

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 373

Final Reading

Introduced by Speaker Flood, 0; 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	CASH FUND	50,000	50,000
2	PROGRAM TOTAL	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	15,000,000	24,477,558
19	PROGRAM TOTAL	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	1,000,000	500,000
23	<u>1,000,000</u>	<u>11,360,000</u>
24	FEDERAL FUND est. 4,500,000	4,500,000

1	PROGRAM TOTAL	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	CASH FUND	6,588,724	5,062,805
23	PROGRAM TOTAL	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	CASH FUND	2,000
19	PROGRAM TOTAL	2,000
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	CASH FUND 579,273	487,078
3	PROGRAM TOTAL 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	GENERAL FUND 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	PROGRAM TOTAL 32,566,919	33,339,948
20	SALARY LIMIT 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 SALARY LIMIT	88,792	89,571
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	434,523,154	490,621,146
9	<u>434,523,154</u>	<u>452,121,146</u>
10	23,144,586	23,144,586
11	1,129,114,131	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 GENERAL FUND	1,034,668,501	1,004,793,095
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 PROGRAM TOTAL	1,411,643,374	1,439,260,347
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.