

AMENDMENTS TO LB294

(Amendments to Standing Committee amendments, AM1329)

Introduced by Bolz, 29.

1           1. Purpose: For Agency 9 - Secretary of State: Correct a fund source  
2 error for the Secretary of State to match the earmark language and add  
3 \$4,000,000 General Funds and \$1,000,000 federal funds in FY2019-20 to  
4 replace ADA accessibility voter equipment.

5           Amendment:

6           a. On page 11, line 21, strike "1,994,775" and insert "5,994,775";  
7 in line 22 strike "6,657,437" and insert "6,457,437"; in line 23 strike  
8 "878,000" and insert "2,078,000"; and in line 24 strike "9,530,212" and  
9 insert "14,530,212".

10          2. Purpose: For Agency 11 - Attorney General: Add \$295,957 General  
11 Funds each year for the Attorney General and transfer the same amount  
12 from the State Settlement Cash Fund to the General Fund to offset the  
13 General Fund impact.

14          Amendment:

15          a. On page 13, strike line 28 and insert "GENERAL FUND 6,339,199  
16 6,469,310";

17          b. On page 14, strike line 3 and insert "PROGRAM TOTAL 10,925,104  
18 11,139,923";

19          c. On page 135, line 28, strike "and";

20          d. On page 136, line 1, strike the period and insert "; and

21          (u) From the State Settlement Cash Fund to the General Fund:  
22 \$295,957 on or before June 30, 2020, on such dates and in such amounts as  
23 directed by the budget administrator of the budget division of the  
24 Department of Administrative Services.";

25          e. On page 138, line 29, strike "and"; and

26          f. On page 139, line 2, strike the period and insert "; and

1 (u) From the State Settlement Cash Fund to the General Fund:  
2 \$295,957 on or before June 30, 2021, on such dates and in such amounts as  
3 directed by the budget administrator of the budget division of the  
4 Department of Administrative Services."

5 3. Purpose: For Agency 13 - Education: Increase the salary limit of  
6 the State Department of Education by \$488,088 to reflect anticipated  
7 staffing levels.

8 Amendment:

9 a. On page 17, strike line 16 and insert: "SALARY LIMIT 15,001,413  
10 15,335,026".

11 4. Purpose: For Agency 13 - Education: Decrease TEEOSA General Fund  
12 aid by \$2,675,083 in FY2019-20 and \$2,175,083 in FY2020-21 to reflect  
13 actual premium taxes used to offset General Fund aid. Decrease TEEOSA  
14 General Fund aid by \$402,007 in FY2019-20 to fully reflect the change in  
15 the allowable growth rate in LB675.

16 Amendment:

17 a. On page 18, strike line 24 and insert "GENERAL FUND 1,292,913,588  
18 1,302,081,857"; strike line 27 and insert "PROGRAM TOTAL 1,619,878,641  
19 1,629,046,910"; and in line 29 strike "\$1,295,990,678" and insert  
20 "\$1,292,913,588"; and

21 b. On page 19, line 2, strike "\$1,304,256,940" and insert  
22 "\$1,302,081,857"; in line 5 strike "\$1,039,314,856" and insert  
23 "\$1,036,237,766"; and in line 10 strike "\$1,045,031,781" and insert  
24 "\$1,042,856,698".

25 5. Purpose: For Agency 23 - Department of Labor: Eliminate earmark  
26 language related to funding that has been removed from the appropriation  
27 for the Department of Labor.

28 Amendment:

29 a. On page 34, strike lines 11 through 24.

30 6. Purpose: For Agency 25 - Department of Health and Human Services:  
31 To insert provisions that were inadvertently left out of the committee

1 amendment in Program 33.

2 Amendment:

3 a. On page 36, line 17, strike "27,748,166" and insert "27,835,666"  
4 and in line 19, strike "485,497,983" and insert "485,585,483"; and

5 b. On page 39, after line 2 insert the following:

6 (12) The Legislature finds that underfunding of the medical  
7 assistance program under the Medical Assistance Act has resulted in a  
8 growing financial chasm between the amount of money a service provider is  
9 reimbursed under the program and the actual cost of providing care.  
10 Combined with workforce shortages, the continued ability of long-term  
11 care providers to serve beneficiaries of the medical assistance program  
12 is increasingly at risk. The Legislature also recognizes that aging  
13 Nebraskans have made contributions throughout their lifetimes to the  
14 state and country and deserve to receive the care they need in  
15 recognition of this service.

16 (13) If federal funding is approved under this section, on or before  
17 December 31, 2020, the department shall study and report to the  
18 Appropriations Committee of the Legislature on statewide access to long-  
19 term care. The department shall contract with an independent entity with  
20 proven expertise in (a) data analysis and projections of future trends,  
21 (b) community planning, (c) innovative practices and best practices in  
22 long-term care services, and (d) the development of a long-term care  
23 sustainability plan. The department and contracted entity shall study the  
24 needs of Nebraska's aging population for facility-based and home and  
25 community-based long-term care services in close proximity to familial  
26 and social support systems and shall make reasonable recommendations,  
27 supported by data, on changes to the policy and funding of long-term care  
28 services under the Medical Assistance Act.

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

30 (a) Review and summarize existing data sources;

31 (b) Provide the committee with a detailed analysis and projection of

1 Nebraska's demographic trends by age and availability of informal long-  
2 term care support systems;

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

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

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

15 (f) Make recommendations to the committee for increased regulatory  
16 flexibility to allow a skilled nursing facility to provide home and  
17 community-based long-term care services to meet community needs and for  
18 strategic consolidation of facilities and services to use long-term care  
19 workforce resources more effectively;

20 (g) Identify changes to reimbursement under the medical assistance  
21 program to sustain access to long-term care services across the state;  
22 and

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

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

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

31 (16) It is the intent of the Legislature that the Division of

1 Medicaid and Long-Term Care of the Department of Health and Human  
2 Services shall request approval from the Secretary of the United States  
3 Department of Health and Human Services to use \$87,500 of Nebraska's  
4 Nursing Facility Penalty Cash Fund under section 1919(h)(3)(C)(ii)(IV)  
5 (ff) of the federal Social Security Act as the federal match to carry out  
6 the study described in this section. Such funds shall be used to research  
7 demographic trends, project current and future service needs, and provide  
8 recommendations for continued statewide access to long-term care  
9 services, including nursing facility care, for medicaid recipients.

10 7. Purpose: For Agency 25 - Department of Health and Human Services:  
11 To correct a federal fund amount in Program 33, Subprogram 249.

12 Amendment:

13 a. On page 39, line 7, strike "6,673,992" and insert "8,583,992" and  
14 in line 8 strike "14,653,804" and all amendments thereto and insert  
15 "14,563,804".

16 8. Purpose: For Agency 25 - Department of Health and Human Services:  
17 To remove language that is not needed in Program 33, Subprogram 249.

18 Amendment:

19 a. On page 39, strike lines 16 through 20.

20 9. Purpose: For Agency 25 - Department of Health and Human Services:  
21 To add a program classification in Program 348.

22 Amendment:

23 a. On page 44, after line 16 insert "No. 348 - Medical Assistance".

24 10. Purpose: For Agency 25 - Department of Health and Human  
25 Services: To correct earmarks in Program 348.

26 Amendment:

27 a. On page 45, strike lines 16 through 26 and insert the following:

28 "There is included in the appropriation to this program \$336,349,731  
29 (\$154,081,812 General Funds and \$182,267,919 Federal Funds) for nursing  
30 facilities in FY2019-20, which includes a one-time payment increase of  
31 \$7,400,000 (\$3,389,940 General Funds and \$4,010,060 Federal Funds) and

1 \$13,851,307 (\$6,345,284 General Funds and \$7,506,023 Federal Funds) for  
2 utilization changes and rate enhancement.

3 There is included in the appropriation in this section \$350,795,952  
4 (\$158,840,407 General Funds and \$191,955,545 Federal Funds) for nursing  
5 facilities in FY2020-21 which includes \$14,446,221 (\$6,541,249 General  
6 Funds and \$7,904,972 Federal Funds) for utilization changes and rate  
7 enhancement."

8 11. Purpose: For Agency 25 - Department of Health and Human  
9 Services: To clarify an intent in Program 348.

10 Amendment:

11 a. On page 45, line 27, strike "amounts shown for" and insert "total  
12 nursing facility appropriation amount, including".

13 12. Purpose: For Agency 25 - Department of Health and Human  
14 Services: To add a reporting requirement in Program 348.

15 Amendment:

16 a. On page 46 before line 1 insert the following:

17 "The Department of Health and Human Services shall file a report  
18 with the Legislative Fiscal Office and the Clerk of the Legislature no  
19 later than August 1, 2019, on how the Inflation Factor was calculated for  
20 FY2019-20 rates and no later than August 1, 2020, on how the Inflation  
21 Factor was calculated for FY2020-21 rates."

22 13. Purpose: For Agency 25 - Department of Health and Human  
23 Services: To clarify an intent in Program 348, Subprogram 349.

24 Amendment:

25 a. On page 46, line 19, strike "There" and insert "For informational  
26 purposes only, there".

27 14. Purpose: For Agency 25 - Department of Health and Human  
28 Services: To correct a federal fund amount in Program 348, Subprogram  
29 349.

30 Amendment:

31 a. On page 46, line 23, strike "323,593,612" and insert

1 "373,260,870"; and in line 24 strike "367,456,917" and insert  
2 "417,124,175".

3 15. Purpose: For Agency 25 - Department of Health and Human  
4 Services: To remove language that is not needed in Program 348,  
5 Subprogram 349.

6 Amendment:

7 a. On page 46, strike line 30; and

8 b. On page 47, strike lines 1 through 4.

9 16. Purpose: For Agency 25 - Department of Health and Human  
10 Services: To correct a name in Program 502.

11 Amendment:

12 a. On page 50, line 30, strike "People's Health Center" and insert  
13 "Bluestem Health"; and

14 b. On page 51, lines 10 and 25, strike "People's Health Center" and  
15 insert "Bluestem Health".

16 17. Purpose: For Agency 25 - Department of Health and Human  
17 Services: To clarify intent in Program 514.

18 Amendment:

19 a. On page 54, lines 28 and 30, strike "up to".

20 18. Purpose: For Agency 25 - Department of Health and Human  
21 Services: To eliminate a duplicate appropriation in Program 571.

22 Amendment:

23 a. On page 55, line 22, strike the second "613,912" and insert  
24 "-0-"; and

25 b. In the E&R amendments strike amendment 1.d.

26 19. Purpose: For Agency 25 - Department of Health and Human  
27 Services: To correct an amount and add a Salary Limit in Program 621.

28 Amendment:

29 a. On page 56, lines 11 and 12, strike each occurrence of "450,086"  
30 and insert "450,000"; and in line 13 insert "13,500 13,500".

31 20. Purpose: For Agency 54 - Historical Society: Correct an

1 incorrect number in an earmark.

2 Amendment:

3 a. On page 85, line 17, strike "\$1,000" and insert "\$100,000".

4 21. Purpose: For Agency 65 - Department of Administrative Services:  
5 Add \$399,880 each year of Revolving Fund authority and \$306,975 PSL each  
6 year to Program 172 to complete IT Consolidation plan in DAS.

7 Amendment:

8 a. On page 91, strike line 29 and insert "REVOLVING FUND 59,455,560  
9 59,922,402"; and

10 b. On page 92, strike line 1 and insert "PROGRAM TOTAL 59,455,560  
11 59,922,402"; and strike line 2 and insert "SALARY LIMIT 14,242,645  
12 14,592,955".

13 22. Purpose: For Agency 77 - Commission of Industrial Relations: To  
14 change the personal services limit (PSL) to reflect the 27th pay period  
15 in FY2020-21.

16 Amendment:

17 a. On page 103, line 15, strike "148,379" and insert "153,259".