENCY NO. 85 - PUBLIC EMPLOYEES RETIREMENT  
 18 BOARD

19           Program No. 41 - Administration of Retirement Systems and  
 20 Deferred Compensation

21		FY2009-10	FY2010-11
22	<del>CASH FUND</del>	6,588,724	5,062,805
23	<del>PROGRAM TOTAL</del>	6,588,724	5,062,805
24	<u>GENERAL FUND</u>	<u>-0-</u>	<u>10,000</u>

1	<u>CASH FUND</u>	<u>6,588,724</u>	<u>5,125,305</u>
2	<u>PROGRAM TOTAL</u>	<u>6,588,724</u>	<u>5,135,305</u>
3	SALARY LIMIT	1,988,673	2,036,163

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

7                   The unexpended Cash Fund appropriation balance existing  
 8 on June 30, 2009, less \$1,447,458, is hereby reappropriated.

9                   An additional \$10,000 General Funds and \$62,500 Cash  
 10 Funds are provided for FY2010-11 for base-line projections and  
 11 actuarial analysis associated with the state patrol and school  
 12 employee retirement plans.

13                   Sec. 21. Laws 2010, LB 935, section 11, is amended to  
 14 read:

15                   Sec. 11. AGENCY NO. 12 - STATE TREASURER  
 16                   Program No. 12 - Salary - State Treasurer

	FY2009-10	FY2010-11
17		
18	<del>CASH FUND</del>	<del>2,000</del>
19	<del>PROGRAM TOTAL</del>	<del>2,000</del>
20	<u>CASH FUND</u>	<u>2,000</u>
21	<u>PROGRAM TOTAL</u>	<u>2,000</u>
22	SALARY LIMIT	-0-

23                   Sec. 22. Laws 2010, LB 935, section 19, is amended to  
 24 read:

1           Sec. 19. There is hereby appropriated, unless otherwise  
2 specified, for FY2009-10 and for FY2010-11 from undisbursed balances  
3 existing on June 30, 2009, and on June 30, 2010, respectively, to  
4 each agency for each program from the respective funds for capital  
5 construction as follows:

6           (1) Agency No. 25 - Department of Health and Human  
7 Services

8           Program Nos. 906, 922, 923, 924, and 931.

9           (2) Agency No. 27 - Department of Roads

10           Program No. 901, except that the unobligated biennium  
11 appropriation balance shall lapse once all projects funded in that  
12 biennium are completed, postponed to a future biennium, or  
13 indefinitely postponed.

14           (3) Agency No. 28 - Department of Veterans' Affairs

15           Program No. 937 - Alliance State Veterans' Cemetery.

16           (4) Agency No. 31 - Military Department

17           Program Nos. 905, 906, 910, and 925.

18           (5) Agency No. 33 - Game and Parks Commission

19           Program Nos. 900, 901, 902, 919, 924, 960, 966, 967, 968,  
20 969, 971, 972, 973, 975, 976, 977, 979, and 981, except that for  
21 FY2009-10 only the undisbursed balances existing on June 30, 2009,  
22 for the following programs and projects shall be reappropriated and  
23 all other unobligated June 30, 2009, balances shall lapse:

24           Program No. 900 - State Park System Facility Improvements  
25 and Motor Boat Access Facilities, less \$579,018 of unobligated Cash

1 Fund and \$20,613 of unobligated Federal Fund appropriation authority  
2           Program No. 901 - State Parks Facilities Deferred  
3 Maintenance, less \$102,322 of unobligated Cash Fund appropriation  
4 authority  
5           Program No. 902 - Trail Development Assistance, less  
6 \$1,433 of unobligated Cash Fund appropriation authority  
7           Program No. 919 - Political Subdivisions Aid  
8           Program No. 924 - Wildlife Land Acquisition and  
9 Improvements  
10           Program No. 960 - Park and Recreation Land Acquisition,  
11 including the purchase of land for a new maintenance facility to  
12 replace the facility located at 30th and Y Streets in Lincoln, less  
13 \$266,731 of unobligated Cash Fund appropriation authority  
14           Program No. 966 - Trail Development  
15           Program No. 967 - Improvements to State Parks, less  
16 \$217,431 of unobligated Cash Fund appropriation authority  
17           Program No. 968 - State Historical Parks, less \$160,810  
18 of unobligated Cash Fund appropriation authority  
19           Program No. 969 - Improvements to State Recreation Areas,  
20 less \$204,690 of unobligated Cash Fund appropriation authority  
21           Program No. 971 - Improvements to Special Use Areas  
22 (Wildlife Management Areas), less \$257,529 of unobligated Cash Fund  
23 appropriation authority  
24           Program No. 972 - Improvements to Administrative  
25 Facilities, less \$328,414 of unobligated Cash Fund appropriation

1 authority

2 Program No. 973 - Improvements to Fish Production  
3 Facilities, less \$462,097 of unobligated Cash Fund appropriation  
4 authority

5 Program No. 975 - Emergency Repairs to State Park System  
6 Areas, less \$25,000 of unobligated Cash Fund appropriation authority

7 Program No. 976 - Emergency Repairs to Fish and Wildlife  
8 Facilities

9 Program No. 977 - Nongame and Endangered Species Land  
10 Acquisition and Development

11 Program No. 979 - Cowboy Trail - Emergency Repairs and  
12 Deferred Maintenance, provided that deferred repair projects may be  
13 addressed from the unobligated construction appropriations in this  
14 program

15 Program No. 981 - Aquatic Habitat Enhancement and  
16 Restoration

17 (6) Agency No. 46 - Department of Correctional Services

18 Program Nos. 913, 915, 916, 918, and 920.

19 (7) Agency No. 47 - Nebraska Educational  
20 Telecommunications Commission

21 Program Nos. 911, 912, 917, 922, 925, and 926. There is  
22 hereby appropriated \$180,000 Cash Fund estimate for FY2009-10 for  
23 Program 917, the unexpended balance of which existing on June 30,  
24 2010, is hereby reappropriated for FY2010-11. Of the amount  
25 reappropriated to Program 926, up to \$197,507 may be utilized as

1 matching funds for grants to replace the four remaining radio  
2 transmitter towers. There is hereby appropriated \$197,507 Cash Fund  
3 estimate for FY2009-10 for Program 926, the unexpended balance of  
4 which existing on June 30, 2010, is hereby reappropriated for  
5 FY2010-11.

6 (8) Agency No. 50 - Board of Trustees of the Nebraska  
7 State Colleges

8 Program Nos. 919, 920, 921, 945, 946, 951, 952, 993, and  
9 996, and any additional construction programs administratively  
10 created relating to the Board of Trustees of the Nebraska State  
11 Colleges and its campuses which are funded through cash funds,  
12 federal funds, revolving funds, or private gifts or donations. The  
13 undisbursed appropriation balance for Program No. 998 existing on  
14 June 30, 2009, is hereby appropriated for Program No. 840 for  
15 FY2009-10. Of such amount appropriated for Program No. 840 for  
16 FY2009-10, the undisbursed balance existing on June 30, 2010, is  
17 hereby reappropriated for FY2010-11.

18 (9) Agency No. 51 - University of Nebraska

19 Program Nos. 901, 902, 903, 905, 907, 908, 909, 912, 915,  
20 917, 918, 920, 922, 925, 927, 928, 933, 934, 935, 937, 942, 943, 944,  
21 946, 947, 948, 949, 951, 952, 953, 954, 955, 956, 958, 959, 960, 962,  
22 964, 965, 966, 967, 968, 969, 970, 973, 974, 975, 976, 978, 980, 982,  
23 983, 985, 989, 990, 992, 993, 994, and 997, and any additional  
24 construction programs administratively created relating to the  
25 University of Nebraska-Lincoln, the University of Nebraska at Omaha,

1 the University of Nebraska Medical Center, the University of Nebraska  
2 at Kearney, the Nebraska College of Technical Agriculture at Curtis,  
3 and the University of Nebraska Central Administration which are  
4 funded through cash funds, federal funds, revolving funds, or private  
5 gifts or donations.

6 (10) Agency No. 54 - Nebraska State Historical Society  
7 Program No. 954, less \$1,000,000 of unexpended Nebraska Capital  
8 Construction Fund appropriation authority as of June 30, 2009, and  
9 less \$100,000 of unexpended Nebraska Capital Construction Fund  
10 appropriation authority as of June 30, 2010.

11 (11) Agency No. 65 - Department of Administrative  
12 Services

13 Program Nos. 901, 913, 920, 924, 932, 933, 935, 939, 940,  
14 980, 981, and 982.

15 Appropriations to program numbers pertaining to funding  
16 for the Deferred Building Renewal Act are hereby reappropriated.

17 The budget division of the Department of Administrative  
18 Services is hereby authorized to implement the appropriation of  
19 unexpended balances existing on June 30, 2009, such that unexpended  
20 State Building Fund balances are reappropriated for FY2009-10 as  
21 General Funds.

22 Sec. 23. Laws 2010, LB 935, section 43, is amended to  
23 read:

24 Sec. 43. AGENCY NO. 12 - STATE TREASURER

25 Program No. 505 - Educational Savings Unit



	FY2009-10	FY2010-11
1		
2	<del>CASH FUND</del> 579,273	487,078
3	<del>PROGRAM TOTAL</del> 579,273	487,078
4	<u>CASH FUND</u> 579,273	<u>408,004</u>
5	<u>PROGRAM TOTAL</u> 579,273	<u>408,004</u>
6	SALARY LIMIT 68,977	63,384

7                   The unexpended Cash Fund appropriation balance existing  
 8 on June 30, 2009, less \$4,980, is hereby reappropriated.

9                   Sec. 24. Laws 2010, LB 935, section 45, is amended to  
 10 read:

11                   Sec. 45. AGENCY NO. 13 - STATE DEPARTMENT OF EDUCATION  
 12                   Program No. 25 - Education, Administration, and Support

	FY2009-10	FY2010-11
13		
14	<del>GENERAL FUND</del> 10,626,829	10,821,961
15	<u>GENERAL FUND</u> 10,626,829	<u>10,731,412</u>
16	CASH FUND 1,090,917	1,076,053
17	FEDERAL FUND est. 20,690,373	21,287,206
18	REVOLVING FUND 158,800	154,728
19	<del>PROGRAM TOTAL</del> 32,566,919	33,339,948
20	<del>SALARY LIMIT</del> 12,482,718	13,087,910
21	<u>PROGRAM TOTAL</u> 32,566,919	<u>33,249,399</u>
22	<u>SALARY LIMIT</u> 12,482,718	<u>13,009,275</u>

23                   There is included in the appropriation to this program

1 for FY2009-10 \$253,110 General Funds and for FY2010-11 \$246,620  
2 General Funds to carry out the provisions of Laws 2006, LB 1024, or  
3 any subsequent laws enacted to amend or replace Laws 2006, LB 1024,  
4 which shall only be used for such purpose.

5 There is included in the appropriation to this program  
6 for FY2009-10 \$2,276,625 General Funds and \$2,750,000 Federal Funds  
7 estimate for statewide assessment and reporting, which shall only be  
8 used for such purpose. There is included in the appropriation to this  
9 program for FY2010-11 \$2,664,750 General Funds and \$2,750,000 Federal  
10 Funds estimate for statewide assessment and reporting, which shall  
11 only be used for such purpose.

12 There is included in the appropriation to this program  
13 for FY2009-10 \$91,000 General Funds and for FY2010-11 \$91,000 General  
14 Funds for state administrative expenses related to the receipt of  
15 federal funds from the American Recovery and Reinvestment Act of  
16 2009, which shall only be used for such purpose.

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

20 No. 25 - Commissioner's Office  
21 No. 403 - Assessment/Report Card  
22 No. 440 - Human Resources  
23 No. 441 - Curriculum/Instruction/Innovation  
24 No. 442 - Diversity Populations: Equity and Instructional  
25 Issues

- 1                   No. 444 - Office of Early Childhood
- 2                   No. 445 - Data Systems
- 3                   No. 446 - Adult Program Services
- 4                   No. 447 - School Improvement/Accreditation
- 5                   No. 448 - Diversity Populations: Special Education
- 6                   No. 449 - Federal Programs
- 7                   No. 450 - Select Department-wide Costs
- 8                   No. 451 - Finance and Organization Services

9                   The unexpended General Fund appropriation balance  
 10 existing on June 30, 2009, less \$399,610, is hereby reappropriated.

11                   The unexpended Cash Fund appropriation balance existing  
 12 on June 30, 2009, less \$363,584, is hereby reappropriated.

13                   The unexpended Revolving Fund appropriation balance  
 14 existing on June 30, 2009, less \$128,133, is hereby reappropriated.

15                   Sec. 25. Laws 2010, LB 935, section 46, is amended to  
 16 read:

17                   Sec. 46. AGENCY NO. 13 - STATE DEPARTMENT OF EDUCATION  
 18                   Program No. 614 - Professional Practices Commission

	FY2009-10	FY2010-11
19		
20 CASH FUND	147,129	123,207
21 PROGRAM TOTAL	147,129	123,207
22 <del>SALARY LIMIT</del>	<del>88,792</del>	<del>89,571</del>
23 <u>SALARY LIMIT</u>	<u>88,792</u>	<u>90,024</u>

24                   The unexpended Cash Fund appropriation balance existing

1 on June 30, 2009, less \$24,088, is hereby reappropriated.

2 Sec. 26. Laws 2010, LB 935, section 64, is amended to  
 3 read:

4 Sec. 64. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
 5 SERVICES

6 Program No. 348 - Medical Assistance

	FY2009-10	FY2010-11
7		
8	<del>434,523,154</del>	490,621,146
9	<u>434,523,154</u>	<u>452,121,146</u>
10	23,144,586	23,144,586
11	<del>1,129,114,131</del>	1,099,450,955
12	<u>1,129,114,131</u>	<u>1,137,950,955</u>
13	PROGRAM TOTAL	1,613,216,687

14 There is included in the appropriation to this program  
 15 for FY2009-10 \$434,523,154 General Funds, \$23,144,586 Cash Funds, and  
 16 \$1,129,114,131 Federal Funds estimate for state aid, which shall only  
 17 be used for such purpose. There is included in the appropriation to  
 18 this program for FY2010-11 ~~\$490,621,146~~ \$452,121,146 General Funds,  
 19 \$23,144,586 Cash Funds, and ~~\$1,099,450,955~~ \$1,137,950,955 Federal  
 20 Funds estimate for state aid, which shall only be used for such  
 21 purpose.

22 There is included in the appropriation to this program  
 23 for FY2009-10 \$4,765,896 Cash Funds for state aid for the  
 24 continuation of the behavioral health provider rate increase and

1 behavioral health provider rate increase for managed care, inpatient  
2 services, and residential treatment services provided with funds from  
3 the Nebraska Health Care Cash Fund. There is included in the  
4 appropriation to this program for FY2010-11 \$4,765,896 Cash Funds for  
5 state aid for the continuation of the behavioral health provider rate  
6 increase and behavioral health provider rate increase for managed  
7 care, inpatient services, and residential treatment services provided  
8 with funds from the Nebraska Health Care Cash Fund.

9           There is included in the appropriation to this program  
10 for FY2009-10 \$450,000 Cash Funds from the Nebraska Health Care Cash  
11 Fund and \$893,684 Federal Funds estimate for a state plan amendment  
12 covering tobacco-use cessation in compliance with Title XIX of the  
13 federal Social Security Act. There is included in the appropriation  
14 to this program for FY2010-11 \$450,000 Cash Funds from the Nebraska  
15 Health Care Cash Fund and \$788,304 Federal Funds estimate for a state  
16 plan amendment covering tobacco-use cessation in compliance with  
17 Title XIX of the federal Social Security Act. The smoking cessation  
18 funding for FY2009-10 and FY2010-11 is for the costs of tobacco-use  
19 cessation counseling and tobacco-use cessation pharmaceuticals  
20 approved by the federal Food and Drug Administration for such  
21 purpose.

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

1                   There is included in the Federal Fund estimate  
 2     \$97,376,177 for FY2009-10 and \$63,082,483 for FY2010-11, to be  
 3     received as authorized by ARRA, for Title 5, Federal Medicaid  
 4     Assistance Participation rate (FMAP).

5                   There is included in the Federal Fund estimate  
 6     \$31,000,000 for FY2009-10 to be received as authorized by ARRA, for  
 7     Title 5, Federal Medicaid Assistance Participation rate First Tier  
 8     Unemployment Factor.

9                   The unexpended General Fund appropriation balance  
 10    existing on June 30, 2009, less \$23,400,000, is hereby  
 11    reappropriated.

12                  The unexpended Cash Fund appropriation balance existing  
 13    on June 30, 2009, less \$1,997,150, is hereby reappropriated.

14                  The unexpended General Fund appropriation balance  
 15    existing on June 30, 2010, less \$11,546,186, is hereby  
 16    reappropriated.

17                  Sec. 27. Laws 2010, LB 935, section 99, is amended to  
 18    read:

19                  Sec. 99. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE  
 20    SERVICES

21                  Program No. 685 - Office of the Nebraska Capitol  
 22    Commission

	FY2009-10	FY2010-11
23		
24   GENERAL FUND	4,101,575	3,888,367
25   CASH FUND	36,319	35,387

1	REVOLVING FUND	4,875	4,750
2	PROGRAM TOTAL	4,142,769	3,928,504
3	SALARY LIMIT	1,174,072	1,202,354
4	The unexpended General Fund appropriation balance		
5	existing on June 30, 2009, less \$251,402, is hereby reappropriated.		
6	The unexpended Cash Fund appropriation balance existing		
7	on June 30, 2009, less \$7,014, is hereby reappropriated.		
8	The unexpended Revolving Fund appropriation balance		
9	existing on June 30, 2009, less \$23,940, is hereby reappropriated.		
10	<u>The unexpended General Fund appropriation balance</u>		
11	<u>existing on June 30, 2010, less \$500,000, is hereby reappropriated.</u>		
12	Sec. 28. Laws 2010, LB 935, section 106, is amended to		
13	read:		
14	Sec. 106. AGENCY NO. 72 - DEPARTMENT OF ECONOMIC		
15	DEVELOPMENT		
16	Program No. 600 - Administration		
17		FY2009-10	FY2010-11
18	GENERAL FUND	1,293,987	1,263,170
19	CASH FUND	279,493	272,688
20	FEDERAL FUND est.	152,037	156,823
21	PROGRAM TOTAL	1,725,517	1,692,681
22	SALARY LIMIT	932,469	954,630

23 There is included in the appropriation to this program  
 24 for FY2009-10 \$100,000 General Funds and \$14,625 Cash Funds for state

1 aid, which shall only be used for such purpose. There is included in  
 2 the appropriation to this program for FY2010-11 \$93,100 General Funds  
 3 and \$14,250 Cash Funds for state aid, which shall only be used for  
 4 such purpose.

5 The unexpended General Fund appropriation balance  
 6 existing on June 30, 2009, less \$72,068, is hereby reappropriated.

7 The unexpended Cash Fund appropriation balance existing  
 8 on June 30, 2009, less \$78,120, is hereby reappropriated.

9 The unexpended General Fund appropriation balance  
 10 existing on June 30, 2010, less \$15,816, is hereby reappropriated.

11 Sec. 29. Laws 2010, LB 935, section 107, is amended to  
 12 read:

13 Sec. 107. AGENCY NO. 72 - DEPARTMENT OF ECONOMIC  
 14 DEVELOPMENT

15 Program No. 601 - Community and Rural Development

	FY2009-10	FY2010-11
16 GENERAL FUND	742,138	697,146
17 CASH FUND	11,421,984	11,416,961
18 FEDERAL FUND est.	20,505,488	20,539,658
19 PROGRAM TOTAL	32,669,610	32,653,765
20 SALARY LIMIT	878,010	898,246

22 There is included in the appropriation to this program  
 23 for FY2009-10 \$497,500 General Funds, \$11,000,000 Cash Funds, and  
 24 \$19,337,950 Federal Funds estimate for state aid, which shall only be



1 used for such purpose. There is included in the appropriation to this  
 2 program for FY2010-11 \$463,172 General Funds, \$11,000,000 Cash Funds,  
 3 and \$19,337,950 Federal Funds estimate for state aid, which shall  
 4 only be used for such purpose.

5 The unexpended General Fund appropriation balance  
 6 existing on June 30, 2009, less \$644,582, is hereby reappropriated.

7 The unexpended Cash Fund appropriation balance existing  
 8 on June 30, 2009, less \$4,535,974, is hereby reappropriated.

9 The unexpended General Fund appropriation balance  
 10 existing on June 30, 2010, less \$9,908, is hereby reappropriated.

11 Sec. 30. Laws 2010, LB 935, section 108, is amended to  
 12 read:

13 Sec. 108. AGENCY NO. 72 - DEPARTMENT OF ECONOMIC  
 14 DEVELOPMENT

15 Program No. 603 - Industrial Recruitment

	FY2009-10	FY2010-11
16 GENERAL FUND	2,866,135	2,696,633
17 CASH FUND	1,241,772	1,242,798
18 FEDERAL FUND est.	325,515	325,515
19 PROGRAM TOTAL	4,433,422	4,264,946
20 SALARY LIMIT	1,515,864	1,551,673

22 There is included in the appropriation to this program  
 23 for FY2009-10 \$1,107,944 Cash Funds and \$249,341 Federal Funds  
 24 estimate for state aid, which shall only be used for such purpose.

1 There is included in the appropriation to this program for FY2010-11  
2 \$1,107,944 Cash Funds and \$249,341 Federal Funds estimate for state  
3 aid, which shall only be used for such purpose.

4 The unexpended General Fund appropriation balance  
5 existing on June 30, 2009, less \$452,730, is hereby reappropriated.

6 The unexpended Cash Fund appropriation balance existing  
7 on June 30, 2009, less \$12,209,453, is hereby reappropriated.

8 The unexpended General Fund appropriation balance  
9 existing on June 30, 2010, less \$33,298, is hereby reappropriated.

10 Sec. 31. Laws 2010, LB 935, section 111, is amended to  
11 read:

12 Sec. 111. AGENCY NO. 77 - COMMISSION OF INDUSTRIAL  
13 RELATIONS

14 Program No. 490 - Commissioner Expenses

	FY2009-10	FY2010-11
15 GENERAL FUND	103,130	98,475
16 PROGRAM TOTAL	103,130	98,475
17 SALARY LIMIT	89,300	89,300

18 The unexpended General Fund appropriation balance  
19 existing on June 30, 2009, less \$4,534, is hereby reappropriated.

20 The unexpended General Fund appropriation balance  
21 existing on June 30, 2010, less \$59,203, is hereby reappropriated.

22 Sec. 32. Laws 2010, LB 935, section 112, is amended to  
23 read:

24 Sec. 112. AGENCY NO. 77 - COMMISSION OF INDUSTRIAL

1 RELATIONS

2 Program No. 531 - Administration

	FY2009-10	FY2010-11
4 GENERAL FUND	221,501	211,506
5 PROGRAM TOTAL	221,501	211,506
6 SALARY LIMIT	127,071	130,260

7 The unexpended General Fund appropriation balance  
 8 existing on June 30, 2009, less \$45,159, is hereby reappropriated.

9 The unexpended General Fund appropriation balance  
 10 existing on June 30, 2010, less \$30,797, is hereby reappropriated.

11 Sec. 33. Section 90-519, Revised Statutes Cumulative  
 12 Supplement, 2010, is amended to read:

13 90-519 AGENCY NO. 13 - STATE DEPARTMENT OF EDUCATION

14 Program No. 158 - Education Aid

	FY2009-10	FY2010-11
16 <del>GENERAL FUND</del>	<del>1,034,668,501</del>	<del>1,004,793,095</del>
17 <u>GENERAL FUND</u>	<u>1,034,668,501</u>	<u>1,004,011,278</u>
18 CASH FUND	3,290,938	3,290,938
19 FEDERAL FUND est.	373,683,935	431,176,314
20 <del>PROGRAM TOTAL</del>	<del>1,411,643,374</del>	<del>1,439,260,347</del>
21 <u>PROGRAM TOTAL</u>	<u>1,411,643,374</u>	<u>1,438,478,530</u>

22 There is included in the appropriation to this program  
 23 for FY2009-10 \$1,034,668,501 General Funds, \$3,290,938 Cash Funds,

1 and \$373,683,935 Federal Funds estimate for state aid, which shall  
2 only be used for such purpose. There is included in the appropriation  
3 to this program for FY2010-11 ~~\$1,004,793,095~~ \$1,004,011,278 General  
4 Funds, \$3,290,938 Cash Funds, and \$431,176,314 Federal Funds estimate  
5 for state aid, which shall only be used for such purpose.

6           There is included in the amount shown for FY2009-10  
7 \$824,960,159 General Funds which are hereby appropriated to the Tax  
8 Equity and Educational Opportunities Fund, which fund is hereby  
9 appropriated to provide state aid to public school districts pursuant  
10 to the Tax Equity and Educational Opportunities Support Act. There is  
11 included in the amount shown for FY2010-11 ~~\$796,734,560~~ \$795,941,720  
12 General Funds which are hereby appropriated to the Tax Equity and  
13 Educational Opportunities Fund, which fund is hereby appropriated to  
14 provide state aid to public school districts pursuant to the Tax  
15 Equity and Educational Opportunities Support Act.

16           There is included in the amount shown for FY2009-10  
17 \$93,668,750 Federal Funds estimate pursuant to the American Recovery  
18 and Reinvestment Act of 2009 which are hereby appropriated to the Tax  
19 Equity and Educational Opportunities Fund, which fund is hereby  
20 appropriated to provide state aid to public school districts pursuant  
21 to the Tax Equity and Educational Opportunities Support Act. There is  
22 included in the amount shown for FY2010-11 \$140,287,176 Federal Funds  
23 estimate pursuant to the American Recovery and Reinvestment Act of  
24 2009 which are hereby appropriated to the Tax Equity and Educational  
25 Opportunities Fund, which fund is hereby appropriated to provide

1 state aid to public school districts pursuant to the Tax Equity and  
2 Educational Opportunities Support Act.

3           There is included in the amount shown for this program  
4 \$184,893,842 General Funds provided as state aid for FY2009-10 for  
5 special education reimbursement. There is included in the amount  
6 shown for this program \$184,893,842 General Funds provided as state  
7 aid for FY2010-11 for special education reimbursement.

8           There is included in the amount shown for this program  
9 \$487,500 General Funds provided as state aid for FY2009-10 and  
10 \$465,500 General Funds provided as state aid for FY2010-11 to carry  
11 out the provisions of subsection (2) of section 79-734.

12           There is included in the amount shown for this program  
13 \$3,604,328 General Funds provided as state aid for FY2009-10 and  
14 \$3,365,962 General Funds provided as state aid for FY2010-11 for  
15 early childhood education projects.

16           There is included in the amount shown for this program  
17 \$11,858,793 General Funds provided as state aid for FY2009-10 and  
18 \$11,040,536 General Funds provided as state aid for FY2010-11 for  
19 core services for educational service units.

20           There is included in the amount shown for this program  
21 \$3,700,477 General Funds provided as state aid for FY2009-10 and  
22 \$3,445,144 General Funds provided as state aid for FY2010-11 for  
23 technology infrastructure for educational service units.

24           There is included in the amount shown for this program  
25 \$328,300 General Funds provided as state aid for FY2009-10 and

1 \$305,647 General Funds provided as state aid for FY2010-11 for  
2 distance education aid to educational service units.

3           There is included in the amount shown for this program  
4 \$2,336,921 General Funds provided as state aid for FY2009-10 and  
5 \$2,175,673 General Funds provided as state aid for FY2010-11 for  
6 programs for learners with high ability.

7           There is included in the amount shown for this program  
8 \$412,811 General Funds provided as state aid for FY2009-10 and  
9 ~~\$427,260~~ \$438,283 General Funds provided as state aid for FY2010-11  
10 for the school breakfast program.

11           There is included in the amount shown for this program  
12 \$410,560 General Funds provided as state aid for FY2009-10 and  
13 \$392,032 General Funds provided as state aid for FY2010-11 for the  
14 school lunch program.

15           There is included in the amount shown for this program  
16 \$224,810 General Funds provided as state aid for FY2009-10 and  
17 \$214,664 General Funds provided as state aid for FY2010-11 for adult  
18 basic education programs.

19           There is included in the amount shown for this program  
20 \$450,000 General Funds provided as state aid for FY2009-10 and  
21 \$450,000 General Funds provided as state aid for FY2010-11 for the  
22 Career Education Partnership Act.

23           There is included in the amount shown for this program  
24 \$1,000,000 General Funds provided as state aid for FY2009-10 and  
25 \$882,275 General Funds provided as state aid for FY2010-11 for

1 learning community aid.

2           On or before October 1 of each year, the Department of  
3 Health and Human Services and the State Department of Education shall  
4 jointly certify to the budget administrator of the budget division of  
5 the Department of Administrative Services the amount of federal  
6 medicaid funds paid to school districts pursuant to the Early  
7 Intervention Act for special education services for children age five  
8 years and older. The General Fund appropriation to the State  
9 Department of Education, Program 158, for state special education aid  
10 shall be decreased by an amount equal to the amount that would have  
11 been reimbursed with state General Funds to the school districts  
12 through the special education reimbursement process for special  
13 education services for children age five years and older that was  
14 paid to school districts or approved cooperatives with federal  
15 medicaid funds. There is hereby appropriated from the General Fund an  
16 amount equal to the amount certified to the budget administrator for  
17 FY2009-10 and FY2010-11 to the Department of Health and Human  
18 Services to aid in carrying out the provisions of Laws 1991, LB 701.  
19 The budget administrator shall distribute the amount appropriated  
20 between budget programs according to percentages certified by the  
21 Department of Health and Human Services.

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

25           The unexpended General Fund appropriation balance

1 existing on June 30, 2010, less \$47,596, is hereby reappropriated.

2 Sec. 34. LIMITATION ON SALARIES, WAGES, AND PER DIEMS.

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

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



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

5           (4) The limitation on expenditures for permanent and  
6 temporary salaries and per diems for FY2010-11 as established by the  
7 Legislature shall be the basis for continuation funding for each  
8 fiscal year of the succeeding biennium.

9           (5) The limitation on expenditures for permanent and  
10 temporary salaries and per diems for FY2010-11 shall be increased by  
11 certified encumbrance amounts from FY2009-10 for permanent and  
12 temporary salaries and per diems. Encumbered amounts shall be  
13 calculated in accordance with section 81-138.01.

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

18           Sec. 35. Original Laws 2009, LB 314, section 31; Laws  
19 2009, LB 315, section 216; Laws 2009, LB 603A, sections 1 and 2; Laws  
20 2009, First Special Session, LB 1, sections 14, 91, 96, 100, 101,  
21 103, 122, and 217; Laws 2010, LB 935, sections 11, 19, 43, 45, 46,  
22 64, 99, 106, 107, 108, 111, and 112; and section 90-519, Revised  
23 Statutes Cumulative Supplement, 2010, are repealed.

24           Sec. 36. Since an emergency exists, this act takes effect  
25 when passed and approved according to law.