

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 379

FINAL READING

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

Read first time January 14, 2021

Committee: Appropriations

1 A BILL FOR AN ACT relating to appropriations; to amend Laws 2019, LB294,
2 sections 93, 106, 108, 159, 181, 182, and 261; and Laws 2020,
3 LB1008, 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 28 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>3,632,597</u>
11	<u>CASH FUND</u>	<u>-0-</u>	<u>-0-</u>
12	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>3,632,597</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. 36 – STATE RACING COMMISSION
17 Program No. 81 - Nebraska Racetrack Gaming Act

18		<u>FY2019-20</u>	<u>FY2020-21</u>
19	<u>GENERAL FUND</u>	<u>-0-</u>	<u>475,000</u>
20	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>475,000</u>
21	<u>SALARY LIMIT</u>	<u>-0-</u>	<u>200,000</u>

22 The unexpended General Fund appropriation balance existing on June
23 30, 2021, is hereby reappropriated.

24 Sec. 13. AGENCY NO. 65 – DEPARTMENT OF ADMINISTRATIVE SERVICES
25 Program No. 594 - State Insurance

26		<u>FY2019-20</u>	<u>FY2020-21</u>
27	<u>GENERAL FUND</u>	<u>-0-</u>	<u>150,000</u>
28	<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>150,000</u>

29 Sec. 14. Laws 2019, LB294, section 93, is amended to read:

30 Sec. 93. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

1 Program No. 38 - Behavioral Health Aid

2		FY2019-20	FY2020-21
3	GENERAL FUND	75,388,670	71,995,541
4	CASH FUND	14,599,660	13,799,660
5	FEDERAL FUND est.	10,504,971	10,504,971
6	PROGRAM TOTAL	100,493,301	96,300,172

7 The unexpended General Fund appropriation balance existing on June
8 30, 2020, less \$2,000,000, is hereby reappropriated.

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

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

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

28 There is included in the amount shown as Cash Fund aid in this
29 program \$1,500,000 Cash Funds for FY2019-20 and \$1,500,000 Cash Funds for
30 FY2020-21 from the Nebraska Health Care Cash Fund to be used for the cost
31 of maintenance and treatment of persons in emergency protective custody

1 under the Nebraska Mental Health Commitment Act.

2 Sec. 15. Laws 2019, LB294, section 106, is amended to read:

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

4 Program No. 424 - Developmental Disability Aid

	FY2019-20	FY2020-21
5		
6 GENERAL FUND	150,880,903	144,893,404
7 CASH FUND	6,312,000	6,312,000
8 PROGRAM TOTAL	157,192,903	151,205,404

9 The unexpended General Fund appropriation balance existing on June
10 30, 2020, less \$2,400,000, is hereby reappropriated.

11 There is included in the appropriation to this program for FY2019-20
12 \$150,880,903 General Funds and \$6,312,000 Cash Funds for state aid, which
13 shall only be used for such purpose. There is included in the
14 appropriation to this program for FY2020-21 \$144,893,404 General Funds
15 and \$6,312,000 Cash Funds for state aid, which shall only be used for
16 such purpose.

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

26 Sec. 16. Laws 2019, LB294, section 108, is amended to read:

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

28 Program No. 514 - Health Aid

	FY2019-20	FY2020-21
29		
30 GENERAL FUND	6,114,407	6,114,407
31 CASH FUND	11,495,817	11,495,817

1	FEDERAL FUND est.	54,079,725	54,079,725
2	PROGRAM TOTAL	71,689,949	71,689,949

3 The unexpended General Fund appropriation balance existing on June
4 30, 2020, less \$1,900,000, is hereby reappropriated.

5 There is included in the appropriation to this program for FY2019-20
6 \$6,114,407 General Funds, \$11,495,817 Cash Funds, and \$54,079,725 Federal
7 Funds estimate for state aid, which shall only be used for such purpose.
8 There is included in the appropriation to this program for FY2020-21
9 \$6,114,407 General Funds, \$11,495,817 Cash Funds, and \$54,079,725 Federal
10 Funds estimate for state aid, which shall only be used for such purpose.

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

24 There is included in the amount shown as aid for this program for
25 FY2019-20 \$200,000 Cash Funds from the Nebraska Health Care Cash Fund for
26 the Poison Control Center at the University of Nebraska Medical Center,
27 which shall only be used by the medical center for the Poison Control
28 Center. There is included in the amount shown as aid for this program for
29 FY2020-21 \$200,000 Cash Funds from the Nebraska Health Care Cash Fund for
30 the Poison Control Center at the University of Nebraska Medical Center,
31 which shall only be used by the medical center for the Poison Control

1 Center.

2 There is included in the amount shown as aid for this program for
3 FY2019-20 \$1,100,000 General Funds for evidence-based early intervention
4 home visitation programs. There is included in the amount shown as aid
5 for this program for FY2020-21 \$1,100,000 General Funds for evidence-
6 based early intervention home visitation programs.

7 There is included in the amount shown as aid for this program for
8 FY2019-20 up to \$100,000 General Funds to contract with the University of
9 Nebraska Medical Center for the Nebraska Perinatal Quality Improvement
10 Collaborative. There is included in the amount shown as aid for this
11 program for FY2020-21 up to \$100,000 General Funds to contract with the
12 University of Nebraska Medical Center for the Nebraska Perinatal Quality
13 Improvement Collaborative.

14 There is included in the amount shown as aid for this program for
15 FY2019-20 \$289,416 General Funds to contract for services for
16 implementation of a statewide drug disposal project. There is included in
17 the amount shown as aid for this program for FY2020-21 \$289,416 General
18 Funds to contract for services for implementation of a statewide drug
19 disposal project.

20 There is included in the amount shown as aid for this program for
21 FY2019-20 up to \$292,000 General Funds for tuition reimbursement for
22 emergency medical services responders' initial and ongoing training.
23 There is included in the amount shown as aid for this program for
24 FY2020-21 up to \$292,000 General Funds for tuition reimbursement for
25 emergency medical services responders' initial and ongoing training.

26 Sec. 17. Laws 2019, LB294, section 159, is amended to read:

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

28 Program No. 200 - Operations

	FY2019-20	FY2020-21
29		
30 <u>GENERAL FUND</u>	<u>218,099,530</u>	<u>187,970,648</u>
31 GENERAL FUND	218,099,530	226,143,054

1	CASH FUND	6,326,000	2,126,000
2	FEDERAL FUND est.	1,762,858	1,762,858
3	REVOLVING FUND est.	20,115,066	20,249,883
4	<u>PROGRAM TOTAL</u>	<u>246,303,454</u>	<u>212,109,389</u>
5	PROGRAM TOTAL	246,303,454	250,281,795
6	SALARY LIMIT	126,400,846	130,503,444

7 The unexpended General Fund appropriation balance existing on June
8 30, 2019, is hereby reappropriated.

9 Included in the salary limitations provided by this section is
10 \$4,338,270 for FY2019-20 and \$4,338,270 for FY2020-21 for Revolving Fund
11 salaries for program classifications 390 and 563, that shall not be
12 limited to the amounts shown.

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

- 16 No. 260 - Nebraska Correctional Youth Facility
- 17 No. 300 - Tecumseh Correctional Center
- 18 No. 368 - Lincoln Community Corrections Center
- 19 No. 369 - Omaha Community Corrections Center
- 20 No. 370 - Central Office
- 21 No. 372 - Nebraska State Penitentiary
- 22 No. 373 - Nebraska Center for Women - York
- 23 No. 375 - Diagnostic and Evaluation Center
- 24 No. 376 - Lincoln Correctional Center
- 25 No. 377 - Omaha Correctional Center
- 26 No. 386 - McCook Incarceration Work Camp
- 27 No. 390 - Federal Surplus Property
- 28 No. 495 - Department Central Warehouse
- 29 No. 563 - Correctional Industries

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

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

3 Sec. 18. Laws 2019, LB294, section 181, is amended to read:

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

	FY2019-20	FY2020-21
6		
7 CASH FUND	430,690	436,083
8 PROGRAM TOTAL	430,690	436,083
9 <u>SALARY LIMIT</u>	<u>191,654</u>	<u>202,165</u>
10 SALARY LIMIT	191,654	195,665

11 Sec. 19. Laws 2019, LB294, section 182, is amended to read:

12 Sec. 182. AGENCY NO. 64 – NEBRASKA STATE PATROL
13 Program No. 100 - Public Protection

	FY2019-20	FY2020-21
14		
15 <u>GENERAL FUND</u>	<u>61,014,568</u>	<u>50,918,391</u>
16 GENERAL FUND	61,014,568	62,628,282
17 CASH FUND	6,929,219	7,032,094
18 FEDERAL FUND est.	423,110	423,110
19 <u>PROGRAM TOTAL</u>	<u>68,366,897</u>	<u>58,373,595</u>
20 PROGRAM TOTAL	68,366,897	70,083,486
21 SALARY LIMIT	41,877,790	43,572,057

22 The unexpended General Fund appropriation balance existing on June
23 30, 2019, is hereby reappropriated.

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

- 27 No. 189 - Command and Support
- 28 No. 190 - Criminal Investigations
- 29 No. 195 - Road Operations

30 There is included in the appropriation to this program for FY2019-20
31 \$150,000 General Funds and \$100,000 Federal Funds from the Byrne Criminal

1 History Improvement set-aside funds, subject to available federal
2 appropriation, which shall only be expended for criminal justice
3 information systems improvements. There is included in the appropriation
4 to this program for FY2020-21 \$150,000 General Funds and \$100,000 Federal
5 Funds from the Byrne Criminal History Improvement set-aside funds,
6 subject to available federal appropriation, which shall only be expended
7 for criminal justice information systems improvements. Federal Funds
8 transferred to the Nebraska State Patrol pursuant to this section shall
9 be expended consistent with all applicable federal laws, rules, and
10 regulations pertaining to Byrne Criminal History Improvement set-aside
11 funds.

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

22 Sec. 20. Laws 2019, LB294, section 261, is amended to read:

23 Sec. 261. FUND LAPSES AND TRANSFERS.

24 The State Treasurer shall make the transfers specified in this
25 section between funds, in the amounts indicated. Unless otherwise noted,
26 transfers for FY2019-20 shall occur on July 1, 2019, or as soon
27 thereafter as administratively possible, and transfers for FY2020-21
28 shall occur on July 1, 2020, or as soon thereafter as administratively
29 possible. All agencies with administrative responsibilities for these
30 funds shall assist the State Treasurer as needed in implementing the
31 transfers.

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

2 (a) From the General Fund to the Nebraska State Patrol Cash Fund:
3 \$115,000 less the unexpended balance existing on June 30, 2019, in (i)
4 the Nebraska State Patrol Cash Fund, (ii) the Investigation Petty Cash
5 Fund, (iii) any special checking account or accounts used by the Nebraska
6 State Patrol, and (iv) the possession of agency personnel involved in
7 investigations, when the unexpended balances resulted from General Fund
8 transfers to the Nebraska State Patrol Cash Fund or from General Fund
9 appropriations. Any transfers made shall be subject to a final
10 reconciliation of available investigation cash fund balances as of June
11 30, 2019, by the Nebraska State Patrol.

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

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

21 (c) From the Securities Act Cash Fund to the General Fund:
22 \$6,750,000 on or before September 30, 2019, \$6,750,000 on or before
23 December 31, 2019, \$6,750,000 on or before March 31, 2020, and \$6,750,000
24 on or before June 30, 2020, on such dates as directed by the budget
25 administrator of the budget division of the Department of Administrative
26 Services;

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

30 (e) From the Department of Insurance Cash Fund to the General Fund:
31 \$6,250,000 on or before September 30, 2019, and \$6,250,000 on or before

1 March 31, 2020, on such dates as directed by the budget administrator of
2 the budget division of the Department of Administrative Services;

3 (f) From the Roads Operations Cash Fund to the Carrier Enforcement
4 Cash Fund: \$8,960,476, less the unexpended balance existing on June 30,
5 2019, in the Carrier Enforcement Cash Fund. Transfers shall be made in
6 four equal quarterly amounts on or before July 15, October 15, January
7 15, and April 15;

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

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

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

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

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

23 (k) From the Civic and Community Center Financing Fund to the
24 Department of Revenue Enforcement Fund: \$43,900 on July 1, 2019, or as
25 soon thereafter as administratively possible, as provided for in sections
26 13-2704 and 77-5601;

27 (l) From the Highway Trust Fund to the License Plate Cash Fund:
28 \$2,400,000. Transfers shall be made as required by the Department of
29 Motor Vehicles to meet the expenditures of plate and sticker production;

30 (m) From the Flexible Spending Trust Fund to the Health and Life
31 Benefit Administration Cash Fund: \$140,000, except that if the total

1 available unobligated balance of forfeitures in the Flexible Spending
2 Trust Fund as of June 30, 2019, is less than \$140,000, then the State
3 Treasurer shall transfer the difference, not to exceed \$140,000, from the
4 State Employees Insurance Fund. Transfers shall be made to pay the costs
5 associated with the administration of the Flexible Spending Account
6 program;

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

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

12 (p) From the Severance Tax Fund to the State Energy Cash Fund:
13 \$300,000, pursuant to section 57-705. Transfers shall be made in twelve
14 equal monthly amounts;

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

19 (r) The State Treasurer shall transfer up to \$1,500,000 from the
20 Petroleum Release Remedial Action Cash Fund to the Superfund Cost Share
21 Cash Fund on or before June 30, 2020, on such dates and in such amounts
22 as directed by the budget administrator of the budget division of the
23 Department of Administrative Services. Transfers shall be made as
24 required by the Department of Environment and Energy and used pursuant to
25 subdivision (2)(i) of section 66-1519;

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

30 (t) From the Securities Settlement Fund to the Educational Savings
31 Plan Administrative Fund: \$150,000 on or before July 15, 2019, on such

1 date as directed by the budget administrator of the budget division of
2 the Department of Administrative Services; and

3 (u) From the State Settlement Cash Fund to the General Fund:
4 \$295,957 on or before June 30, 2020, on such dates and in such amounts as
5 directed by the budget administrator of the budget division of the
6 Department of Administrative Services.

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

8 (a) From the General Fund to the Nebraska State Patrol Cash Fund:
9 \$115,000 less the unexpended balance existing on June 30, 2020, in (i)
10 the Nebraska State Patrol Cash Fund, (ii) the Investigation Petty Cash
11 Fund, (iii) any special checking account or accounts used by the Nebraska
12 State Patrol, and (iv) the possession of agency personnel involved in
13 investigations, when the unexpended balances resulted from General Fund
14 transfers to the Nebraska State Patrol Cash Fund or from General Fund
15 appropriations. Any transfers made shall be subject to a final
16 reconciliation of available investigation cash fund balances as of June
17 30, 2020, by the Nebraska State Patrol.

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

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

27 (c) From the Securities Act Cash Fund to the General Fund:
28 \$6,750,000 on or before September 30, 2020, \$6,750,000 on or before
29 December 31, 2020, \$6,750,000 on or before March 31, 2021, and \$5,500,000
30 ~~\$7,750,000~~ on or before June 30, 2021, on such dates as directed by the
31 budget administrator of the budget division of the Department of

1 Administrative Services;

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

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

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

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

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

20 (i) From the Highway Trust Fund to the Motor Fuel Tax Enforcement
21 and Collection Cash Fund: \$1,443,670, less the unobligated balance in the
22 Motor Fuel Tax Enforcement and Collection Cash Fund on June 30, 2020.
23 Transfers shall be made in twelve equal monthly amounts;

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

28 (k) From the Civic and Community Center Financing Fund to the
29 Department of Revenue Enforcement Fund: \$43,900 on July 1, 2020, or as
30 soon thereafter as administratively possible, as provided for in sections
31 13-2704 and 77-5601;

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

5 (m) From the Flexible Spending Trust Fund to the Health and Life
6 Benefit Administration Cash Fund: \$140,000, except that if the total
7 available unobligated balance of forfeitures in the Flexible Spending
8 Trust Fund as of June 30, 2020, is less than \$140,000, then the State
9 Treasurer shall transfer the difference, not to exceed \$140,000, from the
10 State Employees Insurance Fund. Transfers shall be made to pay the costs
11 associated with the administration of the Flexible Spending Account
12 program;

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

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

17 (p) From the Severance Tax Fund to the State Energy Cash Fund:
18 \$300,000, pursuant to section 57-705. Transfers shall be made in twelve
19 equal monthly amounts;

20 (q) From the Nebraska Training and Support Cash Fund to the Sector
21 Partnership Program Fund: \$300,000 on or before July 15, 2020, on such
22 date as directed by the budget administrator of the budget division of
23 the Department of Administrative Services;

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

31 (s) From the Records Management Cash Fund to the Secretary of State

1 Administration Cash Fund: \$61,130 on or before June 30, 2021, on such
2 dates and in such amounts as directed by the budget administrator of the
3 budget division of the Department of Administrative Services;

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

8 (u) From the State Settlement Cash Fund to the General Fund:
9 \$295,957 on or before June 30, 2021, on such dates and in such amounts as
10 directed by the budget administrator of the budget division of the
11 Department of Administrative Services.

12 Sec. 21. Laws 2020, LB1008, section 49, is amended to read:

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

14 Program No. 158 - Education Aid

	FY2019-20	FY2020-21
15		
16	<u>1,292,913,588</u>	<u>1,280,091,480</u>
17	1,292,913,588	1,281,781,018
18	3,790,938	3,790,938
19	<u>323,174,115</u>	<u>330,145,476</u>
20	<u>1,619,878,641</u>	<u>1,614,027,894</u>
21	323,174,115	323,174,115
22	<u>1,619,878,641</u>	<u>1,608,746,071</u>

23 The unexpended General Fund appropriation balance existing on June
24 30, 2020, less \$319,400, is hereby reappropriated.

25 There is included in the appropriation to this program for FY2019-20
26 \$1,292,913,588 General Funds, \$3,790,938 Cash Funds, and \$323,174,115
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 \$1,280,091,480 ~~\$1,281,781,018~~ General Funds, \$3,790,938 Cash
30 Funds, and \$330,145,476 ~~\$323,174,115~~ Federal Funds estimate for state
31 aid, which shall only be used for such purpose.

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

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

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

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

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

28 There is included in the amount shown for this program \$281,654
29 General Funds provided as state aid for FY2019-20 and \$281,654 General
30 Funds provided as state aid for FY2020-21 for distance education aid to
31 educational service units.

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

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

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

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

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

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

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

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

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

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

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

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

20 Sec. 22. Laws 2020, LB1008, section 50, is amended to read:

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

22 Program No. 33 - Administration

	FY2019-20	FY2020-21
23		
24 GENERAL FUND	143,783,542	145,782,020
25 CASH FUND	27,835,666	27,606,479
26 FEDERAL FUND est.	313,966,275	315,600,604
27 PROGRAM TOTAL	485,585,483	488,989,103
28 SALARY LIMIT	161,312,799	166,258,216

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

31 (1) The Department of Administrative Services shall monitor the

1 appropriations and expenditures for this program according to the
2 following program classifications:

3 No. 249 - Medicaid Expansion Administration

4 No. 261 - General Operations

5 No. 262 - Public Health Administration

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

7 No. 264 - Children and Family Services Administration

8 No. 265 - Protection and Safety

9 No. 266 - Economic and Family Support

10 No. 267 - Developmental Disabilities Service Coordination

11 No. 268 - Behavioral Health Administration

12 No. 269 - Developmental Disabilities Administration

13 There is included in the appropriation to this program for FY2020-21
14 \$88,927 General Funds for the related administrative purposes for
15 recruitment, training, and monitoring of outpatient facilities or
16 individual providers who have contracts to provide alternative treatment
17 plans.

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

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

31 (4) There is included in the appropriation to this program \$404,643

1 Cash Funds for FY2019-20 and \$404,643 Cash Funds for FY2020-21 from the
2 Nebraska Health Care Cash Fund for respite services in each of the
3 service areas designated by the Department of Health and Human Services
4 and for administrative costs, including personnel costs, associated with
5 the Nebraska Lifespan Respite Services Program.

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

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

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

26 (8) There is included in the appropriation to this program for
27 FY2019-20 \$100,000 Cash Funds for staff and operating expenses for public
28 health from the Nebraska Health Care Cash Fund. There is included in the
29 appropriation to this program for FY2020-21 \$100,000 Cash Funds for staff
30 and operating expenses for public health from the Nebraska Health Care
31 Cash Fund.

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

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

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

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

27 (13) If federal funding is approved under this section, on or before
28 December 31, 2020, the department shall study and report to the
29 Appropriations Committee of the Legislature on statewide access to long-
30 term care. The department shall contract with an independent entity with
31 proven expertise in (a) data analysis and projections of future trends,

1 (b) community planning, (c) innovative practices and best practices in
2 long-term care services, and (d) the development of a long-term care
3 sustainability plan. The department and contracted entity shall study the
4 needs of Nebraska's aging population for facility-based and home and
5 community-based long-term care services in close proximity to familial
6 and social support systems and shall make reasonable recommendations,
7 supported by data, on changes to the policy and funding of long-term care
8 services under the Medical Assistance Act.

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

10 (a) Review and summarize existing data sources;

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

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

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

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

26 (f) Make recommendations to the committee for increased regulatory
27 flexibility to allow a skilled nursing facility to provide home and
28 community-based long-term care services to meet community needs and for
29 strategic consolidation of facilities and services to use long-term care
30 workforce resources more effectively;

31 (g) Identify changes to reimbursement under the medical assistance

1 program to sustain access to long-term care services across the state;
2 and

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

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

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

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

21 There is included in the appropriation to this program the following
22 amounts for Program 249:

	FY2019-20	FY2020-21
23		
24 GENERAL FUND	5,979,812	5,772,769
25 FEDERAL FUND est.	8,583,992	6,372,769
26 PROGRAM TOTAL	14,563,804	12,145,538
27 SALARY LIMIT	4,678,048	5,560,460

28 It is the intent of the Legislature that the department shall
29 provide monthly status reports electronically to the Clerk of the
30 Legislature and the Legislative Fiscal Analyst on Medicaid Expansion. The
31 department shall include in the reports information on contracts,

1 personnel, waiver applications, CMS decisions and directives, and
2 implementation timelines.

3 Sec. 23. Laws 2020, LB1008, section 51, is amended to read:

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

5 Program No. 344 - Children's Health Insurance

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

11 The unexpended General Fund appropriation balance existing on June
12 30, 2020, less ~~\$5,500,000~~ ~~\$2,000,000~~, is hereby reappropriated.

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

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

25 There is included in the appropriation to this program for FY2020-21
26 \$251,510 General Funds and \$565,612 Federal Funds estimate for rate
27 increases paid to providers of mental health and behavioral health
28 services prioritized for mental health and behavioral health services
29 which were reimbursed at fifteen percent or more below such rates paid as
30 of January 1, 2020, by the Division of Behavioral Health. Services
31 include, but are not limited to, day rehabilitation services, mental

1 health individual sessions, substance use disorder individual sessions,
2 substance use disorder assessments, therapeutic community services, and
3 psychiatric residential rehabilitation. It is the intent of the
4 Legislature that funds appropriated for mental health and behavioral
5 health rate increases be utilized solely for mental health and behavioral
6 health rate increases in a proportional manner.

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

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

19 Sec. 24. Laws 2020, LB1008, section 52, is amended to read:

20 Sec. 52. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

21 Program No. 347 - Public Assistance

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

27 The unexpended General Fund appropriation balance existing on June
28 30, 2020, less ~~\$14,300,000~~ ~~\$4,000,000~~, is hereby reappropriated.

29 There is included in the appropriation to this program for FY2019-20
30 \$91,609,328 General Funds, \$3,560,000 Cash Funds, and \$112,235,004
31 Federal Funds estimate for state aid, which shall only be used for such

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

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

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

20 Sec. 25. Laws 2020, LB1008, section 53, is amended to read:

21 Sec. 53. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

22 Program No. 348 - Medical Assistance

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

27
28 The unexpended General Fund appropriation balance existing on June
29 30, 2020, less \$7,500,000, is hereby reappropriated.

30 The Department of Administrative Services shall monitor the
31 appropriations and expenditures for this program according to the

1 following program classification:

2 No. 348 - Medical Assistance

3 No. 349 - Medicaid Expansion Aid

4 There is included in the appropriation to this program for FY2019-20
5 \$860,304,131 General Funds, \$46,851,581 Cash Funds, and \$1,261,738,910
6 Federal Funds estimate for state aid, which shall only be used for such
7 purpose. There is included in the appropriation to this program for
8 FY2020-21 \$921,250,222 General Funds, \$46,851,581 Cash Funds, and
9 \$1,708,752,389 Federal Funds estimate for state aid, which shall only be
10 used for such purpose.

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

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

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

26 The certification authority granted in this section expires on March
27 1, 2021.

28 There is included in the appropriation to this program in FY2020-21
29 \$217,347 General Funds and \$276,624 Federal Funds estimate to bring rates
30 for providers of halfway house services up to the rates paid by the
31 Division of Behavioral Health.

1 There is included in the appropriation to this program for FY2020-21
2 \$3,888,739 General Funds and \$4,955,334 Federal Funds estimate for rate
3 increases paid to providers of mental health and behavioral health
4 services prioritized for mental health and behavioral health services
5 which were reimbursed at fifteen percent or more below such rates paid as
6 of January 1, 2020, by the Division of Behavioral Health. Services
7 include, but are not limited to, day rehabilitation services, mental
8 health individual sessions, substance use disorder individual sessions,
9 substance use disorder assessments, therapeutic community services, and
10 psychiatric residential rehabilitation. It is the intent of the
11 Legislature that funds appropriated for mental health and behavioral
12 health rate increases be utilized solely for mental health and behavioral
13 health rate increases in a proportional manner.

14 There is included in the appropriation to this program \$336,349,731
15 (\$154,081,812 General Funds and \$182,267,919 Federal Funds) for nursing
16 facilities in FY2019-20, which includes a one-time payment increase of
17 \$7,400,000 (\$3,389,940 General Funds and \$4,010,060 Federal Funds) and
18 \$13,851,307 (\$6,345,284 General Funds and \$7,506,023 Federal Funds) for
19 utilization changes and rate enhancement.

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

26 It is the intent of the Legislature that the total nursing facility
27 appropriation amount, including utilization changes and rate enhancement
28 shall be used in Step 2 directives of the Legislature of the Inflation
29 Factor calculation process, as described in 471 NAC 12-011.08D5, in
30 effect on January 1, 2019, for FY2019-20 and FY2020-21.

31 The Department of Health and Human Services shall file a report with

1 the Legislative Fiscal Office and the Clerk of the Legislature no later
2 than August 1, 2019, on how the Inflation Factor was calculated for
3 FY2019-20 rates and no later than August 1, 2020, on how the Inflation
4 Factor was calculated for FY2020-21 rates.

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

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

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

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

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

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

9 Sec. 26. Laws 2020, LB1008, section 54, is amended to read:

10 Sec. 54. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

11 Program No. 354 - Child Welfare Aid

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

17 The unexpended General Fund appropriation balance existing on June
18 30, 2020, less \$28,000,000, is hereby reappropriated.

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

22 There is included in the appropriation to this program for FY2019-20
23 \$197,032,479 General Funds, \$2,734,444 Cash Funds, and \$30,873,288
24 Federal Funds estimate for state aid, which shall only be used for such
25 purpose. There is included in the appropriation to this program for
26 FY2020-21 \$172,174,830 General Funds, \$2,734,444 Cash Funds, and
27 \$32,211,149 Federal Funds estimate for state aid, which shall only be
28 used for such purpose.

29 There is included in the amount shown as aid for this program for
30 FY2019-20 \$2,734,444 Cash Funds from the Nebraska Health Care Cash Fund
31 for the continuation of the behavioral health provider rate increase.

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

4 Sec. 27. Laws 2020, LB1008, section 55, is amended to read:

5 Sec. 55. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES
6 Program No. 421 - Beatrice State Developmental Center

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

12 The unexpended General Fund appropriation balance existing on June
13 30, 2020, less ~~\$2,200,000~~ ~~\$1,000,000~~, is hereby reappropriated.

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

27 Sec. 28. LIMITATION ON SALARIES, WAGES, AND PER DIEMS.

28 (1) For purposes of this act, (a) SALARY LIMIT shall mean total
29 expenditures for permanent and temporary salaries and per diems and (b)
30 total expenditures for permanent and temporary salaries and per diems
31

1 shall mean all remuneration paid to employees treated as taxable
2 compensation by the Internal Revenue Service or subject to social
3 security coverage, specifically including payments accounted for as
4 vacation, holidays, sick leave, military leave, funeral leave, maternity
5 leave, administrative leave, compensatory time, deferred compensation, or
6 any other similar form, and amounts withheld pursuant to law, but
7 excluding state contributions for social security, retirement, and
8 employee insurance plans.

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

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

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

28 (5) The limitation on expenditures for permanent and temporary
29 salaries and per diems for FY2019-20 shall be increased by certified
30 encumbrance amounts from FY2018-19 for permanent and temporary salaries
31 and per diems. The limitation on expenditures for permanent and temporary

1 salaries and per diems for FY2020-21 shall be increased by certified
2 encumbrance amounts from FY2019-20 for permanent and temporary salaries
3 and per diems. Encumbered amounts shall be calculated in accordance with
4 section 81-138.01.

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

9 (7) The budget administrator of the budget division of the
10 Department of Administrative Services may administratively increase the
11 limitation on expenditures for permanent and temporary salaries and per
12 diems upon receipt of a request for such increase from the director of a
13 state agency certifying the actual amount of the payment to a former
14 employee of such agency, or his or her beneficiary upon the death of the
15 employee, of accumulated vacation and sick leave pursuant to section
16 81-1325 and the rules and regulations of the State Personnel System
17 governing such payments.

18 Sec. 29. Original Laws 2019, LB294, sections 93, 106, 108, 159,
19 181, 182, and 261; and Laws 2020, LB1008, sections 49, 50, 51, 52, 53,
20 54, and 55, are repealed.

21 Sec. 30. Since an emergency exists, this act takes effect when
22 passed and approved according to law.