

LEGISLATIVE BILL 293

Approved by the Governor May 27, 2019

Introduced by Speaker Scheer, ; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2018, LB944, sections 27, 43, 53, 66, 67, 68, 69, 70, 94, and 109; and section 48-1,116, Revised Statutes Cumulative Supplement, 2018; to define terms; to provide, change, and eliminate appropriations for operation of state government; 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 Sixth Legislature, First or Second Session, which appropriates funds, FY2018-19 means the period July 1, 2018, through June 30, 2019; FY2019-20 means the period July 1, 2019, through June 30, 2020; FY2020-21 means the period July 1, 2020, through June 30, 2021; FY2021-22 means the period July 1, 2021, through June 30, 2022; and FY2022-23 means the period July 1, 2022, through June 30, 2023.

Sec. 2. APPROPRIATION LANGUAGE.

There are hereby appropriated, for FY2017-18 and FY2018-19, 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, capital construction, and state aid, except as otherwise appropriated.

Sec. 3. UNEXPENDED BALANCES AND CERTIFIED ENCUMBRANCES.

All General Fund appropriations existing on June 30, 2017, 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, 2017, in excess of expended and certified encumbrance amounts are hereby lapsed unless otherwise expressly provided. All certified encumbrance amounts on June 30, 2017, and June 30, 2018, are hereby reappropriated for FY2017-18 and FY2018-19, respectively, which amounts shall be in addition to the amounts shown in this act.

Sec. 4. REAPPROPRIATION OF BALANCES, FY2017-18 to FY2018-19.

In addition to the appropriations set forth in this act, there are hereby reappropriated all unexpended appropriation balances existing on June 30, 2018, for FY2018-19 to the respective agencies, programs, and funds listed in this act, except 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 31 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. 9 – SECRETARY OF STATE
Program No. 45 - Election Administration

| | <u>FY2017-18</u> | <u>FY2018-19</u> |
|----------------------|------------------|------------------|
| <u>CASH FUND</u> | <u>-0-</u> | <u>174,847</u> |
| <u>PROGRAM TOTAL</u> | <u>-0-</u> | <u>174,847</u> |
| <u>SALARY LIMIT</u> | <u>-0-</u> | <u>-0-</u> |

Sec. 8. AGENCY NO. 12 – STATE TREASURER
Program No. 505 - Educational Savings Unit

| | <u>FY2017-18</u> | <u>FY2018-19</u> |
|----------------------|------------------|------------------|
| <u>CASH FUND</u> | <u>-0-</u> | <u>80,000</u> |
| <u>PROGRAM TOTAL</u> | <u>-0-</u> | <u>80,000</u> |
| <u>SALARY LIMIT</u> | <u>-0-</u> | <u>-0-</u> |

Sec. 9. AGENCY NO. 12 – STATE TREASURER
Program No. 512 - Unclaimed Property

| | <u>FY2017-18</u> | <u>FY2018-19</u> |
|---------------------|------------------|------------------|
| <u>SALARY LIMIT</u> | <u>-0-</u> | <u>20,000</u> |

Sec. 10. AGENCY NO. 14 – PUBLIC SERVICE COMMISSION

Program No. 14 - Salaries of Public Service Commissioners

| | <u>FY2017-18</u> | <u>FY2018-19</u> |
|----------------------|------------------|------------------|
| <u>GENERAL FUND</u> | -0- | 8,185 |
| <u>PROGRAM TOTAL</u> | -0- | 8,185 |
| <u>SALARY LIMIT</u> | -0- | -0- |

Sec. 11. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES
Program No. 424 - Developmental Disability Aid

| | <u>FY2017-18</u> | <u>FY2018-19</u> |
|----------------------|------------------|------------------|
| <u>GENERAL FUND</u> | -0- | 2,699,569 |
| <u>PROGRAM TOTAL</u> | -0- | 2,699,569 |

There is included in the appropriation to this program for FY2018-19 \$2,699,569 General Funds for state aid which shall only be used for such purpose.

Sec. 12. AGENCY NO. 28 – DEPARTMENT OF VETERANS' AFFAIRS
Program No. 37 - Veterans' Cemeteries

| | <u>FY2017-18</u> | <u>FY2018-19</u> |
|----------------------|------------------|------------------|
| <u>CASH FUND</u> | -0- | 102,000 |
| <u>PROGRAM TOTAL</u> | -0- | 102,000 |
| <u>SALARY LIMIT</u> | -0- | -0- |

Sec. 13. AGENCY NO. 30 – STATE ELECTRICAL BOARD
Program No. 197 - Public Protection

| | <u>FY2017-18</u> | <u>FY2018-19</u> |
|----------------------|------------------|------------------|
| <u>CASH FUND</u> | -0- | 100,000 |
| <u>PROGRAM TOTAL</u> | -0- | 100,000 |
| <u>SALARY LIMIT</u> | -0- | -0- |

Sec. 14. AGENCY NO. 39 – NEBRASKA BRAND COMMITTEE
Program No. 75 - Nebraska Brand Committee

| | <u>FY2017-18</u> | <u>FY2018-19</u> |
|----------------------|------------------|------------------|
| <u>CASH FUND</u> | -0- | 510,000 |
| <u>PROGRAM TOTAL</u> | -0- | 510,000 |
| <u>SALARY LIMIT</u> | -0- | 497,694 |

Sec. 15. AGENCY NO. 47 – NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION
Program No. 907 - KHNE Hastings Transmitter

| | <u>FY2017-18</u> | <u>FY2018-19</u> | <u>FUTURE</u> |
|----------------------|------------------|------------------|---------------|
| <u>GENERAL FUND</u> | -0- | 100,000 | -0- |
| <u>PROGRAM TOTAL</u> | -0- | 100,000 | -0- |

The Nebraska Educational Telecommunications Commission is authorized to replace the transmitter at KHNE Hastings.

Sec. 16. AGENCY NO. 47 – NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION
Program No. 908 - Tower Lighting Project

| | <u>FY2017-18</u> | <u>FY2018-19</u> | <u>FUTURE</u> |
|----------------------|------------------|------------------|---------------|
| <u>GENERAL FUND</u> | -0- | 86,000 | -0- |
| <u>PROGRAM TOTAL</u> | -0- | 86,000 | -0- |

The Nebraska Educational Telecommunications Commission is authorized to replace the tower lighting system at KHNE Hastings.

Sec. 17. AGENCY NO. 82 – COMMISSION FOR THE DEAF AND HARD OF HEARING
Program No. 578 - Deaf and Hard of Hearing

| | <u>FY2017-18</u> | <u>FY2018-19</u> |
|------------------|------------------|------------------|
| <u>CASH FUND</u> | -0- | 15,000 |

PROGRAM TOTAL -0- 15,000

SALARY LIMIT -0- -0-

Sec. 18. AGENCY NO. 87 – NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

Program No. 94 - Nebraska Political Accountability

| | <u>FY2017-18</u> | <u>FY2018-19</u> |
|----------------------|------------------|------------------|
| GENERAL FUND | -0- | 31,843 |
| <u>PROGRAM TOTAL</u> | -0- | 31,843 |
| <u>SALARY LIMIT</u> | -0- | 27,680 |

Sec. 19. AGENCY NO. 92 – GRAIN SORGHUM DEVELOPMENT, UTILIZATION, AND MARKETING BOARD

Program No. 406 - Grain Sorghum Development

| | <u>FY2017-18</u> | <u>FY2018-19</u> |
|---------------------|------------------|------------------|
| <u>SALARY LIMIT</u> | -0- | 43,422 |

Sec. 20. Laws 2018, LB944, section 27, is amended to read:
Sec. 27. AGENCY NO. 5 – SUPREME COURT
Program No. 437 - Juvenile Justice

| | <u>FY2017-18</u> | <u>FY2018-19</u> |
|----------------|------------------|------------------|
| GENERAL FUND | 69,756,640 | 70,010,679 |
| CASH FUND est. | 25,000 | 25,000 |
| PROGRAM TOTAL | 69,781,640 | 70,035,679 |
| SALARY LIMIT | 13,284,846 | 13,384,811 |

The unexpended General Fund appropriation balance existing on June 30, 2018 2017, less ~~\$12,000,000~~ \$31,344, is hereby reappropriated.
Cash Fund expenditures for this program shall not be limited to the amounts shown.

Sec. 21. Laws 2018, LB944, section 43, is amended to read:
Sec. 43. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION
Program No. 158 - Education Aid

| | <u>FY2017-18</u> | <u>FY2018-19</u> |
|----------------------|----------------------|----------------------|
| <u>GENERAL FUND</u> | <u>1,225,680,458</u> | <u>1,226,205,079</u> |
| GENERAL FUND | 1,225,680,458 | 1,228,106,373 |
| CASH FUND | 3,790,938 | 3,790,938 |
| FEDERAL FUND est. | 312,630,674 | 312,630,674 |
| <u>PROGRAM TOTAL</u> | <u>1,542,102,070</u> | <u>1,542,626,691</u> |
| <u>PROGRAM TOTAL</u> | <u>1,542,102,070</u> | <u>1,544,527,985</u> |

There is included in the appropriation to this program for FY2017-18 \$1,225,680,458 General Funds, \$3,790,938 Cash Funds, and \$312,630,674 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2018-19 \$1,226,205,079 ~~\$1,228,106,373~~ General Funds, \$3,790,938 Cash Funds, and \$312,630,674 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the amount shown for FY2017-18 \$973,666,434 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 FY2018-19 \$972,606,681 ~~\$974,507,975~~ 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 this program \$224,283,748 General Funds provided as state aid for FY2017-18 for special education reimbursement. There is included in the amount shown for this program \$226,526,585 General Funds provided as state aid for FY2018-19 for special education reimbursement.

There is included in the amount shown for this program \$456,190 General Funds provided as state aid for FY2017-18 and \$446,880 General Funds provided as state aid for FY2018-19 to carry out the provisions of subsection (2) of section 79-734.

There is included in the amount shown for this program \$9,970,377 General Funds provided as state aid for FY2017-18 and \$9,766,900 General Funds provided as state aid for FY2018-19 for core services for educational service units.

There is included in the amount shown for this program \$3,111,206 General Funds provided as state aid for FY2017-18 and \$3,047,712 General Funds provided as state aid for FY2018-19 for technology infrastructure for educational service units.

There is included in the amount shown for this program \$276,021 General Funds provided as state aid for FY2017-18 and \$270,388 General Funds provided as state aid for FY2018-19 for distance education aid to educational service units.

There is included in the amount shown for this program \$611,168 General Funds provided as state aid for FY2017-18 and \$617,898 General Funds provided as state aid for FY2018-19 for the school breakfast program.

There is included in the amount shown for this program \$384,191 General Funds provided as state aid for FY2017-18 and \$376,351 General Funds provided as state aid for FY2018-19 for the school lunch program.

There is included in the amount shown for this program \$128,200 General Funds provided as state aid for FY2017-18 and \$126,400 General Funds provided as state aid for FY2018-19 for the Summer Food Service Program.

There is included in the amount shown for this program \$210,371 General Funds provided as state aid for FY2017-18 and \$206,077 General Funds provided as state aid for FY2018-19 for adult basic education programs.

There is included in the amount shown for this program \$735,000 General Funds provided as state aid for FY2017-18 and \$720,000 General Funds provided as state aid for FY2018-19 for aid to institutions offering high school equivalency programs.

There is included in the amount shown for this program \$3,546,970 General Funds provided as state aid for FY2017-18 and \$3,474,583 General Funds provided as state aid for FY2018-19 for early childhood education projects.

There is included in the amount shown for this program \$4,900,000 General Funds provided as state aid for FY2017-18 and \$4,800,000 General Funds provided as state aid for FY2018-19 for the Early Childhood Education Grant Program for at-risk children from birth to age three. It is the intent of the Legislature that a maximum of five percent of General Funds appropriated each fiscal year for the Early Childhood Education Grant Program for at-risk children from birth to age three may be used for evaluation and technical assistance.

There is included in the amount shown for this program \$98,000 General Funds provided as state aid for FY2017-18 and \$96,000 General Funds provided as state aid for FY2018-19 for scholarships for early childhood education providers.

There is included in the amount shown for this program \$67,620 General Funds provided as state aid for FY2017-18 and \$66,240 General Funds provided as state aid for FY2018-19 for incentive bonuses for providers of child care and early childhood education programs.

There is included in the amount shown for this program \$392,000 General Funds provided as state aid for FY2017-18 and \$384,000 General Funds provided as state aid for FY2018-19 for the Nurturing Healthy Behaviors program.

There is included in the amount shown for this program \$500,000 General Funds provided as state aid for FY2017-18 and \$470,000 General Funds provided as state aid for FY2018-19 for learning community aid.

There is included in the amount shown for this program \$2,342,962 General Funds provided as state aid for FY2017-18 and \$2,202,384 General Funds provided as state aid for FY2018-19 for programs for learners with high ability.

Sec. 22. Laws 2018, LB944, section 53, is amended to read:

Sec. 53. AGENCY NO. 16 – DEPARTMENT OF REVENUE
Program No. 108 - Homestead Exemption

| | FY2017-18 | FY2018-19 |
|----------------------|-------------------|-------------------|
| <u>GENERAL FUND</u> | <u>81,300,000</u> | <u>85,400,000</u> |
| <u>GENERAL FUND</u> | <u>81,300,000</u> | <u>84,100,000</u> |
| <u>PROGRAM TOTAL</u> | <u>81,300,000</u> | <u>85,400,000</u> |
| <u>PROGRAM TOTAL</u> | <u>81,300,000</u> | <u>84,100,000</u> |

There is included in the appropriation to this program for FY2017-18 \$81,300,000 General Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2018-19 ~~\$85,400,000~~ ~~\$84,100,000~~ General Funds for state aid, which shall only be used for such purpose.

Sec. 23. Laws 2018, LB944, section 66, is amended to read:

Sec. 66. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES
Program No. 250 - Juvenile Services Operations

| | FY2017-18 | FY2018-19 |
|--------------|------------|------------|
| GENERAL FUND | 21,789,549 | 22,592,949 |
| CASH FUND | 1,106,866 | 1,124,985 |

| | | |
|-------------------|------------|------------|
| FEDERAL FUND est. | 770,917 | 831,688 |
| PROGRAM TOTAL | 23,667,332 | 24,549,622 |
| SALARY LIMIT | 13,661,053 | 13,805,090 |

The unexpended General Fund appropriation balance existing on June 30, 2018, less \$3,000,000, is hereby reappropriated.

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

- No. 315 - Office of Juvenile Services
- No. 345 - Juvenile Community-Based Services
- No. 371 - Youth Rehabilitation and Treatment Center-Geneva
- No. 374 - Youth Rehabilitation and Treatment Center-Kearney

There is included in the appropriation to this program for FY2017-18 \$1,000,000 Cash Funds for mental health services to juvenile offenders under section 43-407 from the Nebraska Health Care Cash Fund. There is included in the appropriation to this program for FY2018-19 \$1,000,000 Cash Funds for mental health services to juvenile offenders under section 43-407 from the Nebraska Health Care Cash Fund.

Sec. 24. Laws 2018, LB944, section 67, is amended to read:

Sec. 67. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES
Program No. 344 - Children's Health Insurance

| | FY2017-18 | FY2018-19 |
|--------------------------|------------------------|------------------------|
| <u>GENERAL FUND</u> | <u>3,663,940</u> | <u>3,178,073</u> |
| GENERAL FUND | 3,663,940 | 6,178,073 |
| CASH FUND | 7,085,700 | 7,085,700 |
| FEDERAL FUND est. | 102,895,262 | 104,564,768 |
| <u>PROGRAM TOTAL</u> | <u>113,644,902</u> | <u>114,828,541</u> |
| PROGRAM TOTAL | 113,644,902 | 117,828,541 |

There is included in the appropriation to this program for FY2017-18 \$3,663,940 General Funds, \$7,085,700 Cash Funds, and \$102,895,262 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2018-19 \$3,178,073 ~~\$6,178,073~~ General Funds, \$7,085,700 Cash Funds, and \$104,564,768 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the appropriation to this program for FY2017-18 \$6,835,700 Cash Funds for state aid from the Nebraska Health Care Cash Fund. There is included in the appropriation to this program for FY2018-19 \$6,835,700 Cash Funds for state aid from the Nebraska Health Care Cash Fund.

There is included in the amount shown as aid for this program for FY2017-18 up to \$250,000 Cash Funds and for FY2018-19 up to \$250,000 Cash Funds from the Health and Human Services Cash Fund for the state match for utilization of the unused administrative cap as allowed under the Children's Health Insurance Program for payments to the Nebraska Regional Poison Center funded through the University of Nebraska Medical Center. The match is from Cash Funds transferred from the University of Nebraska Medical Center.

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

Sec. 25. Laws 2018, LB944, section 68, is amended to read:

Sec. 68. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES
Program No. 347 - Public Assistance

| | FY2017-18 | FY2018-19 |
|--------------------------|------------------------|------------------------|
| <u>GENERAL FUND</u> | <u>93,988,027</u> | <u>86,994,043</u> |
| GENERAL FUND | 93,988,027 | 94,994,043 |
| CASH FUND | 3,560,000 | 3,560,000 |
| FEDERAL FUND est. | 110,125,004 | 110,125,004 |
| <u>PROGRAM TOTAL</u> | <u>207,673,031</u> | <u>200,679,047</u> |
| PROGRAM TOTAL | 207,673,031 | 208,679,047 |

There is included in the appropriation to this program for FY2017-18 \$93,988,027 General Funds, \$3,560,000 Cash Funds, and \$110,125,004 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2018-19 \$86,994,043 ~~\$94,994,043~~ General Funds, \$3,560,000 Cash Funds, and \$110,125,004 Federal

Funds estimate for state aid, which shall only be used for such purpose.

There is included in the amount shown as aid for this program for FY2017-18 \$810,000 Cash Funds from the Nebraska Health Care Cash Fund to aid in carrying out the Nebraska Lifespan Respite Services Program and to provide payment to caregivers to purchase services under the respite subsidy program. There is included in the amount shown as aid for this program for FY2018-19 \$810,000 Cash Funds from the Nebraska Health Care Cash Fund to aid in carrying out the Nebraska Lifespan Respite Services Program and to provide payment to caregivers to purchase services under the respite subsidy program.

Sec. 26. Laws 2018, LB944, section 69, is amended to read:

Sec. 69. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES
Program No. 348 - Medical Assistance

| | FY2017-18 | FY2018-19 |
|--------------------------|--------------------------|--------------------------|
| <u>GENERAL FUND</u> | <u>835,565,260</u> | <u>869,012,184</u> |
| GENERAL FUND | 835,565,260 | 850,012,184 |
| CASH FUND | 46,851,581 | 46,851,581 |
| FEDERAL FUND est. | 1,143,123,143 | 1,174,464,419 |
| <u>PROGRAM TOTAL</u> | <u>2,025,539,984</u> | <u>2,090,328,184</u> |
| PROGRAM TOTAL | 2,025,539,984 | 2,071,328,184 |

There is included in the appropriation to this program for FY2017-18 \$835,565,260 General Funds, \$46,851,581 Cash Funds, and \$1,143,123,143 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2018-19 ~~\$850,012,184~~ \$869,012,184 General Funds, \$46,851,581 Cash Funds, and \$1,174,464,419 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the amount shown as aid for this program for FY2017-18 \$4,765,896 Cash Funds 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 amount shown as aid for this program for FY2018-19 \$4,765,896 Cash Funds 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 amount shown as aid for this program for FY2017-18 \$450,000 Cash Funds from the Nebraska Health Care Cash Fund 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 amount shown as aid for this program for FY2018-19 \$450,000 Cash Funds from the Nebraska Health Care Cash Fund 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 FY2017-18 and FY2018-19 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.

There is included in the appropriation to this program for FY2017-18 \$5,067,237 Cash Funds from funds transferred from the University of Nebraska Medical Center and an estimated \$5,456,619 Federal Funds for supplemental payments to Nebraska Medicine. There is included in the appropriation to this program for FY2018-19 \$5,549,744 Cash Funds from funds transferred from the University of Nebraska Medical Center and an estimated \$6,083,888 Federal Funds for supplemental payments to Nebraska Medicine, for payments as allowed and approved by the Medicaid State Plan Amendment by the Centers for Medicare and Medicaid Services.

There is included in the appropriation to this program for FY2017-18 \$2,600,000 General Funds and \$2,859,891 Federal Funds for rebasing rates by three percent for hospitals paid under the prospective payment system. There is included in the appropriation to this program for FY2018-19 \$2,600,000 General Funds and \$2,962,687 Federal Funds for rebasing rates by three percent for hospitals paid under the prospective payment system.

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

The chief executive officer of the Department of Health and Human Services may certify to the budget administrator of the budget division of the Department of Administrative Services FY2017-18 and FY2018-19 unexpended appropriation balances for Medical Assistance, Program No. 348, available to transfer to Developmental Disabilities Aid, Program No. 424, to be used only to maintain individuals with an intellectual or developmental disability in a medicaid program that best serves their needs at a cost that does not exceed the cost of services provided in an institution. The budget administrator of the budget division of the Department of Administrative Services shall administratively transfer during FY2017-18 and FY2018-19 available appropriations as certified by the chief executive officer of the Department of

Health and Human Services from Medical Assistance, Program No. 348, to Developmental Disabilities Aid, Program No. 424.

It is the intent of the Legislature that the Division of Rehabilitation Services in the State Department of Education and the Division of Developmental Disabilities of the Department of Health and Human Services work collaboratively to focus on employment for individuals with disabilities and to maximize federal matching funds in compliance with the federal Workforce Innovation and Opportunity Act and the federal Home and Community-Based Services Final Rule.

Sec. 27. Laws 2018, LB944, section 70, is amended to read:

Sec. 70. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES
Program No. 354 - Child Welfare Aid

| | FY2017-18 | FY2018-19 |
|--------------------------|------------------------|------------------------|
| <u>GENERAL FUND</u> | <u>190,749,126</u> | <u>189,071,388</u> |
| GENERAL FUND | 190,749,126 | 197,071,388 |
| CASH FUND | 2,734,444 | 2,734,444 |
| FEDERAL FUND est. | 29,352,073 | 29,352,073 |
| <u>PROGRAM TOTAL</u> | <u>222,835,643</u> | <u>221,157,905</u> |
| PROGRAM TOTAL | 222,835,643 | 229,157,905 |

There is included in the appropriation to this program for FY2017-18 \$190,749,126 General Funds, \$2,734,444 Cash Funds, and \$29,352,073 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2018-19 \$189,071,388 ~~\$197,071,388~~ General Funds, \$2,734,444 Cash Funds, and \$29,352,073 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the amount shown as aid for this program for FY2017-18 \$2,734,444 Cash Funds from the Nebraska Health Care Cash Fund for the continuation of the behavioral health provider rate increase. There is included in the amount shown as aid for this program for FY2018-19 \$2,734,444 Cash Funds from the Nebraska Health Care Cash Fund for the continuation of the behavioral health provider rate increase.

Sec. 28. Laws 2018, LB944, section 94, is amended to read:

Sec. 94. AGENCY NO. 46 – DEPARTMENT OF CORRECTIONAL SERVICES
Program No. 200 - Operations

| | FY2017-18 | FY2018-19 |
|---------------------|-------------|-------------|
| GENERAL FUND | 206,213,457 | 210,210,525 |
| CASH FUND | 3,126,000 | 2,126,000 |
| FEDERAL FUND est. | 1,762,858 | 1,762,858 |
| REVOLVING FUND est. | 19,797,665 | 19,949,835 |
| PROGRAM TOTAL | 230,899,980 | 234,049,218 |
| SALARY LIMIT | 114,993,233 | 119,739,653 |

The unexpended General Fund appropriation balance existing on June 30, ~~2018~~ ~~2017~~, less \$12,000,000 ~~\$238,195~~, is hereby reappropriated.

Included in the salary limitations provided by this section is \$4,033,364 for FY2017-18 and \$4,033,364 for FY2018-19 for Revolving Fund salaries for program classifications 390 and 563, that shall not be limited to the amounts shown.

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

- No. 260 - Nebraska Correctional Youth Facility
- No. 300 - Tecumseh Correctional Center
- No. 368 - Lincoln Community Corrections Center
- No. 369 - Omaha Community Corrections Center
- No. 370 - Central Office
- No. 372 - Nebraska State Penitentiary
- No. 373 - Nebraska Center for Women - York
- No. 375 - Diagnostic and Evaluation Center
- No. 376 - Lincoln Correctional Center
- No. 377 - Omaha Correctional Center
- No. 386 - McCook Incarceration Work Camp
- No. 390 - Federal Surplus Property
- No. 495 - Department Central Warehouse
- No. 563 - Correctional Industries

Revolving Fund expenditures shall not be limited to the amounts shown.

It is intended that the Department of Correctional Services shall maintain a Department Contingency Fund and a Department Equipment Fund.

There is included in the appropriation to this program a salary limit increase of \$100,000 to fund the position of Justice Reinvestment Implementation Coordinator in the department who reports directly to the Director of Correctional Services. It is the intent of the Legislature for the coordinator to assist state agencies and committees, including, but not limited to, the Board of Parole, the Office of Probation Administration, the Nebraska Commission on Law Enforcement and Criminal Justice, the Justice Reinvestment Implementation Coordinating Committee, and the Committee on Justice Reinvestment Oversight, in developing relevant implementation policies, procedures, manuals, and training curricula that utilize identified best practices. The coordinator shall also act as a liaison between the Governor, members of the Legislature, and any other relevant state agencies, bodies, or groups. The coordinator shall provide verbal and written progress reports, data, and information as requested to the Justice Reinvestment Implementation Coordinating Committee and the Committee on Justice Reinvestment Oversight.

Sec. 29. Laws 2018, LB944, section 109, is amended to read:

Sec. 109. AGENCY NO. 65 – DEPARTMENT OF ADMINISTRATIVE SERVICES
Program No. 101 - Chief Information Officer

| | FY2017-18 | FY2018-19 |
|---------------|----------------|----------------|
| GENERAL FUND | 339,086 | 342,507 |
| CASH FUND | <u>-0-</u> | <u>25,000</u> |
| PROGRAM TOTAL | <u>339,086</u> | <u>367,507</u> |
| PROGRAM TOTAL | <u>339,086</u> | <u>342,507</u> |
| SALARY LIMIT | 224,051 | 226,036 |

Sec. 30. Section 48-1,116, Revised Statutes Cumulative Supplement, 2018, is amended to read:

48-1,116 The Compensation Court Cash Fund is hereby created. The fund shall be used to aid in providing for the expense of administering the Nebraska Workers' Compensation Act and the payment of the salaries and expenses of the personnel of the Nebraska Workers' Compensation Court.

~~The State Treasurer shall transfer one million five hundred thousand dollars from the Compensation Court Cash Fund to the General Fund after June 15, 2019, and before June 30, 2019, on such dates as directed by the budget administrator of the budget division of the Department of Administrative Services.~~

All fees received pursuant to sections 48-120, 48-120.02, 48-138, 48-139, 48-145.04, and 48-165 shall be remitted to the State Treasurer for credit to the Compensation Court Cash Fund. The fund shall also consist of amounts credited to the fund pursuant to sections 48-1,113, 48-1,114, and 77-912. The State Treasurer may receive and credit to the fund any money which may at any time be contributed to the state or the fund by the federal government or any agency thereof to which the state may be or become entitled under any act of Congress or otherwise by reason of any payment made from the fund.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 31. 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 FY2018-19 as enumerated in this act 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 FY2017-18 shall be increased by certified encumbrance amounts from FY2016-17 for permanent and temporary salaries and per diems. The limitation on expenditures for permanent and temporary salaries and per diems for FY2018-19 shall be increased by certified encumbrance amounts from FY2017-18 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.

(7) The budget administrator of the budget division of the Department of Administrative Services may administratively increase the limitation on expenditures for permanent and temporary salaries and per diems upon receipt of a request for such increase from the director of a state agency certifying the actual amount of the payment to a former employee of such agency, or his or her beneficiary upon the death of the employee, of accumulated vacation and sick leave pursuant to section 81-1325 and the rules and regulations of the State Personnel System governing such payments.

Sec. 32. Original Laws 2018, LB944, sections 27, 43, 53, 66, 67, 68, 69, 70, 94, and 109; and section 48-1,116, Revised Statutes Cumulative Supplement, 2018, are repealed.

Sec. 33. Since an emergency exists, this act takes effect when passed and approved according to law.