

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 960**

Introduced by Heidemann, 1.

Read first time January 11, 2012

Committee:

A BILL

1 FOR AN ACT relating to appropriations; to amend sections 68-965,  
2 71-7611, and 71-8805, Reissue Revised Statutes of  
3 Nebraska; to state intent relating to transfers; to  
4 harmonize provisions; to provide an operative date; to  
5 repeal the original sections; and to declare an  
6 emergency.

7 Be it enacted by the people of the State of Nebraska,

1           Section 1. It is the intent of the Legislature, beginning  
2 July 1, 2012, to eliminate the transfer of funds out of the Nebraska  
3 Health Care Cash Fund. The programs which received funding through  
4 fund transfers in section 71-7611 prior to July 1, 2012, shall be  
5 determined through the appropriation process.

6           Sec. 2. Section 68-965, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           68-965 (1) The Autism Treatment Program Cash Fund is  
9 created. The fund shall include ~~revenue transferred from the Nebraska~~  
10 ~~Health Care Cash Fund and~~ revenue received from gifts, grants,  
11 bequests, donations, other similar donation arrangements, or other  
12 contributions from public or private sources. The department shall  
13 administer the fund. The ~~Autism Treatment Program Cash Fund~~ fund  
14 shall be used as the state's matching share for the waiver  
15 established under section 68-966 and for expenses incurred in the  
16 administration of the Autism Treatment Program. Any money in the fund  
17 available for investment shall be invested by the state investment  
18 officer pursuant to the Nebraska Capital Expansion Act and the  
19 Nebraska State Funds Investment Act.

20           (2) The program shall utilize private funds deposited in  
21 the ~~Autism Treatment Program Cash Fund and funds transferred by the~~  
22 ~~Legislature from the Nebraska Health Care Cash Fund to the Autism~~  
23 ~~Treatment Program Cash Fund. Transfers from the Nebraska Health Care~~  
24 ~~Cash Fund in any fiscal year shall be contingent upon the receipt of~~  
25 ~~private matching funds for such program, with no less than one dollar~~

1 ~~of private funds received for every two dollars transferred from the~~  
2 ~~Nebraska Health Care Cash Fund. fund.~~ No donations from a provider of  
3 services under Title XIX of the federal Social Security Act shall be  
4 deposited into the ~~Autism Treatment Program Cash Fund. fund.~~

5           Sec. 3. Section 71-7611, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           71-7611 (1) The Nebraska Health Care Cash Fund is  
8 created. The State Treasurer shall transfer (a) fifty-six million one  
9 hundred thousand dollars no later than July 15, 2009, and (b) fifty-  
10 nine million one hundred thousand dollars beginning July 15, 2010,  
11 and annually thereafter no later than July 15 from the Nebraska  
12 Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco  
13 Settlement Trust Fund to the Nebraska Health Care Cash Fund, except  
14 that such amount shall be reduced by the amount of the unobligated  
15 balance in the Nebraska Health Care Cash Fund at the time the  
16 transfer is made. The state investment officer upon consultation with  
17 the Nebraska Investment Council shall advise the State Treasurer on  
18 the amounts to be transferred from the Nebraska Medicaid  
19 Intergovernmental Trust Fund and from the Nebraska Tobacco Settlement  
20 Trust Fund under this section in order to sustain such transfers in  
21 perpetuity. The state investment officer shall report to the  
22 Legislature on or before October 1 of every even-numbered year on the  
23 sustainability of such transfers. Except as otherwise provided by  
24 law, no more than the amount specified in this subsection may be  
25 appropriated or transferred from the Nebraska Health Care Cash Fund

1 in any fiscal year.

2 (2) Any money in the Nebraska Health Care Cash Fund  
3 available for investment shall be invested by the state investment  
4 officer pursuant to the Nebraska Capital Expansion Act and the  
5 Nebraska State Funds Investment Act.

6 ~~(3) One million dollars in the Nebraska Health Care Cash~~  
7 ~~Fund shall be transferred each year to the Autism Treatment Program~~  
8 ~~Cash Fund for five fiscal years beginning on a date determined by the~~  
9 ~~Department of Health and Human Services but no later than ninety days~~  
10 ~~after a waiver under section 68-966 has been approved and shall be~~  
11 ~~distributed with matching private funds from the Autism Treatment~~  
12 ~~Program Cash Fund and matching funds from Title XIX of the federal~~  
13 ~~Social Security Act in each fiscal year as follows: (a) First, to the~~  
14 ~~Department of Health and Human Services for costs related to~~  
15 ~~application, implementation, and administration of a waiver pursuant~~  
16 ~~to section 68-966; (b) second, to the department for other medical~~  
17 ~~costs for children who would not otherwise qualify for medicaid~~  
18 ~~except for the waiver; and (c) third, the balance to fund services~~  
19 ~~pursuant to the waiver.~~

20 ~~(4)~~(3) The University of Nebraska and postsecondary  
21 educational institutions having colleges of medicine in Nebraska and  
22 their affiliated research hospitals in Nebraska, as a condition of  
23 receiving any funds appropriated or transferred from the Nebraska  
24 Health Care Cash Fund, shall not discriminate against any person on  
25 the basis of sexual orientation.

1                   ~~(5) The State Treasurer shall transfer two hundred~~  
2 ~~thousand dollars from the Nebraska Health Care Cash Fund to the~~  
3 ~~University of Nebraska Medical Center Cash Fund for the Nebraska~~  
4 ~~Regional Poison Center within fifteen days after each July 1.~~

5                   ~~(6) Beginning on July 1, 2010, the State Treasurer shall~~  
6 ~~transfer three million dollars annually no later than July 15 of each~~  
7 ~~year from the Nebraska Health Care Cash Fund to the Tobacco~~  
8 ~~Prevention and Control Cash Fund.~~

9                   ~~(7) The State Treasurer shall transfer five hundred~~  
10 ~~thousand dollars annually no later than July 15 of each year from the~~  
11 ~~Nebraska Health Care Cash Fund to the Stem Cell Research Cash Fund.~~

12                   Sec. 4. Section 71-8805, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14                   71-8805 (1) The Stem Cell Research Cash Fund is created.  
15 Any money in the fund available for investment shall be invested by  
16 the state investment officer pursuant to the Nebraska Capital  
17 Expansion Act and the Nebraska State Funds Investment Act.

18                   (2) Money credited to the Stem Cell Research Cash Fund  
19 ~~pursuant to section 71-7611~~ shall be used to provide a dollar-for-  
20 dollar match, up to five hundred thousand dollars per fiscal year, of  
21 funds received by institutions or researchers from sources other than  
22 funds provided by the State of Nebraska for nonembryonic stem cell  
23 research. Such matching funds shall be awarded through the grant  
24 process established pursuant to section 71-8804. No single  
25 institution or researcher shall receive more than seventy percent of

1 the funds available for distribution under this section on an annual  
2 basis.

3 (3) Up to three percent of the funds credited to the Stem  
4 Cell Research Cash Fund shall be available to the Division of Public  
5 Health of the Department of Health and Human Services for  
6 administrative costs, including stipends and reimbursements pursuant  
7 to section 71-8803.

8 Sec. 5. This act becomes operative on July 1, 2012.

9 Sec. 6. Original sections 68-965, 71-7611, and 71-8805,  
10 Reissue Revised Statutes of Nebraska, are repealed.

11 Sec. 7. Since an emergency exists, this act takes effect  
12 when passed and approved according to law.