

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -
2008**

COMMITTEE STATEMENT

LB1120

Hearing Date: February 27, 2008

Committee On: Health and Human Services

Introducer(s): (Johnson)

Title: Change exemption provisions under the Nebraska Health Care Certificate of Need Act

Roll Call Vote - Final Committee Action:

Placed on General File with Amendments

Vote Results:

7 Yes	Senators Erdman, Gay, Hansen, Howard, Johnson, Pankonin, Stuthman
0 No	
0 Absent	
0 Present, not voting	

Proponents:

Senator Johnson
Vivianne Chaumont

Representing:

Introducer
Nebraska Department of Health and Human
Services

Opponents:

John Yellow Bird Steele
Peter Capossela
Mark Vasina
Kathy Janis
Judy Gaishkibosh

Representing:

Oglala Sioux Tribe
Oglala Sioux Tribe
Nebraskans for Peace
Oglala Sioux Tribe
Nebraska Commission on Indian Affairs

Neutral:

Representing:

Summary of purpose and/or change:

LB 1120 removes an exemption from certificate of need requirements for a project of a federally recognized Indian tribe on tribal land. The current exemption (section 71-5830.01) reads: “[A] certificate of need is not required for: . . . (3) A project of a federally recognized Indian tribe to be located on tribal lands within the exterior boundaries of the State of Nebraska where a determination has been made by the tribe’s governing body that the cultural needs of the tribe’s members cannot be adequately met by existing facilities if such project has been approved by the tribe’s governing body.”

Explanation of amendments, if any:

The committee amendment (AM 2328) maintains the tribal CON exemption but requires additionally that the tribe have a self-determination agreement in place with the federal Bureau of Indian Affairs and the federal Indian Health Service for the proposed facility so that costs for enrolled members of the tribe who are served at the facility are reimbursed solely with federal funds.

Senator Joel Johnson, Chairperson