

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 454**

Introduced by Lathrop, 12.

Read first time January 20, 2009

Committee: Appropriations

A BILL

1 FOR AN ACT relating to the Nebraska Health Care Cash Fund; to amend  
2 section 71-7611, Revised Statutes Cumulative Supplement,  
3 2008; to change provisions governing use of the fund; to  
4 repeal the original section; and to declare an emergency.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 71-7611, Revised Statutes Cumulative  
2 Supplement, 2008, is amended to read:

3           71-7611 (1) The Nebraska Health Care Cash Fund is  
4 created. The State Treasurer shall transfer (a) fifty-six million  
5 four hundred thousand dollars no later than July 30, 2008, and  
6 (b) fifty-five million seven hundred thousand dollars annually  
7 thereafter no later than July 15 from the Nebraska Medicaid  
8 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement  
9 Trust Fund to the Nebraska Health Care Cash Fund, except that such  
10 amount shall be reduced by the amount of the unobligated balance  
11 in the Nebraska Health Care Cash Fund at the time the transfer is  
12 made. On or before May 1, 2008, the State Treasurer shall transfer  
13 from the Nebraska Medicaid Intergovernmental Trust Fund and the  
14 Nebraska Tobacco Settlement Trust Fund an additional two hundred  
15 fifty thousand dollars to the Nebraska Health Care Cash Fund.  
16 The state investment officer upon consultation with the Nebraska  
17 Investment Council shall advise the State Treasurer on the amounts  
18 to be transferred from the Nebraska Medicaid Intergovernmental  
19 Trust Fund and from the Nebraska Tobacco Settlement Trust  
20 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  
23 the sustainability of such transfers. Except as otherwise provided  
24 by law, no more than the amount specified in subdivisions (1)(a)  
25 and (b) of this subsection may be appropriated or transferred from

1 the Nebraska Health Care Cash Fund 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 is designated each year for the Autism Treatment Program  
8 Act for five fiscal years beginning in fiscal year 2007-08 and  
9 shall be distributed in each fiscal year as follows: (a) First,  
10 to the Department of Health and Human Services for costs related  
11 to application and implementation of the waiver; (b) second, to  
12 the department for other medical costs for children who would  
13 not otherwise qualify for medicaid except for the waiver; and (c)  
14 third, the balance to the Autism Treatment Program Cash Fund. The  
15 State Treasurer shall transfer the balance of the funding to the  
16 Autism Treatment Program Cash Fund based on the estimated costs  
17 of administrative and other medical costs as determined by the  
18 Legislature through the appropriation process. The transfers to  
19 the Autism Treatment Program Cash Fund in any fiscal year shall  
20 be contingent upon the receipt of private matching funds under  
21 the Autism Treatment Program Act, with no less than one dollar of  
22 private funds received for every two dollars transferred from the  
23 Nebraska Health Care Cash Fund to the Autism Treatment Program Cash  
24 Fund.

25 (4) The University of Nebraska and postsecondary

1 educational institutions having colleges of medicine in Nebraska  
2 and their affiliated research hospitals in Nebraska, as a condition  
3 of receiving any funds appropriated or transferred from the  
4 Nebraska Health Care Cash Fund, shall not discriminate against any  
5 person on the basis of sexual orientation.

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

10 Sec. 2. Original section 71-7611, Revised Statutes  
11 Cumulative Supplement, 2008, is repealed.

12 Sec. 3. Since an emergency exists, this act takes effect  
13 when passed and approved according to law.