

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 379

Introduced by Speaker Hilgers, 21; at the request of the Governor.

Read first time January 14, 2021

Committee:

1 A BILL FOR AN ACT relating to appropriations; to amend Laws 2019, LB294,
2 sections 93, 96, 108, 159, 181, 182, and 261; and Laws 2020, LB1008,
3 sections 49, 50, 51, 52, 53, 54, and 55; to define terms; to
4 provide, change, and eliminate appropriations for operation of state
5 government; to change fund transfers; to repeal the original
6 sections; and to declare 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 Seventh Legislature, First or Second Session, which
4 appropriates funds, FY2019-20 means the period July 1, 2019, through June
5 30, 2020; FY2020-21 means the period July 1, 2020, through June 30, 2021;
6 FY2021-22 means the period July 1, 2021, through June 30, 2022; FY2022-23
7 means the period July 1, 2022, through June 30, 2023; FY2023-24 means the
8 period July 1, 2023, through June 30, 2024; and FY2024-25 means the
9 period July 1, 2024, through June 30, 2025.

10 Sec. 2. APPROPRIATION LANGUAGE.

11 There are hereby appropriated, for FY2019-20 and FY2020-21, the sums
12 set forth in this act to each agency for each program from the respective
13 funds for the general operations of state government, postsecondary
14 education, capital construction, and state aid, except as otherwise
15 appropriated.

16 Sec. 3. UNEXPENDED BALANCES AND CERTIFIED ENCUMBRANCES.

17 All General Fund appropriations existing on June 30, 2019, in excess
18 of expended and certified encumbrance amounts are hereby lapsed unless
19 otherwise provided. All Cash Fund and Revolving Fund appropriations
20 existing on June 30, 2019, in excess of expended and certified
21 encumbrance amounts are hereby lapsed unless otherwise expressly
22 provided. All certified encumbrance amounts on June 30, 2019, and June
23 30, 2020, are hereby reappropriated for FY2019-20 and FY2020-21,
24 respectively, which amounts shall be in addition to the amounts shown in
25 this act.

26 Sec. 4. REAPPROPRIATION OF BALANCES, FY2019-20 to FY2020-21.

27 In addition to the appropriations set forth in this act, there are
28 hereby reappropriated all unexpended appropriation balances existing on
29 June 30, 2020, for FY2020-21 to the respective agencies, programs, and
30 funds listed in this act, except as otherwise provided in this act.

31 Sec. 5. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

1 The definitions contained in the Nebraska Accounting System Manual,
2 and any amendments thereto, on file with the Clerk of the Legislature are
3 hereby adopted by the Legislature as the definitions for this act, except
4 as provided in section 27 of this act.

5 Sec. 6. DRAWING AND PAYING WARRANTS.

6 The Director of Administrative Services shall draw warrants upon the
7 proper fund in the state treasury for an amount not to exceed the
8 appropriations set forth in this act upon presentation of proper
9 documentation. The State Treasurer shall pay the warrants out of the
10 appropriate funds.

11 Sec. 7. AGENCY NO. 12 – STATE TREASURER

12 Program No. 149 - Aid to Counties

	<u>FY2019-20</u>	<u>FY2020-21</u>
14 <u>GENERAL FUND</u>	<u>-0-</u>	<u>3,379,472</u>
15 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>3,379,472</u>

16 There is included in the appropriation for this program for
17 FY2020-21 \$3,379,472 General Funds, which shall only be used to reimburse
18 counties for the loss of value in the 2020 property tax year due to the
19 assessment of centrally assessed personal property prior to the
20 implementation of Laws 2020, LB1107.

21 Sec. 8. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION

22 Program No. 25 - Education, Administration, and Support

	<u>FY2019-20</u>	<u>FY2020-21</u>
24 <u>CASH FUND</u>	<u>-0-</u>	<u>886,480</u>
25 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>886,480</u>

26 Sec. 9. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION

27 Program No. 614 - Professional Practices Commission

	<u>FY2019-20</u>	<u>FY2020-21</u>
29 <u>SALARY LIMIT</u>	<u>-0-</u>	<u>1,088</u>

30 Sec. 10. AGENCY NO. 16 – DEPARTMENT OF REVENUE

31 Program No. 108 - Homestead Exemption

1		<u>FY2019-20</u>	<u>FY2020-21</u>
2	<u>GENERAL FUND</u>	<u>-0-</u>	<u>2,000,000</u>
3	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>2,000,000</u>

4 There is included in the appropriation to this program for FY2020-21
5 \$2,000,000 General Funds for state aid, which shall only be used for such
6 purpose.

7 Sec. 11. AGENCY NO. 35 – NEBRASKA LIQUOR CONTROL COMMISSION
8 Program No. 73 - Licensing and Regulation

9		<u>FY2019-20</u>	<u>FY2020-21</u>
10	<u>GENERAL FUND</u>	<u>-0-</u>	<u>3,957,577</u>
11	<u>CASH FUND</u>	<u>-0-</u>	<u>-0-</u>
12	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>3,957,577</u>
13	<u>SALARY LIMIT</u>	<u>-0-</u>	<u>-0-</u>

14 The unexpended General Fund appropriation balance existing on June
15 30, 2021, is hereby reappropriated.

16 Sec. 12. AGENCY NO. 65 – DEPARTMENT OF ADMINISTRATIVE SERVICES
17 Program No. 594 - State Insurance

18		<u>FY2019-20</u>	<u>FY2020-21</u>
19	<u>GENERAL FUND</u>	<u>-0-</u>	<u>150,000</u>
20	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>150,000</u>

21 Sec. 13. Laws 2019, LB294, section 93, is amended to read:

22 Sec. 93. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES
23 Program No. 38 - Behavioral Health Aid

24		<u>FY2019-20</u>	<u>FY2020-21</u>
25	<u>GENERAL FUND</u>	<u>75,388,670</u>	<u>71,995,541</u>
26	<u>CASH FUND</u>	<u>14,599,660</u>	<u>13,799,660</u>
27	<u>FEDERAL FUND est.</u>	<u>10,504,971</u>	<u>10,504,971</u>
28	<u>PROGRAM TOTAL</u>	<u>100,493,301</u>	<u>96,300,172</u>

29 The unexpended General Fund appropriation balance existing on June
30 30, 2020, less \$2,000,000 is hereby reappropriated.

1 There is included in the appropriation to this program for FY2019-20
 2 \$75,388,670 General Funds, \$14,599,660 Cash Funds, and \$10,504,971
 3 Federal Funds estimate for state aid, which shall only be used for such
 4 purpose. There is included in the appropriation to this program for
 5 FY2020-21 \$71,995,541 General Funds, \$13,799,660 Cash Funds, and
 6 \$10,504,971 Federal Funds estimate for state aid, which shall only be
 7 used for such purpose.

8 There is included in the amount shown as Cash Fund aid in this
 9 program \$6,500,000 Cash Funds for FY2019-20 and \$6,500,000 Cash Funds for
 10 FY2020-21 from the Nebraska Health Care Cash Fund to be used for
 11 community-based mental health and substance abuse services, including
 12 intermediate-level residential mental health services. It is the intent
 13 of the Legislature that these funds shall be distributed to each of the
 14 six behavioral health regions based upon a formula determined by the
 15 Department of Health and Human Services.

16 There is included in the amount shown as Cash Fund aid in this
 17 program \$2,599,660 Cash Funds for FY2019-20 and \$2,599,660 Cash Funds for
 18 FY2020-21 from the Nebraska Health Care Cash Fund to be used for rates
 19 paid to providers of mental health and substance abuse services.

20 There is included in the amount shown as Cash Fund aid in this
 21 program \$1,500,000 Cash Funds for FY2019-20 and \$1,500,000 Cash Funds for
 22 FY2020-21 from the Nebraska Health Care Cash Fund to be used for the cost
 23 of maintenance and treatment of persons in emergency protective custody
 24 under the Nebraska Mental Health Commitment Act.

25 Sec. 14. Laws 2019, LB294, section 106, is amended to read:

26 Sec. 106. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

27 Program No. 424 - Developmental Disability Aid

	FY2019-20	FY2020-21
28		
29 GENERAL FUND	150,880,903	144,893,404
30 CASH FUND	6,312,000	6,312,000
31 PROGRAM TOTAL	157,192,903	151,205,404

1 The unexpended General Fund appropriation balance existing on June
2 30, 2020, less \$2,400,000 is hereby reappropriated.

3 There is included in the appropriation to this program for FY2019-20
4 \$150,880,903 General Funds and \$6,312,000 Cash Funds for state aid, which
5 shall only be used for such purpose. There is included in the
6 appropriation to this program for FY2020-21 \$144,893,404 General Funds
7 and \$6,312,000 Cash Funds for state aid, which shall only be used for
8 such purpose.

9 There is included in the amount shown as Cash Fund aid in this
10 program for FY2019-20 \$5,000,000 Cash Funds and for FY2020-21 \$5,000,000
11 Cash Funds from the Nebraska Health Care Cash Fund to be used for
12 services for persons with developmental disabilities (1) who were on the
13 waiting list for such services prior to July 1, 2001, and began receiving
14 such services on and after such date and (2) who are on the waiting list
15 for such services on and after July 1, 2019, beginning with those who
16 have been on the waiting list for the greatest length of time past their
17 date of need.

18 Sec. 15. Laws 2019, LB294, section 108, is amended to read:

19 Sec. 108. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

20 Program No. 514 - Health Aid

	FY2019-20	FY2020-21
21		
22 GENERAL FUND	6,114,407	6,114,407
23 CASH FUND	11,495,817	11,495,817
24 FEDERAL FUND est.	54,079,725	54,079,725
25 PROGRAM TOTAL	71,689,949	71,689,949

26 The unexpended General Fund appropriation balance existing on June
27 30, 2020, less \$1,900,000 is hereby reappropriated.

28 There is included in the appropriation to this program for FY2019-20
29 \$6,114,407 General Funds, \$11,495,817 Cash Funds, and \$54,079,725 Federal
30 Funds estimate for state aid, which shall only be used for such purpose.
31 There is included in the appropriation to this program for FY2020-21

1 \$6,114,407 General Funds, \$11,495,817 Cash Funds, and \$54,079,725 Federal
2 Funds estimate for state aid, which shall only be used for such purpose.

3 There is included in the amount shown as aid for this program
4 \$653,759 General Funds for FY2019-20 and \$653,759 General Funds for
5 FY2020-21, which shall only be used for the following purposes:
6 Reimbursement for the provision of pap smears, colposcopy, cervical
7 biopsy, cryotherapy, loop electrosurgical excision procedure (LEEP), and
8 such other treatments and procedures as may be developed for the followup
9 of abnormal pap smears; the diagnosis and treatment of sexually
10 transmitted diseases, including, but not limited to, chlamydia,
11 gonorrhea, HPV (genital warts), and herpes; and associated laboratory and
12 equipment costs and staff training costs relating to the use of
13 colposcopy equipment. None of the General Funds provided under this
14 program shall be used to perform or facilitate the performance of
15 abortion or to counsel or refer for abortion.

16 There is included in the amount shown as aid for this program for
17 FY2019-20 \$200,000 Cash Funds from the Nebraska Health Care Cash Fund for
18 the Poison Control Center at the University of Nebraska Medical Center,
19 which shall only be used by the medical center for the Poison Control
20 Center. There is included in the amount shown as aid for this program for
21 FY2020-21 \$200,000 Cash Funds from the Nebraska Health Care Cash Fund for
22 the Poison Control Center at the University of Nebraska Medical Center,
23 which shall only be used by the medical center for the Poison Control
24 Center.

25 There is included in the amount shown as aid for this program for
26 FY2019-20 \$1,100,000 General Funds for evidence-based early intervention
27 home visitation programs. There is included in the amount shown as aid
28 for this program for FY2020-21 \$1,100,000 General Funds for evidence-
29 based early intervention home visitation programs.

30 There is included in the amount shown as aid for this program for
31 FY2019-20 up to \$100,000 General Funds to contract with the University of

1 Nebraska Medical Center for the Nebraska Perinatal Quality Improvement
2 Collaborative. There is included in the amount shown as aid for this
3 program for FY2020-21 up to \$100,000 General Funds to contract with the
4 University of Nebraska Medical Center for the Nebraska Perinatal Quality
5 Improvement Collaborative.

6 There is included in the amount shown as aid for this program for
7 FY2019-20 \$289,416 General Funds to contract for services for
8 implementation of a statewide drug disposal project. There is included in
9 the amount shown as aid for this program for FY2020-21 \$289,416 General
10 Funds to contract for services for implementation of a statewide drug
11 disposal project.

12 There is included in the amount shown as aid for this program for
13 FY2019-20 up to \$292,000 General Funds for tuition reimbursement for
14 emergency medical services responders' initial and ongoing training.
15 There is included in the amount shown as aid for this program for
16 FY2020-21 up to \$292,000 General Funds for tuition reimbursement for
17 emergency medical services responders' initial and ongoing training.

18 Sec. 16. Laws 2019, LB294, section 159, is amended to read:

19 Sec. 159. AGENCY NO. 46 – DEPARTMENT OF CORRECTIONAL SERVICES

20 Program No. 200 - Operations

	FY2019-20	FY2020-21
21		
22 <u>GENERAL FUND</u>	<u>218,099,530</u>	<u>187,970,648</u>
23 GENERAL FUND	218,099,530	226,143,054
24 CASH FUND	6,326,000	2,126,000
25 FEDERAL FUND est.	1,762,858	1,762,858
26 REVOLVING FUND est.	20,115,066	20,249,883
27 <u>PROGRAM TOTAL</u>	<u>246,303,454</u>	<u>212,109,389</u>
28 PROGRAM TOTAL	246,303,454	250,281,795
29 SALARY LIMIT	126,400,846	130,503,444

30 The unexpended General Fund appropriation balance existing on June
31 30, 2019, is hereby reappropriated.

1 Included in the salary limitations provided by this section is
2 \$4,338,270 for FY2019-20 and \$4,338,270 for FY2020-21 for Revolving Fund
3 salaries for program classifications 390 and 563, that shall not be
4 limited to the amounts shown.

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

- 8 No. 260 - Nebraska Correctional Youth Facility
- 9 No. 300 - Tecumseh Correctional Center
- 10 No. 368 - Lincoln Community Corrections Center
- 11 No. 369 - Omaha Community Corrections Center
- 12 No. 370 - Central Office
- 13 No. 372 - Nebraska State Penitentiary
- 14 No. 373 - Nebraska Center for Women - York
- 15 No. 375 - Diagnostic and Evaluation Center
- 16 No. 376 - Lincoln Correctional Center
- 17 No. 377 - Omaha Correctional Center
- 18 No. 386 - McCook Incarceration Work Camp
- 19 No. 390 - Federal Surplus Property
- 20 No. 495 - Department Central Warehouse
- 21 No. 563 - Correctional Industries

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

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

26 Sec. 17. Laws 2019, LB294, section 181, is amended to read:

27 Sec. 181. AGENCY NO. 63 – NEBRASKA STATE BOARD OF PUBLIC ACCOUNTANCY
28 Program No. 84 - Enforcement of Standards - Public Accountancy

29		FY2019-20	FY2020-21
30	CASH FUND	430,690	436,083
31	PROGRAM TOTAL	430,690	436,083

1	<u>SALARY LIMIT</u>	<u>191,654</u>	<u>202,165</u>
2	SALARY LIMIT	191,654	195,665
3	Sec. 18. Laws 2019, LB294, section 182, is amended to read:		
4	Sec. 182. AGENCY NO. 64 – NEBRASKA STATE PATROL		
5	Program No. 100 - Public Protection		
6		FY2019-20	FY2020-21
7	<u>GENERAL FUND</u>	<u>61,014,568</u>	<u>50,918,391</u>
8	GENERAL FUND	61,014,568	62,628,282
9	CASH FUND	6,929,219	7,032,094
10	FEDERAL FUND est.	423,110	423,110
11	<u>PROGRAM TOTAL</u>	<u>68,366,897</u>	<u>58,373,595</u>
12	PROGRAM TOTAL	68,366,897	70,083,486
13	SALARY LIMIT	41,877,790	43,572,057

14 The unexpended General Fund appropriation balance existing on June
15 30, 2019, is hereby reappropriated.

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

- 19 No. 189 - Command and Support
- 20 No. 190 - Criminal Investigations
- 21 No. 195 - Road Operations

22 There is included in the appropriation to this program for FY2019-20
23 \$150,000 General Funds and \$100,000 Federal Funds from the Byrne Criminal
24 History Improvement set-aside funds, subject to available federal
25 appropriation, which shall only be expended for criminal justice
26 information systems improvements. There is included in the appropriation
27 to this program for FY2020-21 \$150,000 General Funds and \$100,000 Federal
28 Funds from the Byrne Criminal History Improvement set-aside funds,
29 subject to available federal appropriation, which shall only be expended
30 for criminal justice information systems improvements. Federal Funds
31 transferred to the Nebraska State Patrol pursuant to this section shall

1 be expended consistent with all applicable federal laws, rules, and
2 regulations pertaining to Byrne Criminal History Improvement set-aside
3 funds.

4 There is included in the appropriation to this program for FY2019-20
5 \$489,979 Cash Funds and for FY2020-21 \$489,979 Cash Funds, which
6 appropriation amounts shall only be expended to provide law enforcement
7 coverage along state road construction zones. The Department of
8 Transportation Roads shall contract with the Nebraska State Patrol for
9 such law enforcement coverage and shall pay for such services from the
10 Roads Operations Cash Fund to the Nebraska State Patrol Cash Fund in four
11 equal quarterly amounts to be transferred by the State Treasurer on or
12 before July 15, October 15, January 15, and April 15, for both FY2019-20
13 and FY2020-21.

14 Sec. 19. Laws 2020, LB1008, section 49, is amended to read:

15 Sec. 49. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION

16 Program No. 158 - Education Aid

	FY2019-20	FY2020-21
17		
18 <u>GENERAL FUND</u>	<u>1,292,913,588</u>	<u>1,280,091,480</u>
19 GENERAL FUND	1,292,913,588	1,281,781,018
20 CASH FUND	3,790,938	3,790,938
21 <u>FEDERAL FUND est.</u>	<u>323,174,115</u>	<u>330,145,476</u>
22 <u>PROGRAM TOTAL</u>	<u>1,619,878,641</u>	<u>1,614,027,894</u>
23 FEDERAL FUND est.	323,174,115	323,174,115
24 PROGRAM TOTAL	1,619,878,641	1,608,746,071

25

26 The unexpended General Fund appropriation balance existing on June
27 30, 2020, less \$319,400, is hereby reappropriated.

28 There is included in the appropriation to this program for FY2019-20
29 \$1,292,913,588 General Funds, \$3,790,938 Cash Funds, and \$323,174,115
30 Federal Funds estimate for state aid, which shall only be used for such
31 purpose. There is included in the appropriation to this program for

1 FY2020-21 \$1,280,091,480 ~~\$1,281,781,018~~ General Funds, \$3,790,938 Cash
2 Funds, and \$330,145,476 ~~\$323,174,115~~ Federal Funds estimate for state
3 aid, which shall only be used for such purpose.

4 There is included in the amount shown for FY2019-20 \$1,036,237,766
5 General Funds which are hereby appropriated to the Tax Equity and
6 Educational Opportunities Fund, which fund is hereby appropriated to
7 provide state aid to public school districts pursuant to the Tax Equity
8 and Educational Opportunities Support Act. There is included in the
9 amount shown for FY2020-21 \$1,020,866,321 ~~\$1,022,555,859~~ General Funds
10 which are hereby appropriated to the Tax Equity and Educational
11 Opportunities Fund, which fund is hereby appropriated to provide state
12 aid to public school districts pursuant to the Tax Equity and Educational
13 Opportunities Support Act.

14 There is included in the amount shown for this program \$228,791,851
15 General Funds provided as state aid for FY2019-20 for special education
16 reimbursement. There is included in the amount shown for this program
17 \$231,079,770 General Funds provided as state aid for FY2020-21 for
18 special education reimbursement.

19 There is included in the amount shown for this program \$465,500
20 General Funds provided as state aid for FY2019-20 and \$465,500 General
21 Funds provided as state aid for FY2020-21 to carry out the provisions of
22 subsection (2) of section 79-734.

23 There is included in the amount shown for this program \$9,962,195
24 General Funds provided as state aid for FY2019-20 and \$10,161,395 General
25 Funds provided as state aid for FY2020-21 for core services for
26 educational service units.

27 There is included in the amount shown for this program \$3,108,709
28 General Funds provided as state aid for FY2019-20 and \$3,170,927 General
29 Funds provided as state aid for FY2020-21 for technology infrastructure
30 for educational service units.

31 There is included in the amount shown for this program \$281,654

1 General Funds provided as state aid for FY2019-20 and \$281,654 General
2 Funds provided as state aid for FY2020-21 for distance education aid to
3 educational service units.

4 There is included in the amount shown for this program \$617,898
5 General Funds provided as state aid for FY2019-20 and \$617,898 General
6 Funds provided as state aid for FY2020-21 for the school breakfast
7 program.

8 There is included in the amount shown for this program \$392,032
9 General Funds provided as state aid for FY2019-20 and \$392,032 General
10 Funds provided as state aid for FY2020-21 for the school lunch program.

11 There is included in the amount shown for this program \$90,000
12 General Funds provided as state aid for FY2019-20 and \$90,000 General
13 Funds provided as state aid for FY2020-21 for the Summer Food Service
14 Program.

15 There is included in the amount shown for this program \$214,664
16 General Funds provided as state aid for FY2019-20 and \$214,664 General
17 Funds provided as state aid for FY2020-21 for adult basic education
18 programs.

19 There is included in the amount shown for this program \$750,000
20 General Funds provided as state aid for FY2019-20 and \$750,000 General
21 Funds provided as state aid for FY2020-21 for aid to institutions
22 offering high school equivalency programs.

23 There is included in the amount shown for this program \$3,619,357
24 General Funds provided as state aid for FY2019-20 and \$3,619,357 General
25 Funds provided as state aid for FY2020-21 for early childhood education
26 projects.

27 There is included in the amount shown for this program \$5,000,000
28 General Funds provided as state aid for FY2019-20 and \$5,000,000 General
29 Funds provided as state aid for FY2020-21 for the Early Childhood
30 Education Grant Program for at-risk children from birth to age three. It
31 is the intent of the Legislature that a maximum of five percent of

1 General Funds appropriated each fiscal year for the Early Childhood
2 Education Grant Program for at-risk children from birth to age three may
3 be used for evaluation and technical assistance.

4 There is included in the amount shown for this program \$100,000
5 General Funds provided as state aid for FY2019-20 and \$100,000 General
6 Funds provided as state aid for FY2020-21 for scholarships for early
7 childhood education providers.

8 There is included in the amount shown for this program \$69,000
9 General Funds provided as state aid for FY2019-20 and \$69,000 General
10 Funds provided as state aid for FY2020-21 for incentive bonuses for
11 providers of child care and early childhood education programs.

12 There is included in the amount shown for this program \$400,000
13 General Funds provided as state aid for FY2019-20 and \$400,000 General
14 Funds provided as state aid for FY2020-21 for the Nurturing Healthy
15 Behaviors program.

16 There is included in the amount shown for this program \$470,000
17 General Funds provided as state aid for FY2019-20 and \$470,000 General
18 Funds provided as state aid for FY2020-21 for learning community aid.

19 There is included in the amount shown for this program \$2,342,962
20 General Funds provided as state aid for FY2019-20 and \$2,342,962 General
21 Funds provided as state aid for FY2020-21 for programs for learners with
22 high ability.

23 Sec. 20. Laws 2020, LB1008, section 50, is amended to read:

24 Sec. 50. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

25 Program No. 33 - Administration

	FY2019-20	FY2020-21
26		
27 GENERAL FUND	143,783,542	145,782,020
28 CASH FUND	27,835,666	27,606,479
29 FEDERAL FUND est.	313,966,275	315,600,604
30 PROGRAM TOTAL	485,585,483	488,989,103
31 SALARY LIMIT	161,312,799	166,258,216

1 The unexpended General Fund appropriation balance existing on June
2 30, 2020, less ~~\$6,100,000~~ ~~\$1,600,000~~, is hereby reappropriated.

3 (1) The Department of Administrative Services shall monitor the
4 appropriations and expenditures for this program according to the
5 following program classifications:

6 No. 249 - Medicaid Expansion Administration

7 No. 261 - General Operations

8 No. 262 - Public Health Administration

9 No. 263 - Medicaid and Long-Term Care Administration

10 No. 264 - Children and Family Services Administration

11 No. 265 - Protection and Safety

12 No. 266 - Economic and Family Support

13 No. 267 - Developmental Disabilities Service Coordination

14 No. 268 - Behavioral Health Administration

15 No. 269 - Developmental Disabilities Administration

16 There is included in the appropriation to this program for FY2020-21
17 \$88,927 General Funds for the related administrative purposes for
18 recruitment, training, and monitoring of outpatient facilities or
19 individual providers who have contracts to provide alternative treatment
20 plans.

21 (2) There is included in the appropriation to this program for
22 FY2019-20 \$13,688 Cash Funds for regulatory support for out-of-hospital
23 emergency care providers licensing from the Nebraska Health Care Cash
24 Fund. There is included in the appropriation to this program for
25 FY2020-21 \$13,688 Cash Funds for regulatory support for out-of-hospital
26 emergency care providers licensing from the Nebraska Health Care Cash
27 Fund.

28 (3) There is included in the appropriation to this program for
29 FY2019-20 \$26,000 Cash Funds from the Nebraska Health Care Cash Fund to
30 continue the Parkinson's Disease Registry. There is included in the
31 appropriation to this program for FY2020-21 \$26,000 Cash Funds from the

1 Nebraska Health Care Cash Fund to continue the Parkinson's Disease
2 Registry.

3 (4) There is included in the appropriation to this program \$404,643
4 Cash Funds for FY2019-20 and \$404,643 Cash Funds for FY2020-21 from the
5 Nebraska Health Care Cash Fund for respite services in each of the
6 service areas designated by the Department of Health and Human Services
7 and for administrative costs, including personnel costs, associated with
8 the Nebraska Lifespan Respite Services Program.

9 (5) There is included in the appropriation to this program for
10 FY2019-20 \$6,000 Cash Funds from the Nebraska Health Care Cash Fund for
11 costs of smoking cessation covered by medicaid. There is included in the
12 appropriation to this program for FY2020-21 \$6,000 Cash Funds from the
13 Nebraska Health Care Cash Fund for costs of smoking cessation covered by
14 medicaid.

15 (6) There is included in the appropriation to this program for
16 FY2019-20 \$1,000,000 General Funds for the electronic records initiative,
17 to be used only for this purpose. There is included in the appropriation
18 to this program for FY2020-21 \$1,000,000 General Funds for the electronic
19 records initiative, to be used only for this purpose.

20 (7) There is included in the appropriation to this program for
21 FY2019-20 \$220,000 Cash Funds to operate a satellite office of minority
22 health in the second and third congressional districts to coordinate and
23 administer state policy relating to minority health from the Nebraska
24 Health Care Cash Fund. There is included in the appropriation to this
25 program for FY2020-21 \$220,000 Cash Funds to operate a satellite office
26 of minority health in the second and third congressional districts to
27 coordinate and administer state policy relating to minority health from
28 the Nebraska Health Care Cash Fund.

29 (8) There is included in the appropriation to this program for
30 FY2019-20 \$100,000 Cash Funds for staff and operating expenses for public
31 health from the Nebraska Health Care Cash Fund. There is included in the

1 appropriation to this program for FY2020-21 \$100,000 Cash Funds for staff
2 and operating expenses for public health from the Nebraska Health Care
3 Cash Fund.

4 (9) There is included in the appropriation to this program for
5 FY2019-20 \$321,182 Cash Funds from the Nebraska Health Care Cash Fund to
6 carry out the provisions of the Aging and Disability Resource Center Act.
7 There is included in the appropriation to this program for FY2020-21
8 \$321,182 General Funds to carry out the provisions of the Aging and
9 Disability Resource Center Act.

10 (10) There is included in the appropriation to this program for
11 FY2019-20 \$29,680 Cash Funds from the Nebraska Health Care Cash Fund to
12 carry out provisions of the Assisted-Living Facility Act. There is
13 included in the appropriation to this program for FY2020-21 \$29,680
14 General Funds from the Nebraska Health Care Cash Fund to carry out
15 provisions of the Assisted-Living Facility Act.

16 (11) It is the intent of the Legislature that the Department of
17 Health and Human Services shall provide quarterly status reports
18 electronically on the replacement and maintenance, including
19 expenditures, of the Medicaid Medical Information System (MMIS).

20 (12) The Legislature finds that underfunding of the medical
21 assistance program under the Medical Assistance Act has resulted in a
22 growing financial chasm between the amount of money a service provider is
23 reimbursed under the program and the actual cost of providing care.
24 Combined with workforce shortages, the continued ability of long-term
25 care providers to serve beneficiaries of the medical assistance program
26 is increasingly at risk. The Legislature also recognizes that aging
27 Nebraskans have made contributions throughout their lifetimes to the
28 state and country and deserve to receive the care they need in
29 recognition of this service.

30 (13) If federal funding is approved under this section, on or before
31 December 31, 2020, the department shall study and report to the

1 Appropriations Committee of the Legislature on statewide access to long-
2 term care. The department shall contract with an independent entity with
3 proven expertise in (a) data analysis and projections of future trends,
4 (b) community planning, (c) innovative practices and best practices in
5 long-term care services, and (d) the development of a long-term care
6 sustainability plan. The department and contracted entity shall study the
7 needs of Nebraska's aging population for facility-based and home and
8 community-based long-term care services in close proximity to familial
9 and social support systems and shall make reasonable recommendations,
10 supported by data, on changes to the policy and funding of long-term care
11 services under the Medical Assistance Act.

12 (14) The department and the contracted entity shall:

13 (a) Review and summarize existing data sources;

14 (b) Provide the committee with a detailed analysis and projection of
15 Nebraska's demographic trends by age and availability of informal long-
16 term care support systems;

17 (c) Provide the committee with a detailed analysis of the current
18 and projected future needs of aging Nebraskans and current gaps in
19 facility-based and home and community-based long-term care services in
20 all areas of the state and factors contributing to such gaps;

21 (d) Provide the committee with a detailed analysis of state
22 regulations and processes that impede the flexibility for nursing
23 facilities to provide home and community-based long-term care services
24 when there is an identified community need;

25 (e) Provide the committee with a detailed analysis of the financial
26 stability of long-term care providers that accept participants in the
27 medical assistance program, especially nursing facilities, and
28 contributing factors;

29 (f) Make recommendations to the committee for increased regulatory
30 flexibility to allow a skilled nursing facility to provide home and
31 community-based long-term care services to meet community needs and for

1 strategic consolidation of facilities and services to use long-term care
2 workforce resources more effectively;

3 (g) Identify changes to reimbursement under the medical assistance
4 program to sustain access to long-term care services across the state;
5 and

6 (h) Create a financially sustainable five-year plan for ensuring
7 that aging Nebraskans continue to have access to long-term care services
8 they need in close proximity to their familial and social support
9 systems.

10 (15) A status update on the report shall be delivered electronically
11 to the Appropriations Committee of the Legislature by December 31, 2019.

12 The final report shall be delivered electronically to the
13 Appropriations Committee of the Legislature by December 1, 2020.

14 (16) It is the intent of the Legislature that the Division of
15 Medicaid and Long-Term Care of the Department of Health and Human
16 Services shall request approval from the Secretary of the United States
17 Department of Health and Human Services to use \$87,500 of Nebraska's
18 Nursing Facility Penalty Cash Fund under section 1919(h)(3)(C)(ii)(IV)
19 (ff) of the federal Social Security Act as the federal match to carry out
20 the study described in this section. Such funds shall be used to research
21 demographic trends, project current and future service needs, and provide
22 recommendations for continued statewide access to long-term care
23 services, including nursing facility care, for medicaid recipients.

24 There is included in the appropriation to this program the following
25 amounts for Program 249:

	FY2019-20	FY2020-21
26 GENERAL FUND	5,979,812	5,772,769
27 FEDERAL FUND est.	8,583,992	6,372,769
28 PROGRAM TOTAL	14,563,804	12,145,538
29 SALARY LIMIT	4,678,048	5,560,460

31 It is the intent of the Legislature that the department shall

1 provide monthly status reports electronically to the Clerk of the
2 Legislature and the Legislative Fiscal Analyst on Medicaid Expansion. The
3 department shall include in the reports information on contracts,
4 personnel, waiver applications, CMS decisions and directives, and
5 implementation timelines.

6 Sec. 21. Laws 2020, LB1008, section 51, is amended to read:

7 Sec. 51. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

8 Program No. 344 - Children's Health Insurance

	FY2019-20	FY2020-21
9		
10 GENERAL FUND	14,317,097	23,778,754
11 CASH FUND	7,085,700	7,085,700
12 FEDERAL FUND est.	102,296,102	93,898,774
13 PROGRAM TOTAL	123,698,899	124,763,228

14 The unexpended General Fund appropriation balance existing on June
15 30, 2020, less ~~\$5,500,000~~ ~~\$2,000,000~~, is hereby reappropriated.

16 There is included in the appropriation to this program for FY2019-20
17 \$14,317,097 General Funds, \$7,085,700 Cash Funds, and \$102,296,102
18 Federal Funds estimate for state aid, which shall only be used for such
19 purpose. There is included in the appropriation to this program for
20 FY2020-21 \$23,778,754 General Funds, \$7,085,700 Cash Funds, and
21 \$93,898,774 Federal Funds estimate for state aid, which shall only be
22 used for such purpose.

23 There is included in the appropriation to this program for FY2019-20
24 \$6,835,700 Cash Funds for state aid from the Nebraska Health Care Cash
25 Fund. There is included in the appropriation to this program for
26 FY2020-21 \$6,835,700 Cash Funds for state aid from the Nebraska Health
27 Care Cash Fund.

28 There is included in the appropriation to this program for FY2020-21
29 \$251,510 General Funds and \$565,612 Federal Funds estimate for rate
30 increases paid to providers of mental health and behavioral health
31 services prioritized for mental health and behavioral health services

1 which were reimbursed at fifteen percent or more below such rates paid as
 2 of January 1, 2020, by the Division of Behavioral Health. Services
 3 include, but are not limited to, day rehabilitation services, mental
 4 health individual sessions, substance use disorder individual sessions,
 5 substance use disorder assessments, therapeutic community services, and
 6 psychiatric residential rehabilitation. It is the intent of the
 7 Legislature that funds appropriated for mental health and behavioral
 8 health rate increases be utilized solely for mental health and behavioral
 9 health rate increases in a proportional manner.

10 There is included in the amount shown as aid for this program for
 11 FY2019-20 up to \$250,000 Cash Funds and for FY2020-21 up to \$250,000 Cash
 12 Funds from the Health and Human Services Cash Fund for the state match
 13 for utilization of the unused administrative cap as allowed under the
 14 Children's Health Insurance Program for payments to the Nebraska Regional
 15 Poison Center funded through the University of Nebraska Medical Center.
 16 The match is from Cash Funds transferred from the University of Nebraska
 17 Medical Center.

18 It is the intent of the Legislature that phased-down state
 19 contributions to the federal government as defined and required by the
 20 federal Medicare Prescription Drug, Improvement, and Modernization Act of
 21 2003 may be made from appropriations to this program.

22 Sec. 22. Laws 2020, LB1008, section 52, is amended to read:

23 Sec. 52. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES
 24 Program No. 347 - Public Assistance

	FY2019-20	FY2020-21
25		
26 GENERAL FUND	91,609,328	86,756,257
27 CASH FUND	3,560,000	5,524,198
28 FEDERAL FUND est.	112,235,004	112,235,004
29 PROGRAM TOTAL	207,404,332	204,515,459

30 The unexpended General Fund appropriation balance existing on June
 31 30, 2020, less ~~\$14,300,000~~ \$4,000,000, is hereby reappropriated.

1 There is included in the appropriation to this program for FY2019-20
 2 \$91,609,328 General Funds, \$3,560,000 Cash Funds, and \$112,235,004
 3 Federal Funds estimate for state aid, which shall only be used for such
 4 purpose. There is included in the appropriation to this program for
 5 FY2020-21 \$86,756,257 General Funds, \$5,524,198 Cash Funds, and
 6 \$112,235,004 Federal Funds estimate for state aid, which shall only be
 7 used for such purpose.

8 There is included in the amount shown as aid for this program for
 9 FY2019-20 \$810,000 Cash Funds from the Nebraska Health Care Cash Fund to
 10 aid in carrying out the Nebraska Lifespan Respite Services Program and to
 11 provide payment to caregivers to purchase services under the respite
 12 subsidy program. There is included in the amount shown as aid for this
 13 program for FY2020-21 \$810,000 Cash Funds from the Nebraska Health Care
 14 Cash Fund to aid in carrying out the Nebraska Lifespan Respite Services
 15 Program and to provide payment to caregivers to purchase services under
 16 the respite subsidy program.

17 There is included in the appropriation to this program a one-time
 18 increase of \$1,964,198 Cash Funds for FY2020-21 for the Homeless Shelter
 19 Assistance Program because the balance in the Homeless Shelter Assistance
 20 Trust Fund is being depleted, and ongoing expenditures above the
 21 estimated revenue amount of \$2,900,000 are not sustainable beyond
 22 FY2020-21.

23 Sec. 23. Laws 2020, LB1008, section 53, is amended to read:
 24 Sec. 53. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES
 25 Program No. 348 - Medical Assistance

	FY2019-20	FY2020-21
26		
27 GENERAL FUND	860,304,131	921,250,222
28 CASH FUND	46,851,581	46,851,581
29 FEDERAL FUND est.	1,261,738,910	1,708,752,389
30 PROGRAM TOTAL	2,168,894,622	2,676,854,192

31 The unexpended General Fund appropriation balance existing on June

1 30, 2020, less \$7,500,000, is hereby reappropriated.

2 The Department of Administrative Services shall monitor the
3 appropriations and expenditures for this program according to the
4 following program classification:

5 No. 348 - Medical Assistance

6 No. 349 - Medicaid Expansion Aid

7 There is included in the appropriation to this program for FY2019-20
8 \$860,304,131 General Funds, \$46,851,581 Cash Funds, and \$1,261,738,910
9 Federal Funds estimate for state aid, which shall only be used for such
10 purpose. There is included in the appropriation to this program for
11 FY2020-21 \$921,250,222 General Funds, \$46,851,581 Cash Funds, and
12 \$1,708,752,389 Federal Funds estimate for state aid, which shall only be
13 used for such purpose.

14 There is included in the amount shown as aid for this program for
15 FY2019-20 \$4,765,896 Cash Funds for the continuation of the behavioral
16 health provider rate increase and behavioral health provider rate
17 increase for managed care, inpatient services, and residential treatment
18 services provided with funds from the Nebraska Health Care Cash Fund.
19 There is included in the amount shown as aid for this program for
20 FY2020-21 \$4,765,896 Cash Funds for the continuation of the behavioral
21 health provider rate increase and behavioral health provider rate
22 increase for managed care, inpatient services, and residential treatment
23 services provided with funds from the Nebraska Health Care Cash Fund.

24 There is included in the amount shown as aid for this program for
25 FY2019-20 \$450,000 Cash Funds from the Nebraska Health Care Cash Fund for
26 a state plan amendment covering tobacco-use cessation in compliance with
27 Title XIX of the federal Social Security Act. There is included in the
28 amount shown as aid for this program for FY2020-21 \$450,000 Cash Funds
29 from the Nebraska Health Care Cash Fund for a state plan amendment
30 covering tobacco-use cessation in compliance with Title XIX of the
31 federal Social Security Act. The smoking cessation funding for FY2019-20

1 and FY2020-21 is for the costs of tobacco-use cessation counseling and
2 tobacco-use cessation pharmaceuticals approved by the federal Food and
3 Drug Administration for such purpose.

4 The chief executive officer of the Department of Health and Human
5 Services shall certify to the budget administrator of the budget division
6 of the Department of Administrative Services the portion of the FY2020-21
7 General Fund appropriation available for transfer from Budget Program 349
8 - Medicaid Expansion Aid to Budget Program 38 - Behavioral Health Aid
9 within Agency 25 – Department of Health and Human Services. The transfer
10 is authorized if any one of the following conditions are met: (1)
11 Medicaid Expansion is delayed beyond the projected October 1, 2020,
12 implementation date; (2) payment delays beyond the control of the
13 Behavioral Health Regions would result in hardships meeting expenses
14 incurred providing Medicaid-eligible services by the Behavioral Health
15 Regions. Funding accessed under this condition shall be repaid once
16 Medicaid payments are made in full to the Behavioral Health Regions for
17 Medicaid-eligible services provided to Medicaid-eligible clients; and (3)
18 enrollment of clients served by the Behavioral Health Regions is less
19 than projected in the Medicaid Expansion budget calculations. The state
20 budget administrator of the budget division of the Department of
21 Administrative Services shall administratively transfer during FY2020-21
22 the portion of the appropriation certified by the chief executive officer
23 of the Department of Health and Human Services from Budget Program 349 -
24 Medicaid Expansion Aid to Budget Program 38 - Behavioral Health Aid. The
25 chief executive officer shall send a copy of the certification letter to
26 the Legislative Fiscal Office at the same time it is presented to the
27 state budget administrator. The state budget administrator shall notify
28 the Legislative Fiscal Office of any transfers made under this section.

29 The certification authority granted in this section expires on March
30 1, 2021.

31 There is included in the appropriation to this program in FY2020-21

1 \$217,347 General Funds and \$276,624 Federal Funds estimate to bring rates
2 for providers of halfway house services up to the rates paid by the
3 Division of Behavioral Health.

4 There is included in the appropriation to this program for FY2020-21
5 \$3,888,739 General Funds and \$4,955,334 Federal Funds estimate for rate
6 increases paid to providers of mental health and behavioral health
7 services prioritized for mental health and behavioral health services
8 which were reimbursed at fifteen percent or more below such rates paid as
9 of January 1, 2020, by the Division of Behavioral Health. Services
10 include, but are not limited to, day rehabilitation services, mental
11 health individual sessions, substance use disorder individual sessions,
12 substance use disorder assessments, therapeutic community services, and
13 psychiatric residential rehabilitation. It is the intent of the
14 Legislature that funds appropriated for mental health and behavioral
15 health rate increases be utilized solely for mental health and behavioral
16 health rate increases in a proportional manner.

17 There is included in the appropriation to this program \$336,349,731
18 (\$154,081,812 General Funds and \$182,267,919 Federal Funds) for nursing
19 facilities in FY2019-20, which includes a one-time payment increase of
20 \$7,400,000 (\$3,389,940 General Funds and \$4,010,060 Federal Funds) and
21 \$13,851,307 (\$6,345,284 General Funds and \$7,506,023 Federal Funds) for
22 utilization changes and rate enhancement.

23 There is included in the appropriation in this section \$350,795,952
24 (\$158,840,407 General Funds and \$191,955,545 Federal Funds) for nursing
25 facilities in FY2020-21 which includes \$14,446,221 (\$6,541,249 General
26 Funds and \$7,904,972 Federal Funds) for utilization changes and rate
27 enhancement and this total amount shall be used in the FY2020-21 Medicaid
28 nursing facility rate calculation.

29 It is the intent of the Legislature that the total nursing facility
30 appropriation amount, including utilization changes and rate enhancement
31 shall be used in Step 2 directives of the Legislature of the Inflation

1 Factor calculation process, as described in 471 NAC 12-011.08D5, in
2 effect on January 1, 2019, for FY2019-20 and FY2020-21.

3 The Department of Health and Human Services shall file a report with
4 the Legislative Fiscal Office and the Clerk of the Legislature no later
5 than August 1, 2019, on how the Inflation Factor was calculated for
6 FY2019-20 rates and no later than August 1, 2020, on how the Inflation
7 Factor was calculated for FY2020-21 rates.

8 The Department of Health and Human Services shall file a report
9 electronically with the Legislative Fiscal Analyst and the Clerk of the
10 Legislature between December 15 and December 31, 2020, identifying the
11 amount of any unspent remaining appropriation from the FY2019-20
12 appropriations earmarked for nursing facility payments. The report shall
13 include an identification of encumbrances and retroactive payments.

14 It is the intent of the Legislature that phased-down state
15 contributions to the federal government as defined and required by the
16 federal Medicare Prescription Drug, Improvement, and Modernization Act of
17 2003 may be made from appropriations to this program.

18 The chief executive officer of the Department of Health and Human
19 Services may certify to the budget administrator of the budget division
20 of the Department of Administrative Services FY2019-20 and FY2020-21
21 unexpended appropriation balances for Medical Assistance, Program No.
22 348, available to transfer to Developmental Disabilities Aid, Program No.
23 424, to be used only to maintain individuals with an intellectual or
24 developmental disability in a medicaid program that best serves their
25 needs at a cost that does not exceed the cost of services provided in an
26 institution. The budget administrator of the budget division of the
27 Department of Administrative Services shall administratively transfer
28 during FY2019-20 and FY2020-21 available appropriations as certified by
29 the chief executive officer of the Department of Health and Human
30 Services from Medical Assistance, Program No. 348, to Developmental
31 Disabilities Aid, Program No. 424.

1 For informational purposes only, there is included in the
2 appropriation to this program the following aid amounts for Program 349:

	FY2019-20	FY2020-21
3 GENERAL FUND	-0-	43,863,305
4 FEDERAL FUND est.	-0-	373,260,870
5 PROGRAM TOTAL	-0-	417,124,175

6
7 It is the intent of the Legislature that the department shall
8 provide monthly status reports electronically to the Clerk of the
9 Legislature and the Legislative Fiscal Analyst on Medicaid Expansion. The
10 department shall include in the report information on policy decisions on
11 services, community engagement, wellness requirements, and rate setting.

12 Sec. 24. Laws 2020, LB1008, section 54, is amended to read:

13 Sec. 54. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES
14 Program No. 354 - Child Welfare Aid

	FY2019-20	FY2020-21
15 GENERAL FUND	197,032,479	172,174,830
16 CASH FUND	2,734,444	2,734,444
17 FEDERAL FUND est.	30,873,288	32,211,149
18 PROGRAM TOTAL	230,640,211	207,120,423

19
20 The unexpended General Fund appropriation balance existing on June
21 30, 2020, less \$28,000,000, is hereby reappropriated.

22 Of the remaining unexpended General Fund appropriation balance
23 existing on June 30, 2020, \$6,000,000 is hereby reappropriated to Agency
24 No. 25, Program 33.

25 There is included in the appropriation to this program for FY2019-20
26 \$197,032,479 General Funds, \$2,734,444 Cash Funds, and \$30,873,288
27 Federal Funds estimate for state aid, which shall only be used for such
28 purpose. There is included in the appropriation to this program for
29 FY2020-21 \$172,174,830 General Funds, \$2,734,444 Cash Funds, and
30 \$32,211,149 Federal Funds estimate for state aid, which shall only be
31 used for such purpose.

1 There is included in the amount shown as aid for this program for
 2 FY2019-20 \$2,734,444 Cash Funds from the Nebraska Health Care Cash Fund
 3 for the continuation of the behavioral health provider rate increase.
 4 There is included in the amount shown as aid for this program for
 5 FY2020-21 \$2,734,444 Cash Funds from the Nebraska Health Care Cash Fund
 6 for the continuation of the behavioral health provider rate increase.

7 Sec. 25. Laws 2020, LB1008, section 55, is amended to read:

8 Sec. 55. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

9 Program No. 421 - Beatrice State Developmental Center

	FY2019-20	FY2020-21
10 GENERAL FUND	14,936,566	13,363,473
11 CASH FUND	2,711,509	2,711,509
12 FEDERAL FUND est.	20,439,489	21,451,694
13 PROGRAM TOTAL	38,087,564	37,526,676
14 SALARY LIMIT	22,275,288	22,525,383

16 The unexpended General Fund appropriation balance existing on June
 17 30, 2020, less ~~\$2,200,000~~ ~~\$1,000,000~~, is hereby reappropriated.

18 The chief executive officer of the Department of Health and Human
 19 Services shall certify to the budget administrator of the budget division
 20 of the Department of Administrative Services the FY2019-20 and FY2020-21
 21 unexpended appropriation balances for the Beatrice State Developmental
 22 Center, Program 421, which are available to transition and maintain
 23 persons transferred from the Beatrice State Developmental Center to
 24 community-based developmental disability or other services. The budget
 25 administrator of the budget division of the Department of Administrative
 26 Services shall administratively transfer during FY2019-20 and FY2020-21
 27 available unexpended appropriation balances as certified by the chief
 28 executive officer of the Department of Health and Human Services from the
 29 Beatrice State Developmental Center, Program 421, to Developmental
 30 Disability Aid, Program 424, and Medical Assistance, Program 348.

31 Sec. 26. Laws 2019, LB294, section 261, is amended to read:

1 Sec. 261. FUND LAPSES AND TRANSFERS.

2 The State Treasurer shall make the transfers specified in this
3 section between funds, in the amounts indicated. Unless otherwise noted,
4 transfers for FY2019-20 shall occur on July 1, 2019, or as soon
5 thereafter as administratively possible, and transfers for FY2020-21
6 shall occur on July 1, 2020, or as soon thereafter as administratively
7 possible. All agencies with administrative responsibilities for these
8 funds shall assist the State Treasurer as needed in implementing the
9 transfers.

10 (1) Transfers for FY2019-20 shall include:

11 (a) From the General Fund to the Nebraska State Patrol Cash Fund:
12 \$115,000 less the unexpended balance existing on June 30, 2019, in (i)
13 the Nebraska State Patrol Cash Fund, (ii) the Investigation Petty Cash
14 Fund, (iii) any special checking account or accounts used by the Nebraska
15 State Patrol, and (iv) the possession of agency personnel involved in
16 investigations, when the unexpended balances resulted from General Fund
17 transfers to the Nebraska State Patrol Cash Fund or from General Fund
18 appropriations. Any transfers made shall be subject to a final
19 reconciliation of available investigation cash fund balances as of June
20 30, 2019, by the Nebraska State Patrol.

21 It is the intent of the Legislature that the Nebraska State Patrol
22 have available a total of \$115,000 from the General Fund for FY2019-20 to
23 be used in making drug purchases, for enforcing Nebraska laws relating to
24 felonies, for enforcing the Nebraska liquor laws, and for payment of
25 investigative expenses;

26 (b) From the Tobacco Products Administration Cash Fund to the
27 General Fund: \$9,000,000 on or before June 15, 2020, on such dates and in
28 such amounts as directed by the budget administrator of the budget
29 division of the Department of Administrative Services;

30 (c) From the Securities Act Cash Fund to the General Fund:
31 \$6,750,000 on or before September 30, 2019, \$6,750,000 on or before

1 December 31, 2019, \$6,750,000 on or before March 31, 2020, and \$6,750,000
2 on or before June 30, 2020, on such dates as directed by the budget
3 administrator of the budget division of the Department of Administrative
4 Services;

5 (d) From the Health and Human Services Cash Fund to the University
6 of Nebraska Eppley Institute for Research in Cancer and Allied Diseases
7 Cash Fund: \$500,000, pursuant to section 81-638;

8 (e) From the Department of Insurance Cash Fund to the General Fund:
9 \$6,250,000 on or before September 30, 2019, and \$6,250,000 on or before
10 March 31, 2020, on such dates as directed by the budget administrator of
11 the budget division of the Department of Administrative Services;

12 (f) From the Roads Operations Cash Fund to the Carrier Enforcement
13 Cash Fund: \$8,960,476, less the unexpended balance existing on June 30,
14 2019, in the Carrier Enforcement Cash Fund. Transfers shall be made in
15 four equal quarterly amounts on or before July 15, October 15, January
16 15, and April 15;

17 (g) From the Petroleum Release Remedial Action Cash Fund to the
18 Underground Storage Tank Fund: \$50,000 on or before July 5, 2019;

19 (h) From the State Building Revolving Fund to the Capitol Security
20 Revolving Fund: \$842,664. Transfers shall be made in four equal quarterly
21 amounts on or before July 15, October 15, January 15, and April 15.

22 Transfers shall be made to pay non-General-Fund costs associated
23 with the operation of the state capitol security division of the Nebraska
24 State Patrol;

25 (i) From the Highway Trust Fund to the Motor Fuel Tax Enforcement
26 and Collection Cash Fund: \$1,347,588. Transfers shall be made in twelve
27 equal monthly amounts;

28 (j) From the Highway Trust Fund to the Motor Carrier Division Cash
29 Fund: Up to a maximum of \$1,400,000. Transfers shall be made as required
30 by the Department of Motor Vehicles to operate the Division of Motor
31 Carrier Services;

1 (k) From the Civic and Community Center Financing Fund to the
2 Department of Revenue Enforcement Fund: \$43,900 on July 1, 2019, or as
3 soon thereafter as administratively possible, as provided for in sections
4 13-2704 and 77-5601;

5 (l) From the Highway Trust Fund to the License Plate Cash Fund:
6 \$2,400,000. Transfers shall be made as required by the Department of
7 Motor Vehicles to meet the expenditures of plate and sticker production;

8 (m) From the Flexible Spending Trust Fund to the Health and Life
9 Benefit Administration Cash Fund: \$140,000, except that if the total
10 available unobligated balance of forfeitures in the Flexible Spending
11 Trust Fund as of June 30, 2019, is less than \$140,000, then the State
12 Treasurer shall transfer the difference, not to exceed \$140,000, from the
13 State Employees Insurance Fund. Transfers shall be made to pay the costs
14 associated with the administration of the Flexible Spending Account
15 program;

16 (n) From the State Employees Insurance Fund to the Health and Life
17 Benefit Administration Cash Fund: \$979,952, less the June 30, 2019,
18 unobligated Health and Life Benefit Administration Cash Fund balance;

19 (o) From the Severance Tax Fund to the Municipal Rate Negotiations
20 Revolving Loan Fund: \$10,000, pursuant to section 57-705;

21 (p) From the Severance Tax Fund to the State Energy Cash Fund:
22 \$300,000, pursuant to section 57-705. Transfers shall be made in twelve
23 equal monthly amounts;

24 (q) From the Nebraska Training and Support Cash Fund to the Sector
25 Partnership Program Fund: \$300,000 on or before July 15, 2019, on such
26 date as directed by the budget administrator of the budget division of
27 the Department of Administrative Services;

28 (r) The State Treasurer shall transfer up to \$1,500,000 from the
29 Petroleum Release Remedial Action Cash Fund to the Superfund Cost Share
30 Cash Fund on or before June 30, 2020, on such dates and in such amounts
31 as directed by the budget administrator of the budget division of the

1 Department of Administrative Services. Transfers shall be made as
2 required by the Department of Environment and Energy and used pursuant to
3 subdivision (2)(i) of section 66-1519;

4 (s) From the Records Management Cash Fund to the Secretary of State
5 Administration Cash Fund: \$58,294 on or before June 30, 2020, on such
6 dates and in such amounts as directed by the budget administrator of the
7 budget division of the Department of Administrative Services;

8 (t) From the Securities Settlement Fund to the Educational Savings
9 Plan Administrative Fund: \$150,000 on or before July 15, 2019, on such
10 date as directed by the budget administrator of the budget division of
11 the Department of Administrative Services; and

12 (u) From the State Settlement Cash Fund to the General Fund:
13 \$295,957 on or before June 30, 2020, on such dates and in such amounts as
14 directed by the budget administrator of the budget division of the
15 Department of Administrative Services.

16 (2) Transfers for FY2020-21 shall include:

17 (a) From the General Fund to the Nebraska State Patrol Cash Fund:
18 \$115,000 less the unexpended balance existing on June 30, 2020, in (i)
19 the Nebraska State Patrol Cash Fund, (ii) the Investigation Petty Cash
20 Fund, (iii) any special checking account or accounts used by the Nebraska
21 State Patrol, and (iv) the possession of agency personnel involved in
22 investigations, when the unexpended balances resulted from General Fund
23 transfers to the Nebraska State Patrol Cash Fund or from General Fund
24 appropriations. Any transfers made shall be subject to a final
25 reconciliation of available investigation cash fund balances as of June
26 30, 2020, by the Nebraska State Patrol.

27 It is the intent of the Legislature that the Nebraska State Patrol
28 have available a total of \$115,000 from the General Fund for FY2020-21 to
29 be used in making drug purchases, for enforcing Nebraska laws relating to
30 felonies, for enforcing the Nebraska liquor laws, and for payment of
31 investigative expenses;

1 (b) From the Tobacco Products Administration Cash Fund to the
2 General Fund: \$9,000,000 on or before June 15, 2021, on such dates and in
3 such amounts as directed by the budget administrator of the budget
4 division of the Department of Administrative Services;

5 (c) From the Securities Act Cash Fund to the General Fund:
6 \$6,750,000 on or before September 30, 2020, \$6,750,000 on or before
7 December 31, 2020, \$6,750,000 on or before March 31, 2021, and \$5,500,000
8 ~~\$7,750,000~~ on or before June 30, 2021, on such dates as directed by the
9 budget administrator of the budget division of the Department of
10 Administrative Services;

11 (d) From the Health and Human Services Cash Fund to the University
12 of Nebraska Eppley Institute for Research in Cancer and Allied Diseases
13 Cash Fund: \$500,000, pursuant to section 81-638;

14 (e) From the Department of Insurance Cash Fund to the General Fund:
15 \$6,750,000 on or before September 30, 2020, and \$6,750,000 on or before
16 March 31, 2021, on such dates as directed by the budget administrator of
17 the budget division of the Department of Administrative Services;

18 (f) From the Roads Operations Cash Fund to the Carrier Enforcement
19 Cash Fund: \$9,216,051. Transfers shall be made in four equal quarterly
20 amounts on or before July 15, October 15, January 15, and April 15;

21 (g) From the Petroleum Release Remedial Action Cash Fund to the
22 Underground Storage Tank Fund: \$50,000 on or before July 5, 2020;

23 (h) From the State Building Revolving Fund to the Capitol Security
24 Revolving Fund: \$869,188. Transfers shall be made in four equal quarterly
25 amounts on or before July 15, October 15, January 15, and April 15.
26 Transfers shall be made to pay non-General-Fund costs associated with the
27 operation of the state capitol security division of the Nebraska State
28 Patrol;

29 (i) From the Highway Trust Fund to the Motor Fuel Tax Enforcement
30 and Collection Cash Fund: \$1,443,670, less the unobligated balance in the
31 Motor Fuel Tax Enforcement and Collection Cash Fund on June 30, 2020.

1 Transfers shall be made in twelve equal monthly amounts;

2 (j) From the Highway Trust Fund to the Motor Carrier Division Cash
3 Fund: Up to a maximum of \$1,400,000. Transfers shall be made as required
4 by the Department of Motor Vehicles to operate the Division of Motor
5 Carrier Services;

6 (k) From the Civic and Community Center Financing Fund to the
7 Department of Revenue Enforcement Fund: \$43,900 on July 1, 2020, or as
8 soon thereafter as administratively possible, as provided for in sections
9 13-2704 and 77-5601;

10 (l) From the Highway Trust Fund to the License Plate Cash Fund: Up
11 to a maximum of \$2,400,000. Transfers shall be made as required by the
12 Department of Motor Vehicles to meet the expenditures of plate and
13 sticker production;

14 (m) From the Flexible Spending Trust Fund to the Health and Life
15 Benefit Administration Cash Fund: \$140,000, except that if the total
16 available unobligated balance of forfeitures in the Flexible Spending
17 Trust Fund as of June 30, 2020, is less than \$140,000, then the State
18 Treasurer shall transfer the difference, not to exceed \$140,000, from the
19 State Employees Insurance Fund. Transfers shall be made to pay the costs
20 associated with the administration of the Flexible Spending Account
21 program;

22 (n) From the State Employees Insurance Fund to the Health and Life
23 Benefit Administration Cash Fund: \$989,961;

24 (o) From the Severance Tax Fund to the Municipal Rate Negotiations
25 Revolving Loan Fund: \$10,000, pursuant to section 57-705;

26 (p) From the Severance Tax Fund to the State Energy Cash Fund:
27 \$300,000, pursuant to section 57-705. Transfers shall be made in twelve
28 equal monthly amounts;

29 (q) From the Nebraska Training and Support Cash Fund to the Sector
30 Partnership Program Fund: \$300,000 on or before July 15, 2020, on such
31 date as directed by the budget administrator of the budget division of

1 the Department of Administrative Services;

2 (r) The State Treasurer shall transfer up to \$1,500,000 from the
3 Petroleum Release Remedial Action Cash Fund to the Superfund Cost Share
4 Cash Fund on or before June 30, 2021, on such dates and in such amounts
5 as directed by the budget administrator of the budget division of the
6 Department of Administrative Services. Transfers shall be made as
7 required by the Department of Environment and Energy and used pursuant to
8 subdivision (2)(i) of section 66-1519;

9 (s) From the Records Management Cash Fund to the Secretary of State
10 Administration Cash Fund: \$61,130 on or before June 30, 2021, on such
11 dates and in such amounts as directed by the budget administrator of the
12 budget division of the Department of Administrative Services;

13 (t) From the Securities Settlement Fund to the Educational Savings
14 Plan Administrative Fund: \$150,000 on or before July 15, 2020, on such
15 date as directed by the budget administrator of the budget division of
16 the Department of Administrative Services; ~~and~~

17 (u) From the State Settlement Cash Fund to the General Fund:
18 \$295,957 on or before June 30, 2021, on such dates and in such amounts as
19 directed by the budget administrator of the budget division of the
20 Department of Administrative Services; and -

21 (v) From the General Fund to the Cash Reserve Fund: \$88,000,000 on
22 or before June 30, 2021, on such dates and in such amounts as directed by
23 the budget administrator of the budget division of the Department of
24 Administrative Services.

25 Sec. 27. LIMITATION ON SALARIES, WAGES, AND PER DIEMS.

26 (1) For purposes of this act, (a) SALARY LIMIT shall mean total
27 expenditures for permanent and temporary salaries and per diems and (b)
28 total expenditures for permanent and temporary salaries and per diems
29 shall mean all remuneration paid to employees treated as taxable
30 compensation by the Internal Revenue Service or subject to social
31 security coverage, specifically including payments accounted for as

1 vacation, holidays, sick leave, military leave, funeral leave, maternity
2 leave, administrative leave, compensatory time, deferred compensation, or
3 any other similar form, and amounts withheld pursuant to law, but
4 excluding state contributions for social security, retirement, and
5 employee insurance plans.

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

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

21 (4) The limitation on expenditures for permanent and temporary
22 salaries and per diems for FY2020-21 as enumerated in this act shall be
23 the basis for continuation funding for each fiscal year of the succeeding
24 biennium.

25 (5) The limitation on expenditures for permanent and temporary
26 salaries and per diems for FY2019-20 shall be increased by certified
27 encumbrance amounts from FY2018-19 for permanent and temporary salaries
28 and per diems. The limitation on expenditures for permanent and temporary
29 salaries and per diems for FY2020-21 shall be increased by certified
30 encumbrance amounts from FY2019-20 for permanent and temporary salaries
31 and per diems. Encumbered amounts shall be calculated in accordance with

1 section 81-138.01.

2 (6) The limitation on expenditures for permanent and temporary
3 salaries and per diems shall only apply to remuneration paid to state
4 employees or per diem payments made to members of state boards or
5 commissions.

6 (7) The budget administrator of the budget division of the
7 Department of Administrative Services may administratively increase the
8 limitation on expenditures for permanent and temporary salaries and per
9 diems upon receipt of a request for such increase from the director of a
10 state agency certifying the actual amount of the payment to a former
11 employee of such agency, or his or her beneficiary upon the death of the
12 employee, of accumulated vacation and sick leave pursuant to section
13 81-1325 and the rules and regulations of the State Personnel System
14 governing such payments.

15 Sec. 28. Original Laws 2019, LB294, sections 93, 96, 108, 159, 181,
16 182, and 261; and Laws 2020, LB1008, sections 49, 50, 51, 52, 53, 54, and
17 55 are repealed.

18 Sec. 29. Since an emergency exists, this act takes effect when
19 passed and approved according to law.