

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 292**

FINAL READING

Introduced by Hansen, 42; Harms, 48; Johnson, 37

Read first time January 10, 2007

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to public health and welfare; to amend  
2 sections 68-104 and 68-1803, Revised Statutes Cumulative  
3 Supplement, 2006; to authorize transfers of public  
4 assistance funds from counties to the state as  
5 prescribed; to change the rate of tax on intermediate  
6 care facilities for the mentally retarded; and to repeal  
7 the original sections.

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

1           Section 1. Section 68-104, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           68-104 The Department of Health and Human Services shall  
4 be the overseer of the poor and shall be vested with the entire and  
5 exclusive superintendence of the poor in this state, except that  
6 the county board of each county shall furnish such medical service  
7 as may be required for the poor of the county who are not eligible  
8 for other medical assistance programs and general assistance for  
9 the poor of the county. Any person who is or becomes ineligible for  
10 other medical assistance programs due to his or her own actions or  
11 inactions shall also be ineligible for medical services from the  
12 county.

13           The county board of each county shall administer the  
14 medical assistance provided pursuant to this section. A county  
15 board may enter into an agreement with the Department of Health  
16 and Human Services which allows the department to aid in the  
17 administration of such medical assistance program. In providing  
18 medical and hospital care for the poor, the county board shall make  
19 use of any existing facilities, including tax-supported hospitals  
20 and charitable clinics so far as the same may be available, and  
21 shall use the financial eligibility criteria established for the  
22 standard of need developed by the county pursuant to section  
23 68-126.

24           A county board may transfer funds designated for public  
25 assistance to the Department of Health and Human Services for

1 purposes of payments to providers who serve eligible recipients of  
2 medical assistance or low-income uninsured persons and meet federal  
3 and state disproportionate-share payment requirements pursuant to  
4 subdivision (2)(c) of section 68-910.

5           Sec. 2. Section 68-1803, Revised Statutes Cumulative  
6 Supplement, 2006, is amended to read:

7           68-1803 (1) Each intermediate care facility for the  
8 mentally retarded shall pay a tax equal to ~~six percent~~ a percentage  
9 of its net revenue for the most recent State of Nebraska fiscal  
10 year. The percentage shall be (a) six percent prior to January  
11 1, 2008, (b) five and one-half percent beginning January 1, 2008,  
12 through September 30, 2011, and (c) six percent beginning October  
13 1, 2011.

14           (2) Taxes collected under this section shall be remitted  
15 to the State Treasurer for credit to the ICF/MR Reimbursement  
16 Protection Fund.

17           (3) Taxes collected pursuant to this section shall be  
18 reported on a separate line on the cost report of the intermediate  
19 care facility for the mentally retarded, regardless of how such  
20 costs are reported on any other cost report or income statement.  
21 The department shall recognize such tax as an allowable cost  
22 within the state plan for reimbursement of intermediate care  
23 facilities for the mentally retarded which participate in the  
24 medical assistance program. The tax shall be a direct pass-through  
25 and shall not be subject to cost limitations.

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1                   Sec. 3. Original sections 68-104 and 68-1803, Revised  
2 Statutes Cumulative Supplement, 2006, are repealed.