

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 656

Introduced by Speaker Hadley, 37; at the request of the Governor.

Read first time January 22, 2015

Committee: Appropriations

1 A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB195,
2 sections 22, 44, and 112; Laws 2013, LB530A, section 1; Laws 2014,
3 LB905, sections 52, 54, and 59; and Laws 2014, LB907A, section 3; to
4 define terms; to provide, change, and eliminate provisions relating
5 to appropriations; to repeal the original sections; and to declare
6 an emergency.

7 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 passed by
3 the One Hundred Fourth Legislature, First or Second Session, which
4 appropriates funds, FY2013-14 means the period July 1, 2013, through June
5 30, 2014; and FY2014-15 means the period July 1, 2014, through June 30,
6 2015.

7 Sec. 2. APPROPRIATION LANGUAGE.

8 There are hereby appropriated, for FY2013-14 and FY2014-15, the sums
9 set forth in this act to each agency for each program from the respective
10 funds for the general operations of state government, postsecondary
11 education, capital construction, and state aid, except as otherwise
12 appropriated.

13 Sec. 3. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

14 The definitions contained in the Nebraska Accounting System Manual,
15 and any amendments thereto, on file with the Clerk of the Legislature are
16 hereby adopted by the Legislature as the definitions for this act, except
17 as provided in section 21 of this act.

18 Sec. 4. DRAWING AND PAYING WARRANTS.

19 The Director of Administrative Services shall draw warrants upon the
20 proper fund in the state treasury for an amount not to exceed the
21 appropriations set forth in this act upon presentation of proper
22 documentation. The State Treasurer shall pay the warrants out of the
23 appropriate funds.

24 Sec. 5. AGENCY NO. 7 – GOVERNOR

25 Program No. 21 - Office of the Governor

	<u>FY2013-14</u>	<u>FY2014-15</u>
26		
27 <u>GENERAL FUND</u>	<u>-0-</u>	<u>54,300</u>
28 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>54,300</u>
29 <u>SALARY LIMIT</u>	<u>-0-</u>	<u>8,100</u>

30 Sec. 6. AGENCY NO. 12 – STATE TREASURER

31 Program No. 665 - Convention Center Facility Financing Assistance

	<u>FY2013-14</u>	<u>FY2014-15</u>
1		
2	<u>CASH FUND</u> -0-	<u>4,021,225</u>
3	<u>PROGRAM TOTAL</u> -0-	<u>4,021,225</u>
4	<u>SALARY LIMIT</u> -0-	<u>-0-</u>

5 There is included in the appropriation to this program for FY2014-15
6 \$2,542,740 Cash Funds from the Convention Center Support Fund for state
7 aid, which shall only be disbursed to a city of the metropolitan class
8 for which an application for state assistance has been approved under the
9 Convention Center Facility Financing Assistance Act.

10 There is included in the appropriation to this program for FY2014-15
11 \$1,478,485 Cash Funds from the Convention Center Support Fund for state
12 aid, which shall only be disbursed to a city of the primary class for
13 which an application for state assistance has been approved under the
14 Convention Center Facility Financing Assistance Act.

15 The State Treasurer shall transfer \$1,723,382 from the Convention
16 Center Support Fund to the Civic and Community Center Financing Fund
17 within five days after the effective date of this act.

18 Sec. 7. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION

19 Program No. 614 - Professional Practices Commission

	<u>FY2013-14</u>	<u>FY2014-15</u>
20		
21	<u>CASH FUND</u> -0-	<u>38,147</u>
22	<u>PROGRAM TOTAL</u> -0-	<u>38,147</u>
23	<u>SALARY LIMIT</u> -0-	<u>32,046</u>

24 Sec. 8. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

25 Program No. 33 - Administration

	<u>FY2013-14</u>	<u>FY2014-15</u>
26		
27	<u>GENERAL FUND</u> -0-	<u>4,188,038</u>
28	<u>FEDERAL FUND est.</u> -0-	<u>64,036</u>
29	<u>PROGRAM TOTAL</u> -0-	<u>4,252,074</u>
30	<u>SALARY LIMIT</u> -0-	<u>271,419</u>

1 Sec. 9. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

2 Program No. 354 - Child Welfare Aid

	<u>FY2013-14</u>	<u>FY2014-15</u>
4 <u>GENERAL FUND</u>	<u>-0-</u>	<u>22,027,110</u>
5 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>22,027,110</u>

6 There is included in the appropriation to this program for FY2014-15
7 \$22,027,110 General Funds for state aid, which shall only be used for
8 such purpose.

9 Sec. 10. AGENCY NO. 46 – DEPARTMENT OF CORRECTIONAL SERVICES

10 Program No. 200 - Operations

	<u>FY2013-14</u>	<u>FY2014-15</u>
12 <u>GENERAL FUND</u>	<u>-0-</u>	<u>13,025,556</u>
13 <u>CASH FUND</u>	<u>-0-</u>	<u>384,500</u>
14 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>13,410,056</u>
15 <u>SALARY LIMIT</u>	<u>-0-</u>	<u>2,427,475</u>

16 Sec. 11. AGENCY NO. 65 – DEPARTMENT OF ADMINISTRATIVE SERVICES

17 Program No. 664 - Republican River Compact Litigation Contingency
18 Cash Fund

	<u>FY2013-14</u>	<u>FY2014-15</u>
20 <u>CASH FUND</u>	<u>-0-</u>	<u>5,500,000</u>
21 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>5,500,000</u>
22 <u>SALARY LIMIT</u>	<u>-0-</u>	<u>-0-</u>

23 There is included in the appropriation to this program from the
24 Republican River Compact Litigation Contingency Cash Fund for FY2014-15
25 \$5,500,000 Cash Funds, which shall only be used to pay any court ordered
26 payments pursuant to Kansas v. Nebraska, No. 126 Original.

27 Sec. 12. AGENCY NO. 70 – FOSTER CARE REVIEW OFFICE

28 Program No. 353 - Children's Commission

	<u>FY2013-14</u>	<u>FY2014-15</u>
30 <u>GENERAL FUND</u>	<u>-0-</u>	<u>94,000</u>

1	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>94,000</u>
2	<u>SALARY LIMIT</u>	<u>-0-</u>	<u>65,000</u>

3 Sec. 13. Laws 2013, LB195, section 22, is amended to read:

4 Sec. 22. AGENCY NO. 5 – SUPREME COURT

5 Program No. 435 - Probation Community Corrections

		FY2013-14	FY2014-15
6			
7	GENERAL FUND	13,069,873	13,350,530
8	<u>GENERAL FUND</u>	<u>13,069,873</u>	<u>11,920,644</u>
9	CASH FUND est.	4,973,708	4,973,708
10	PROGRAM TOTAL	18,043,581	18,324,238
11	SALARY LIMIT	3,314,785	3,585,787
12	<u>PROGRAM TOTAL</u>	<u>18,043,581</u>	<u>16,894,352</u>
13	<u>SALARY LIMIT</u>	<u>3,314,785</u>	<u>3,314,368</u>

14 The unexpended General Fund appropriation balance existing on June
15 30, 2013, is hereby reappropriated.

16 Cash Fund expenditures for this program shall not be limited to the
17 amounts shown.

18 Sec. 14. Laws 2013, LB195, section 44, is amended to read:

19 Sec. 44. AGENCY NO. 12 – STATE TREASURER

20 Program No. 659 - Long-Term Care Savings Program

		FY2013-14	FY2014-15
21			
22	GENERAL FUND	60,703	61,329
23	PROGRAM TOTAL	60,703	61,329
24	<u>GENERAL FUND</u>	<u>60,703</u>	<u>41,329</u>
25	<u>PROGRAM TOTAL</u>	<u>60,703</u>	<u>41,329</u>
26	SALARY LIMIT	12,633	13,176

27 The unexpended General Fund appropriation balance existing on June
28 30, 2013, is hereby reappropriated.

29 The unexpended General Fund appropriation balance existing on June
30 30, 2014, less \$150,000, is hereby reappropriated.

1 Sec. 15. Laws 2013, LB195, section 112, is amended to read:

2 Sec. 112. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

3 Program No. 519 - Nebraska Veterans' Homes

	FY2013-14	FY2014-15
4		
5 GENERAL FUND	24,789,548	25,200,616
6 CASH FUND	12,795,999	12,844,034
7 FEDERAL FUND est.	18,954,263	19,388,787
8 PROGRAM TOTAL	56,539,810	57,433,437
9 SALARY LIMIT	29,636,869	30,246,060

10 The unexpended General Fund appropriation balance existing on June
11 30, 2013, is hereby reappropriated.

12 The unexpended General Fund appropriation balance existing on June
13 30, 2014, less \$1,361,800, is hereby reappropriated.

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

17 No. 510 - Veterans' Home System Administration

18 No. 519 - Grand Island Veterans' Home

19 No. 520 - Norfolk Veterans' Home

20 No. 521 - Western Nebraska Veterans' Home

21 No. 522 - Eastern Nebraska Veterans' Home

22 Sec. 16. Laws 2013, LB 530A, section 1, is amended to read:

23 Section 1. There is hereby appropriated ~~\$-0-~~ ~~\$94,000~~ from the
24 General Fund for FY2014-15 to the Department of Health and Human
25 Services, for Program 353, to aid in carrying out the provisions of
26 Legislative Bill 530, One Hundred Third Legislature, First Session, 2013.

27 Total expenditures for permanent and temporary salaries and per
28 diems from funds appropriated in this section shall not exceed ~~\$-0-~~
29 ~~\$65,000~~ for FY2014-15.

30 Sec. 17. Laws 2014, LB905, section 52, is amended to read:

31 Sec. 52. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION

1 Program No. 158 - Education Aid

	FY2013-14	FY2014-15
3 GENERAL FUND	1,110,823,561	1,120,477,237
4 <u>GENERAL FUND</u>	<u>1,110,823,561</u>	<u>1,119,347,863</u>
5 CASH FUND	3,240,938	3,240,938
6 FEDERAL FUND est.	290,889,138	290,889,138
7 PROGRAM TOTAL	1,404,953,637	1,414,607,313
8 <u>PROGRAM TOTAL</u>	<u>1,404,953,637</u>	<u>1,413,477,939</u>

9 There is included in the appropriation to this program for FY2013-14
 10 \$1,110,823,561 General Funds, \$3,240,938 Cash Funds, and \$290,889,138
 11 Federal Funds estimate for state aid, which shall only be used for such
 12 purpose. There is included in the appropriation to this program for
 13 FY2014-15 \$1,119,347,863 ~~\$1,120,477,237~~ General Funds, \$3,240,938 Cash
 14 Funds, and \$290,889,138 Federal Funds estimate for state aid, which shall
 15 only be used for such purpose.

16 There is included in the amount shown for FY2013-14 \$884,888,317
 17 General Funds which are hereby appropriated to the Tax Equity and
 18 Educational Opportunities Fund, which fund is hereby appropriated to
 19 provide state aid to public school districts pursuant to the Tax Equity
 20 and Educational Opportunities Support Act. There is included in the
 21 amount shown for FY2014-15 \$879,460,393 ~~\$880,642,147~~ General Funds which
 22 are hereby appropriated to the Tax Equity and Educational Opportunities
 23 Fund, which fund is hereby appropriated to provide state aid to public
 24 school districts pursuant to the Tax Equity and Educational Opportunities
 25 Support Act.

26 There is included in the amount shown for this program \$203,588,534
 27 General Funds provided as state aid for FY2013-14 for special education
 28 reimbursement. There is included in the amount shown for this program
 29 \$213,767,961 General Funds provided as state aid for FY2014-15 for
 30 special education reimbursement.

31 There is included in the amount shown for this program \$465,500

1 General Funds provided as state aid for FY2013-14 and \$465,500 General
2 Funds provided as state aid for FY2014-15 to carry out the provisions of
3 subsection (2) of section 79-734.

4 There is included in the amount shown for this program \$10,488,509
5 General Funds provided as state aid for FY2013-14 and \$10,488,509 General
6 Funds provided as state aid for FY2014-15 for core services for
7 educational service units.

8 There is included in the amount shown for this program \$3,272,887
9 General Funds provided as state aid for FY2013-14 and \$3,272,887 General
10 Funds provided as state aid for FY2014-15 for technology infrastructure
11 for educational service units.

12 There is included in the amount shown for this program \$290,365
13 General Funds provided as state aid for FY2013-14 and \$290,365 General
14 Funds provided as state aid for FY2014-15 for distance education aid to
15 educational service units.

16 There is included in the amount shown for this program \$547,589
17 General Funds provided as state aid for FY2013-14 and ~~\$505,388~~ ~~\$453,008~~
18 General Funds provided as state aid for FY2014-15 for the school
19 breakfast program.

20 There is included in the amount shown for this program \$392,032
21 General Funds provided as state aid for FY2013-14 and \$392,032 General
22 Funds provided as state aid for FY2014-15 for the school lunch program.

23 There is included in the amount shown for this program \$214,664
24 General Funds provided as state aid for FY2013-14 and \$214,664 General
25 Funds provided as state aid for FY2014-15 for adult basic education
26 programs.

27 There is included in the amount shown for this program \$725,000
28 General Funds provided as state aid for FY2013-14 and \$725,000 General
29 Funds provided as state aid for FY2014-15 for learning community aid.

30 There is included in the amount shown for this program \$1,820,164
31 General Funds provided as state aid for FY2013-14 and \$1,820,164 General

1 Funds provided as state aid for FY2014-15 for early childhood education
2 projects.

3 There is included in the amount shown for this program \$3,415,000
4 General Funds provided as one-time state aid for FY2014-15 for early
5 childhood education projects. The unexpended General Fund appropriation
6 balance existing on June 30, 2015, from this appropriation, is hereby
7 reappropriated.

8 There is included in the amount shown for this program \$130,000
9 General Funds provided as state aid for FY2013-14 and \$130,000 General
10 Funds provided as state aid for FY2014-15 for the Summer Food Service
11 Program.

12 There is included in the amount shown for this program \$4,000,000
13 General Funds provided as state aid for FY2013-14 and \$4,000,000 General
14 Funds provided as state aid for FY2014-15 for the Early Childhood
15 Education Grant Program for at-risk children from birth to age three. It
16 is the intent of the Legislature that a maximum of five percent of the
17 \$4,000,000 of General Funds appropriated each fiscal year for the Early
18 Childhood Education Grant Program for at-risk children from birth to age
19 three may be used for evaluation and technical assistance.

20 There is included in the amount shown for this program \$400,000
21 General Funds provided as state aid for FY2014-15 to expand the Nurturing
22 Healthy Behaviors program. It is the intent of the Legislature that a
23 portion of the funds provided shall be used for at least one new program
24 in the third congressional district.

25 On or before October 1 of each year, the Department of Health and
26 Human Services and the State Department of Education shall jointly
27 certify to the budget administrator of the budget division of the
28 Department of Administrative Services the amount of federal medicaid
29 funds paid to school districts pursuant to the Early Intervention Act for
30 special education services for children age five years and older. The
31 General Fund appropriation to the State Department of Education, Program

1 158, for state special education aid shall be decreased by an amount
 2 equal to the amount that would have been reimbursed with state General
 3 Funds to the school districts through the special education reimbursement
 4 process for special education services for children age five years and
 5 older that was paid to school districts or approved cooperatives with
 6 federal medicaid funds. There is hereby appropriated from the General
 7 Fund an amount equal to the amount certified to the budget administrator
 8 for FY2013-14 and FY2014-15 to the Department of Health and Human
 9 Services to aid in carrying out the provisions of Laws 1991, LB 701. The
 10 budget administrator shall distribute the amount appropriated between
 11 budget programs according to percentages certified by the Department of
 12 Health and Human Services.

13 Sec. 18. Laws 2014, LB905, section 54, is amended to read:

14 Sec. 54. AGENCY NO. 16 – DEPARTMENT OF REVENUE
 15 Program No. 108 - Homestead Exemption

	FY2013-14	FY2014-15
16 GENERAL FUND	65,100,000	68,900,000
18 PROGRAM TOTAL	65,100,000	68,900,000
19 <u>GENERAL FUND</u>	<u>65,100,000</u>	<u>62,779,000</u>
20 <u>PROGRAM TOTAL</u>	<u>65,100,000</u>	<u>62,779,000</u>

21 There is included in the appropriation to this program for FY2013-14
 22 \$65,100,000 General Funds for state aid, which shall only be used for
 23 such purpose. There is included in the appropriation to this program for
 24 FY2014-15 \$62,779,000 ~~\$68,900,000~~ General Funds for state aid, which
 25 shall only be used for such purpose.

26 Sec. 19. Laws 2014, LB905, section 59, is amended to read:

27 Sec. 59. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES
 28 Program No. 347 - Public Assistance

	FY2013-14	FY2014-15
30 GENERAL FUND	103,359,868	108,244,583
31 CASH FUND	3,560,000	3,560,000

1	FEDERAL FUND est.	103,059,571	102,574,856
2	PROGRAM TOTAL	209,979,439	214,379,439

3 Of the unexpended General Fund appropriation balance existing on
4 June 30, 2014, reappropriated to this program, \$7,000,000 is hereby
5 reappropriated to Agency 25, Program 354 - Child Welfare Aid.

6 There is included in the appropriation to this program for FY2013-14
7 \$103,359,868 General Funds, \$3,560,000 Cash Funds, and \$103,059,571
8 Federal Funds estimate for state aid, which shall only be used for such
9 purpose. There is included in the appropriation to this program for
10 FY2014-15 \$108,244,583 General Funds, \$3,560,000 Cash Funds, and
11 \$102,574,856 Federal Funds estimate for state aid, which shall only be
12 used for such purpose.

13 There is included in the appropriation to this program for FY2013-14
14 \$810,000 Cash Funds from the Nebraska Health Care Cash Fund for state aid
15 to aid in carrying out the Nebraska Lifespan Respite Services Program and
16 to provide payment to caregivers to purchase services under the respite
17 subsidy program. There is included in the appropriation to this program
18 for FY2014-15 \$810,000 Cash Funds from the Nebraska Health Care Cash Fund
19 for state aid to aid in carrying out the Nebraska Lifespan Respite
20 Services Program and to provide payment to caregivers to purchase
21 services under the respite subsidy program.

22 There is included in the appropriation to this program for FY2013-14
23 \$660,000 General Funds and for FY2014-15 \$660,000 General Funds which
24 shall be used solely to increase the reimbursement rate paid to providers
25 of adult day services under the Title XX Program.

26 Sec. 20. Laws 2014, LB907A, section 3, is amended to read:

27 Sec. 3. There is hereby appropriated (1) \$2,773,488 ~~\$5,000,000~~ from
28 the General Fund for FY2014-15 and (2) \$5,000,000 from the General Fund
29 for FY2015-16 to the Department of Correctional Services, for Program 214
30 - Vocational and Life Skills Program, to aid in carrying out the
31 provisions of Legislative Bill 907, One Hundred Third Legislature, Second

1 Session, 2014.

2 Total expenditures for permanent and temporary salaries and per
3 diems from funds appropriated in this section shall not exceed \$831,687
4 ~~\$1,109,100~~ for FY2014-15 or \$1,129,100 for FY2015-16.

5 There is included in the appropriation to this program for FY2014-15
6 \$1,750,000 ~~\$3,500,000~~ General Funds for state aid, which shall only be
7 used for such purpose. There is included in the appropriation to this
8 program for FY2015-16 ~~\$3,500,000~~ General Funds for state aid, which shall
9 only be used for such purpose.

10 Sec. 21. LIMITATION ON SALARIES, WAGES, AND PER DIEMS.

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

22 (2) Total expenditures for permanent and temporary salaries and per
23 diems shall be limited to the amount shown except when federal funds in
24 excess of the amount shown are available and approved by the Governor.
25 Expenditures for permanent and temporary salaries and per diems from such
26 grants shall be in addition to the limitation on permanent and temporary
27 salaries and per diems otherwise shown in this act. No agency shall
28 request any state funds for continuation or replacement of any such
29 personnel or activities in future budget requests. To the extent
30 feasible, requests for increases in the limitation on permanent and
31 temporary salaries and per diems shall be addressed to the Appropriations

1 Committee of the Legislature when the Legislature is in session.

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

6 (4) The limitation on expenditures for permanent and temporary
7 salaries and per diems for FY2014-15 as established by the Legislature
8 shall be the basis for continuation funding for each fiscal year of the
9 succeeding biennium.

10 (5) The limitation on expenditures for permanent and temporary
11 salaries and per diems for FY2014-15 shall be increased by certified
12 encumbrance amounts from FY2013-14 for permanent and temporary salaries
13 and per diems. Encumbered amounts shall be calculated in accordance with
14 section 81-138.01.

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

19 Sec. 22. Original Laws 2013, LB195, sections 22, 44, and 112; Laws
20 2013, LB530A, section 1; Laws 2014, LB905, sections 52, 54, and 59; and
21 Laws 2014, LB907A, section 3, are repealed.

22 Sec. 23. Since an emergency exists, this act takes effect when
23 passed and approved according to law.