

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 701**

Introduced by Hadley, 37.

Read first time January 06, 2010

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the ICF/MR Reimbursement Protection Act;  
2 to amend section 68-1804, Reissue Revised Statutes of  
3 Nebraska; to change provisions relating to allocation of  
4 a fund; to repeal the original section; and to declare an  
5 emergency.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 68-1804, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           68-1804 (1) The ICF/MR Reimbursement Protection Fund is  
4 created. Any money in the fund available for investment shall be  
5 invested by the state investment officer pursuant to the Nebraska  
6 Capital Expansion Act and the Nebraska State Funds Investment Act.  
7 Interest and income earned by the fund shall be credited to the  
8 fund.

9           (2) For fiscal year 2004-05, proceeds from the tax  
10 imposed under section 68-1803 shall be allocated as follows:

11           (a) First, fifty-five thousand dollars to the department  
12 for administration of the fund;

13           (b) Second, payment to intermediate care facilities for  
14 the mentally retarded for the cost of the tax;

15           (c) Third, three hundred thousand dollars, in addition  
16 to any federal medicaid matching funds, for increases in payments  
17 to non-state-operated intermediate care facilities for the mentally  
18 retarded which shall be such facilities' only increase in payments  
19 for such fiscal year;

20           (d) Fourth, three hundred twelve thousand dollars, in  
21 addition to any federal medicaid matching funds, for payment to  
22 providers of community-based services for the purpose of reducing  
23 the waiting list of persons with developmental disabilities; and

24           (e) Fifth, any money remaining in the fund after the  
25 allocations required by subdivisions (2)(a) through (d) of this

1 section have been made shall be transferred to the General Fund.

2 (3) For FY2005-06 and each fiscal year thereafter,  
3 through FY2009-10, proceeds from the tax imposed pursuant to  
4 section 68-1803 shall be remitted to the State Treasurer for credit  
5 as follows:

6 (a) To the ICF/MR Reimbursement Protection Fund for  
7 allocation as described in this subdivision: (i) Fifty-five  
8 thousand dollars for administration of the fund; (ii) the amount  
9 needed to reimburse intermediate care facilities for the mentally  
10 retarded for the cost of the tax; (iii) three hundred thousand  
11 dollars for payment of rates to non-state-operated intermediate  
12 care facilities; and (iv) three hundred twelve thousand dollars  
13 for community-based services for persons with developmental  
14 disabilities; and

15 (b) To the General Fund: The remainder of the proceeds.

16 (4) For FY2010-11 and each fiscal year thereafter,  
17 proceeds from the tax imposed pursuant to section 68-1803 shall  
18 be remitted to the State Treasurer for credit to the ICF/MR  
19 Reimbursement Protection Fund for allocation as follows: (a)  
20 Fifty-five thousand dollars for administration of the fund; (b)  
21 the amount needed to reimburse intermediate care facilities for  
22 the mentally retarded for the cost of the tax; (c) three hundred  
23 twelve thousand dollars for community-based services for persons  
24 with developmental disabilities; and (d) for non-state-operated  
25 intermediate care facilities for the mentally retarded, in addition

1 to any continuation appropriations provided by the Legislature,  
2 such amounts as may be required to enable such facilities to  
3 provide employee salary and benefits to staff equal to those paid  
4 to state workers employed in similar positions in state-operated  
5 intermediate care facilities for the mentally retarded.

6           Sec. 2. Original section 68-1804, Reissue Revised  
7 Statutes of Nebraska, is repealed.

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