

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 437

Introduced by Riepe, 12; Hansen, 16.

Read first time January 21, 2025

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of
2 Need Act; to amend sections 71-20,103 and 71-20,105, Reissue Revised
3 Statutes of Nebraska; to eliminate the Nebraska Health Care
4 Certificate of Need Act; to eliminate obsolete provisions; to
5 harmonize provisions; to repeal the original sections; and to
6 outright repeal sections 71-20,113, 71-5801, 71-5803, 71-5803.01,
7 71-5803.02, 71-5803.03, 71-5803.04, 71-5803.05, 71-5803.06,
8 71-5803.07, 71-5803.08, 71-5803.09, 71-5803.10, 71-5803.11,
9 71-5803.12, 71-5803.13, 71-5803.15, 71-5829.03, 71-5829.04,
10 71-5829.05, 71-5829.06, 71-5830.01, 71-5836, 71-5837, 71-5846,
11 71-5848, 71-5848.01, 71-5859, 71-5865, 71-5868, 71-5869, and
12 71-5870, Reissue Revised Statutes of Nebraska.
13 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 71-20,103, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 71-20,103 For purposes of the Nonprofit Hospital Sale Act:

4 (1) Department means the Department of Health and Human Services;

5 (2) Hospital has the meaning found in section 71-419;

6 (3) Acquisition means any acquisition by a person or persons of an
7 ownership or controlling interest in a hospital, whether by purchase,
8 merger, lease, gift, or otherwise, which results in a change of ownership
9 or control of twenty percent or greater or which results in the acquiring
10 person or persons holding a fifty percent or greater interest in the
11 ownership or control of a hospital, but acquisition does not include the
12 acquisition of an ownership or controlling interest in a hospital owned
13 by a nonprofit corporation if the transferee (a) is a nonprofit
14 corporation having a substantially similar charitable health care purpose
15 as the transferor or is a governmental entity, (b) is exempt from federal
16 income tax under section 501(c)(3) of the Internal Revenue Code or as a
17 governmental entity, and (c) will maintain representation from the
18 affected community on the local board; and

19 (4) Person means an individual, a trust or estate, a partnership, a
20 limited liability company, a corporation, including associations, joint-
21 stock companies, and insurance companies, a state, a political
22 subdivision or instrumentality, including a municipal corporation, of a
23 state, or any legal entity recognized by the state. ~~has the meaning found~~
24 ~~in section 71-5803.12.~~

25 **Sec. 2.** Section 71-20,105, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 71-20,105 (1) Within five working days after receipt of an
28 application under section 71-20,104, the department shall publish notice
29 of the application in a newspaper of general circulation in the county or
30 counties where the hospital is located and shall notify by first-class
31 United States mail any person who has requested notice of the filing of

1 such applications. The notice shall state that an application has been
2 received, state the names of the parties to the agreement, describe the
3 contents of the application, and state the date by which a person may
4 submit written comments about the application to the department.

5 (2) Within sixty days after receiving an application, the department
6 shall review the application in accordance with the standards set forth
7 in the Nonprofit Hospital Sale Act and approve or disapprove the
8 acquisition pursuant to the act.

9 Within twenty days after receiving an application, the Attorney
10 General shall determine whether to review the application in accordance
11 with section 71-20,108 and shall so notify the applicant. If the Attorney
12 General determines to review the application in accordance with the act,
13 the Attorney General shall, within sixty days after receiving the
14 application, review the application in accordance with the standards set
15 forth in section 71-20,108 and approve or disapprove the acquisition. If
16 the Attorney General determines not to review the application in
17 accordance with the act, then none of the other provisions of the act
18 applicable to review by the Attorney General shall apply.

19 (3) For acquisitions which require approval from the department
20 under the Nonprofit Hospital Sale Act and ~~a certificate of need under the~~
21 ~~Nebraska Health Care Certificate of Need Act~~, the applicant shall submit
22 ~~an a single~~ application for both purposes and such application shall be
23 reviewed under ~~a single unified review process~~ by the department.
24 Following the ~~single unified~~ review process, the department shall
25 ~~simultaneously issue (a) its decision for purposes of the Nebraska Health~~
26 ~~Care Certificate of Need Act and (b) its decision for purposes of the~~
27 Nonprofit Hospital Sale Act.

28 **Sec. 3.** Original sections 71-20,103 and 71-20,105, Reissue Revised
29 Statutes of Nebraska, are repealed.

30 **Sec. 4.** The following sections are outright repealed: Sections
31 71-20,113, 71-5801, 71-5803, 71-5803.01, 71-5803.02, 71-5803.03,

- 1 71-5803.04, 71-5803.05, 71-5803.06, 71-5803.07, 71-5803.08, 71-5803.09,
- 2 71-5803.10, 71-5803.11, 71-5803.12, 71-5803.13, 71-5803.15, 71-5829.03,
- 3 71-5829.04, 71-5829.05, 71-5829.06, 71-5830.01, 71-5836, 71-5837,
- 4 71-5846, 71-5848, 71-5848.01, 71-5859, 71-5865, 71-5868, 71-5869, and
- 5 71-5870, Reissue Revised Statutes of Nebraska.