

LEGISLATIVE BILL 373

Approved by the Governor May 17, 2011

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

FOR AN ACT relating to appropriations; to amend Laws 2009, LB 314, section 31; Laws 2009, LB 315, section 216; Laws 2009, LB 603A, sections 1 and 2; Laws 2009, First Special Session, LB 1, sections 14, 91, 96, 100, 101, 103, 122, and 217; Laws 2010, LB 935, sections 11, 19, 43, 45, 46, 64, 99, 106, 107, 108, 111, and 112; and section 90-519, Revised Statutes Cumulative Supplement, 2010; to define terms; to provide, change, and eliminate provisions relating to appropriations; to reduce appropriations; to state intent; to provide for transfer of funds; 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 Second Legislature, First or Second Session, which appropriates funds, 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 FY2009-10 and FY2010-11, 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, 2009, 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, 2009, in excess of expended and certified encumbrance amounts are hereby lapsed unless otherwise expressly provided. All certified encumbrance amounts on June 30, 2009, and June 30, 2010, are hereby reappropriated for FY2009-10 and FY2010-11, respectively, which amounts shall be in addition to the amounts shown in this act.

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

In addition to the appropriations set forth in this act, there are hereby reappropriated all unexpended appropriation balances existing on June 30, 2010, for FY2010-11 to the respective agencies, programs, and funds listed in this act, except for budget programs contained in Laws 2009, LB 313, 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 section 34 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. 12 - STATE TREASURER

Program No. 665 - Convention Center Facility Financing Assistance

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

There is included in the appropriation to this program from the Convention Center Support Fund for FY2010-11 \$2,396,299 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 \$1,026,985 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. 8. AGENCY NO. 16 - DEPARTMENT OF REVENUE

Program No. 108 - Homestead Exemption

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

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

Sec. 9. Laws 2009, LB 314, section 31, is amended to read:  
 Sec. 31. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE SERVICES  
 Program No. 901 - State Capitol Improvements

	FY2009-10	FY2010-11	FUTURE
NEBRASKA CAPITAL	1,000,000	1,000,000	-0-
CONSTRUCTION FUND			
PROGRAM TOTAL	1,000,000	1,000,000	-0-

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

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

Sec. 10. Laws 2009, LB 315, section 216, is amended to read:  
 Sec. 216. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE SERVICES  
 Program No. 591 - Tort Claims

	FY2009-10	FY2010-11
GENERAL FUND	210,000	210,000
CASH FUND	50,000	50,000
PROGRAM TOTAL	260,000	260,000
<u>CASH FUND</u>	<u>50,000</u>	<u>143,433</u>
<u>PROGRAM TOTAL</u>	<u>260,000</u>	<u>353,433</u>
SALARY LIMIT	-0-	-0-

(1) The following amounts are hereby transferred to the Tort Claims Fund from the respective agency fund balances:  
 (a) \$198 from the Department of Motor Vehicles;  
 (b) \$15,048 from the Department of Roads;  
 (c) \$4,884 from the Game and Parks Commission; and  
 (d) \$254 from the Department of Administrative Services state building division.

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

Manager.

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

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

Such sums shall be transferred to the risk management and state claims division ~~no later than August 1, 2010~~ ~~or in four equal payments on August 1, October 1, January 1, and April 1~~ at the discretion of the Risk Manager.

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

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

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

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

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

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

Sec. 2. There is hereby appropriated (1) \$1,111,984 from the General Fund for FY2009-10 and (2) ~~\$2,056,047~~ \$1,866,047 from the General Fund for FY2010-11 to the Department of Health and Human Services, for Program 38, to aid in carrying out the provisions of Legislative Bill 603, One Hundred First Legislature, First Session, 2009.

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

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

Sec. 14. AGENCY NO. 3 - LEGISLATIVE COUNCIL

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

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

- No. 122 - Legislative Services
- No. 123 - Clerk of the Legislature
- No. 126 - Legislative Research
- No. 127 - Revisor of Statutes
- No. 129 - Legislative Audit
- No. 501 - Intergovernmental Cooperation
- No. 504 - Office of Public Counsel
- No. 638 - Fiscal and Program Analysis Office

The Executive Board of the Legislative Council budget administrator of the budget division of the Department of Administrative Services shall have the authority to transfer appropriations and salary limits among the above-listed program classifications as directed by the Executive Board of the Legislative Council.

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

Sec. 91. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Program No. 38 - Behavioral Health Aid

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

There is included in the appropriation to this program for FY2009-10

\$74,091,067 General Funds, \$14,582,280 Cash Funds, and \$10,504,971 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 \$74,537,011 General Funds, \$14,582,280 Cash Funds, and \$10,504,971 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the amount shown as General Fund aid in this program \$1,318,061 General Funds for FY2009-10 and \$1,764,005 General Funds for FY2010-11 for an increase in rates paid to providers of mental health and substance abuse services, which funds shall only be used for such purpose.

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

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

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

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

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

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

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

Sec. 96. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Program No. 344 - Children's Health Insurance

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

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

There is included in the appropriation to this program for FY2009-10 \$5,000,000 Cash Funds for state aid from the Nebraska Health Care Cash Fund. There is included in the appropriation to this program for FY2010-11 \$5,000,000 Cash Funds for state aid from the Nebraska Health Care Cash Fund.

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

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

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

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

Sec. 100. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN SERVICES  
 Program No. 422 - Beatrice State Developmental Center Contingency

Fund

	FY2009-10	FY2010-11
GENERAL FUND	15,000,000	<del>24,477,558</del>
PROGRAM TOTAL	15,000,000	<del>24,477,558</del>
<u>GENERAL FUND</u>	<u>15,000,000</u>	<u>22,477,558</u>
<u>PROGRAM TOTAL</u>	<u>15,000,000</u>	<u>22,477,558</u>

There is included in the appropriation to this program for FY2009-10 \$15,000,000 General Funds and for FY2010-11 ~~\$24,477,558~~ \$22,477,558 General Funds to be used solely to supplant federal funds lost due to federal action to decertify the participation of the Beatrice State Developmental Center in the medical assistance program.

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

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

Sec. 101. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN SERVICES  
 Program No. 424 - Developmental Disability Aid

	FY2009-10	FY2010-11
GENERAL FUND	83,269,149	90,573,431
CASH FUND	6,112,000	6,112,000
PROGRAM TOTAL	89,381,149	96,685,431

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

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

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

There is included in the appropriation to this program for FY2009-10 a total of \$4,697,920 General Funds to be used for services for persons with developmental disabilities who are on the waiting list for such services beginning with those who have been on the waiting list for the greatest length of time past their date of need. Two-thirds of such funds, or \$3,131,947 General Funds, shall be provided for services to persons waiting the longest past their date of need. One-third of such funds, or \$1,565,973 General Funds, shall be provided to persons waiting the longest for services past their date of need who opt for supported services.

There is included in the appropriation to this program for FY2010-11

a total of \$10,525,788 General Funds to be used for services for persons with developmental disabilities who are on the waiting list for such services beginning with those who have been on the waiting list for the greatest length of time past their date of need. Two-thirds of such funds, or \$7,020,700 General Funds, shall be provided for services to persons waiting the longest past their date of need. One-third of such funds, or \$3,505,088 General Funds, shall be provided to persons waiting the longest for services past their date of need who opt for supported services.

It is the intent of the Legislature that the Department of Health and Human Services shall provide a quarterly report to the Legislature regarding the usage of General Funds and Federal Funds for the waiting list. The initial quarterly report shall be submitted within two weeks after the quarter ending on September 30, 2009. Subsequent reports shall be submitted for the ensuing quarters, within two weeks after the end of each quarter, for FY2009-10 and FY2010-11. The reports shall include, but not be limited to, the number of persons offered services, the type of service offered and the cost of such services, the number of persons accepting services, the services accepted, the cost of each type of service accepted in each fiscal year, and ongoing annual expenditures for such services.

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

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

Sec. 103. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Program No. 514 - Health Aid

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

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.

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

There is included in the appropriation to this program \$650,507 General Funds for FY2009-10 and \$653,759 General Funds for FY2010-11, 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.

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

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

Sec. 122. AGENCY NO. 31 - MILITARY DEPARTMENT  
Program No. 192 - Governor's Emergency Aid

	FY2009-10	FY2010-11
GENERAL FUND	1,000,000	500,000

<u>GENERAL FUND</u>	<u>1,000,000</u>	<u>11,360,000</u>
FEDERAL FUND est.	4,500,000	4,500,000
<u>PROGRAM TOTAL</u>	<u>5,500,000</u>	<u>5,000,000</u>
<u>PROGRAM TOTAL</u>	<u>5,500,000</u>	<u>15,860,000</u>

There is no salary limitation for this program.

The unexpended General Fund and Cash Fund appropriation balances existing on June 30, 2009, are hereby reappropriated.

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

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

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

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

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

	FY2009-10	FY2010-11
<del>CASH FUND</del>	<del>6,588,724</del>	<del>5,062,805</del>
<del>PROGRAM TOTAL</del>	<del>6,588,724</del>	<del>5,062,805</del>
<u>GENERAL FUND</u>	<u>-0-</u>	<u>10,000</u>
<u>CASH FUND</u>	<u>6,588,724</u>	<u>5,125,305</u>
<u>PROGRAM TOTAL</u>	<u>6,588,724</u>	<u>5,135,305</u>
SALARY LIMIT	1,988,673	2,036,163

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

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

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

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

Sec. 11. AGENCY NO. 12 - STATE TREASURER

Program No. 12 - Salary - State Treasurer

	FY2009-10	FY2010-11
<del>CASH FUND</del>	<del>2,000</del>	<del>3,000</del>
<del>PROGRAM TOTAL</del>	<del>2,000</del>	<del>3,000</del>
<u>CASH FUND</u>	<u>2,000</u>	<u>-0-</u>
<u>PROGRAM TOTAL</u>	<u>2,000</u>	<u>-0-</u>
SALARY LIMIT	-0-	-0-

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

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

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

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

(2) Agency No. 27 - Department of Roads

Program No. 901, except that the unobligated biennium appropriation

balance shall lapse once all projects funded in that biennium are completed, postponed to a future biennium, or indefinitely postponed.

(3) Agency No. 28 - Department of Veterans' Affairs  
Program No. 937 - Alliance State Veterans' Cemetery.

(4) Agency No. 31 - Military Department  
Program Nos. 905, 906, 910, and 925.

(5) Agency No. 33 - Game and Parks Commission  
Program Nos. 900, 901, 902, 919, 924, 960, 966, 967, 968, 969, 971, 972, 973, 975, 976, 977, 979, and 981, except that for FY2009-10 only the undisbursed balances existing on June 30, 2009, for the following programs and projects shall be reappropriated and all other unobligated June 30, 2009, balances shall lapse:

Program No. 900 - State Park System Facility Improvements and Motor Boat Access Facilities, less \$579,018 of unobligated Cash Fund and \$20,613 of unobligated Federal Fund appropriation authority

Program No. 901 - State Parks Facilities Deferred Maintenance, less \$102,322 of unobligated Cash Fund appropriation authority

Program No. 902 - Trail Development Assistance, less \$1,433 of unobligated Cash Fund appropriation authority

Program No. 919 - Political Subdivisions Aid

Program No. 924 - Wildlife Land Acquisition and Improvements

Program No. 960 - Park and Recreation Land Acquisition, including the purchase of land for a new maintenance facility to replace the facility located at 30th and Y Streets in Lincoln, less \$266,731 of unobligated Cash Fund appropriation authority

Program No. 966 - Trail Development

Program No. 967 - Improvements to State Parks, less \$217,431 of unobligated Cash Fund appropriation authority

Program No. 968 - State Historical Parks, less \$160,810 of unobligated Cash Fund appropriation authority

Program No. 969 - Improvements to State Recreation Areas, less \$204,690 of unobligated Cash Fund appropriation authority

Program No. 971 - Improvements to Special Use Areas (Wildlife Management Areas), less \$257,529 of unobligated Cash Fund appropriation authority

Program No. 972 - Improvements to Administrative Facilities, less \$328,414 of unobligated Cash Fund appropriation authority

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

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

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

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

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

Program No. 981 - Aquatic Habitat Enhancement and Restoration

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

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

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

Program Nos. 911, 912, 917, 922, 925, and 926. There is hereby appropriated \$180,000 Cash Fund estimate for FY2009-10 for Program 917, the unexpended balance of which existing on June 30, 2010, is hereby reappropriated for FY2010-11. Of the amount reappropriated to Program 926, up to \$197,507 may be utilized as matching funds for grants to replace the four remaining radio transmitter towers. There is hereby appropriated \$197,507 Cash Fund estimate for FY2009-10 for Program 926, the unexpended balance of which existing on June 30, 2010, is hereby reappropriated for FY2010-11.

(8) Agency No. 50 - Board of Trustees of the Nebraska State Colleges  
Program Nos. 919, 920, 921, 945, 946, 951, 952, 993, and 996, and any additional construction programs administratively created relating to the Board of Trustees of the Nebraska State Colleges and its campuses which are funded through cash funds, federal funds, revolving funds, or private gifts or donations. The undisbursed appropriation balance for Program No. 998 existing on June 30, 2009, is hereby appropriated for Program No. 840 for FY2009-10. Of such amount appropriated for Program No. 840 for FY2009-10, the undisbursed balance existing on June 30, 2010, is hereby reappropriated for FY2010-11.

(9) Agency No. 51 - University of Nebraska

Program Nos. 901, 902, 903, 905, 907, 908, 909, 912, 915, 917, 918, 920, 922, 925, 927, 928, 933, 934, 935, 937, 942, 943, 944, 946, 947, 948,

949, 951, 952, 953, 954, 955, 956, 958, 959, 960, 962, 964, 965, 966, 967, 968, 969, 970, 973, 974, 975, 976, 978, 980, 982, 983, 985, 989, 990, 992, 993, 994, and 997, and any additional construction programs administratively created relating to the University of Nebraska-Lincoln, the University of Nebraska at Omaha, the University of Nebraska Medical Center, the University of Nebraska at Kearney, the Nebraska College of Technical Agriculture at Curtis, and the University of Nebraska Central Administration which are funded through cash funds, federal funds, revolving funds, or private gifts or donations.

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

(11) Agency No. 65 - Department of Administrative Services Program Nos. 901, 913, 920, 924, 932, 933, 935, 939, 940, 980, 981, and 982.

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

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

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

Sec. 43. AGENCY NO. 12 - STATE TREASURER Program No. 505 - Educational Savings Unit

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

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

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

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

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

There is included in the appropriation to this program for FY2009-10 \$253,110 General Funds and for FY2010-11 \$246,620 General Funds to carry out the provisions of Laws 2006, LB 1024, or any subsequent laws enacted to amend or replace Laws 2006, LB 1024, which shall only be used for such purpose.

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

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

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

- No. 25 - Commissioner's Office
- No. 403 - Assessment/Report Card
- No. 440 - Human Resources
- No. 441 - Curriculum/Instruction/Innovation
- No. 442 - Diversity Populations: Equity and Instructional Issues
- No. 444 - Office of Early Childhood
- No. 445 - Data Systems
- No. 446 - Adult Program Services
- No. 447 - School Improvement/Accreditation
- No. 448 - Diversity Populations: Special Education
- No. 449 - Federal Programs
- No. 450 - Select Department-wide Costs
- No. 451 - Finance and Organization Services

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

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

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

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

Sec. 46. AGENCY NO. 13 - STATE DEPARTMENT OF EDUCATION

Program No. 614 - Professional Practices Commission

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

The unexpended Cash Fund appropriation balance existing on June 30, 2009, less \$24,088, is hereby reappropriated.

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

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

Program No. 348 - Medical Assistance

	FY2009-10	FY2010-11
GENERAL FUND	434,523,154	490,621,146
<u>GENERAL FUND</u>	<u>434,523,154</u>	<u>452,121,146</u>
CASH FUND	23,144,586	23,144,586
<del>FEDERAL FUND est.</del>	<del>1,129,114,131</del>	<del>1,099,450,955</del>

<u>FEDERAL FUND est.</u>	<u>1,129,114,131</u>	<u>1,137,950,955</u>
 PROGRAM TOTAL	 1,586,781,871	 1,613,216,687

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

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

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 \$97,376,177 for FY2009-10 and \$63,082,483 for FY2010-11, to be received as authorized by ARRA, for Title 5, Federal Medicaid Assistance Participation rate (FMAP).

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

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

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

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

Sec. 27. Laws 2010, LB 935, section 99, is amended to read:  
 Sec. 99. AGENCY NO. 65 - DEPARTMENT OF ADMINISTRATIVE SERVICES  
 Program No. 685 - Office of the Nebraska Capitol Commission

	FY2009-10	FY2010-11
GENERAL FUND	4,101,575	3,888,367
CASH FUND	36,319	35,387
REVOLVING FUND	4,875	4,750
PROGRAM TOTAL	4,142,769	3,928,504
SALARY LIMIT	1,174,072	1,202,354

The unexpended General Fund appropriation balance existing on June 30, 2009, less \$251,402, is hereby reappropriated.

The unexpended Cash Fund appropriation balance existing on June 30, 2009, less \$7,014, is hereby reappropriated.

The unexpended Revolving Fund appropriation balance existing on June 30, 2009, less \$23,940, is hereby reappropriated.

The unexpended General Fund appropriation balance existing on June 30, 2010, less \$500,000, is hereby reappropriated.

Sec. 28. Laws 2010, LB 935, section 106, is amended to read:  
 Sec. 106. AGENCY NO. 72 - DEPARTMENT OF ECONOMIC DEVELOPMENT  
 Program No. 600 - Administration

	FY2009-10	FY2010-11
GENERAL FUND	1,293,987	1,263,170
CASH FUND	279,493	272,688
FEDERAL FUND est.	152,037	156,823
PROGRAM TOTAL	1,725,517	1,692,681
SALARY LIMIT	932,469	954,630

There is included in the appropriation to this program for FY2009-10 \$100,000 General Funds and \$14,625 Cash Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2010-11 \$93,100 General Funds and \$14,250 Cash Funds for state aid, which shall only be used for such purpose.

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

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

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

Sec. 29. Laws 2010, LB 935, section 107, is amended to read:  
 Sec. 107. AGENCY NO. 72 - DEPARTMENT OF ECONOMIC DEVELOPMENT  
 Program No. 601 - Community and Rural Development

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

There is included in the appropriation to this program for FY2009-10 \$497,500 General Funds, \$11,000,000 Cash Funds, and \$19,337,950 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 \$463,172 General Funds, \$11,000,000 Cash Funds, and \$19,337,950 Federal Funds estimate for state aid, which shall only be used for such purpose.

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

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

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

Sec. 30. Laws 2010, LB 935, section 108, is amended to read:  
 Sec. 108. AGENCY NO. 72 - DEPARTMENT OF ECONOMIC DEVELOPMENT  
 Program No. 603 - Industrial Recruitment

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

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

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

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

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

Sec. 31. Laws 2010, LB 935, section 111, is amended to read:  
 Sec. 111. AGENCY NO. 77 - COMMISSION OF INDUSTRIAL RELATIONS  
 Program No. 490 - Commissioner Expenses

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

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

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

Sec. 32. Laws 2010, LB 935, section 112, is amended to read:  
 Sec. 112. AGENCY NO. 77 - COMMISSION OF INDUSTRIAL RELATIONS  
 Program No. 531 - Administration

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

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

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

Sec. 33. Section 90-519, Revised Statutes Cumulative Supplement, 2010, is amended to read:  
 90-519 AGENCY NO. 13 - STATE DEPARTMENT OF EDUCATION  
 Program No. 158 - Education Aid

	FY2009-10	FY2010-11
GENERAL FUND	1,034,668,501	1,004,793,095
<u>GENERAL FUND</u>	<u>1,034,668,501</u>	<u>1,004,011,278</u>

CASH FUND	3,290,938	3,290,938
FEDERAL FUND est.	373,683,935	431,176,314
<u>PROGRAM TOTAL</u>	<u>1,411,643,374</u>	<u>1,439,260,347</u>
<u>PROGRAM TOTAL</u>	<u>1,411,643,374</u>	<u>1,438,478,530</u>

There is included in the appropriation to this program for FY2009-10 \$1,034,668,501 General Funds, \$3,290,938 Cash Funds, and \$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 ~~\$1,004,793,095~~ \$1,004,011,278 General Funds, \$3,290,938 Cash Funds, and \$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 \$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 ~~\$796,734,560~~ \$795,941,720 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 \$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 \$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 \$487,500 General Funds provided as state aid for FY2009-10 and \$465,500 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 \$3,604,328 General Funds provided as state aid for FY2009-10 and \$3,365,962 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 \$11,040,536 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 \$3,445,144 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 \$305,647 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 \$2,175,673 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~~ \$438,283 General Funds provided as state aid for FY2010-11 for the school breakfast program.

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

There is included in the amount shown for this program \$224,810

General Funds provided as state aid for FY2009-10 and \$214,664 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 \$882,275 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.

The unexpended General Fund appropriation balance existing on June 30, 2010, less \$47,596, is hereby reappropriated.

Sec. 34. 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 FY2010-11 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 FY2010-11 shall be increased by certified encumbrance amounts from FY2009-10 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. 35. Original Laws 2009, LB 314, section 31; Laws 2009, LB 315, section 216; Laws 2009, LB 603A, sections 1 and 2; Laws 2009, First Special Session, LB 1, sections 14, 91, 96, 100, 101, 103, 122, and 217; Laws 2010,

LB 935, sections 11, 19, 43, 45, 46, 64, 99, 106, 107, 108, 111, and 112; and section 90-519, Revised Statutes Cumulative Supplement, 2010, are repealed.

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