

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1307**

Introduced by von Gillern, 4.

Read first time January 17, 2024

Committee: Banking, Commerce and Insurance

1 A BILL FOR AN ACT relating to insurance; to require the Director of  
2 Insurance to identify a required health benefit in excess of the  
3 essential health benefits required by 42 U.S.C. 18022 and provide  
4 reimbursements for qualified health plan issuers as prescribed; to  
5 require the Director of Insurance to include such reimbursement  
6 costs in the director's budget request; to provide powers and duties  
7 for the Director of Insurance and the Department of Insurance; to  
8 create a fund; and to harmonize provisions.  
9 Be it enacted by the people of the State of Nebraska,

1           Section 1.   (1)(a) The Director of Insurance shall identify any  
2 required health benefit that is in excess of the essential health  
3 benefits required by 42 U.S.C. 18022, as such section existed on January  
4 1, 2024.

5           (b) The director shall quantify the cost attributable to each  
6 additional required health benefit identified pursuant to subdivision (1)  
7 (a) of this section based on the calculation by the issuer of a qualified  
8 health plan as defined in 42 U.S.C. 18021, as such section existed on  
9 January 1, 2024, of the cost associated with the required health benefit  
10 for policies on or off the exchange as defined in section 44-8802. The  
11 calculation shall be:

12           (i) Calculated in accordance with generally accepted actuarial  
13 principles and methodologies;

14           (ii) Conducted by a member of the American Academy of Actuaries; and

15           (iii) Reported to the director.

16           (c) The director shall, as a part of the budget request required  
17 pursuant to section 81-132 and based on the cost information collected  
18 under subdivision (1)(b) of this section, request appropriations  
19 necessary to make the payments required pursuant to subsection (2) of  
20 this section.

21           (2) If the state is required to defray the cost of additional  
22 required health benefits under 45 C.F.R. 155.170, as such regulation  
23 existed on January 1, 2024, the Department of Insurance shall make the  
24 required payments:

25           (a) From the State Insurance Mandate Fund in accordance with  
26 subsection (3) of this section; and

27           (b) Directly to the qualified health plan issuer in accordance with  
28 45 C.F.R. 155.170.

29           (3) A payment required pursuant to subsection (2) of this section  
30 shall be:

31           (a) Based on the statewide average of the cost of the additional

1 required health benefit for all qualified health plan issuers that are  
2 entitled to payment under 45 C.F.R. 155.170, as such regulation existed  
3 on January 1, 2024; and

4 (b) Submitted to a qualified health plan issuer through a process  
5 established by the director.

6 (4) The department may adopt and promulgate rules and regulations to  
7 carry out this section.

8 Sec. 2. The State Insurance Mandate Fund is created. The fund shall  
9 be administered by the Department of Insurance. The State Treasurer shall  
10 credit to the fund any money transferred from the General Fund by the  
11 Legislature for use by the department to defray the cost of additional  
12 required health benefits identified pursuant to section 2 of this act.  
13 The fund shall include transfers as directed by the Legislature. Any  
14 money in the State Insurance Mandate Fund available for investment shall  
15 be invested by the state investment officer pursuant to the Nebraska  
16 Capital Expansion Act and the Nebraska State Funds Investment Act. Any  
17 investment earnings from investment of money in the State Insurance  
18 Mandate Fund shall be credited to such fund.