

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 271

Introduced by Executive Board; Wightman, 36, Chairperson;
Christensen, 44; Fischer, 43; Flood, 19; Heidemann, 1;
Karpisek, 32; Langemeier, 23; Pahls, 31.

Read first time January 11, 2011

Committee: Executive Board

A BILL

1 FOR AN ACT relating to the Legislature; to amend sections 50-401.01,
2 50-1206, and 50-1304, Reissue Revised Statutes of
3 Nebraska, and section 71-465, Revised Statutes Cumulative
4 Supplement, 2010; to eliminate the office of Legislative
5 Research and the position of Director of Research; to
6 harmonize provisions; to repeal the original sections;
7 and to outright repeal section 50-416, Reissue Revised
8 Statutes of Nebraska.

9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 50-401.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 50-401.01 (1) The Legislative Council shall have an
4 executive board, to be known as the Executive Board of the
5 Legislative Council, which shall consist of a chairperson, a vice-
6 chairperson, and six members of the Legislature, to be chosen by the
7 Legislature at the commencement of each regular session of the
8 Legislature when the speaker is chosen, and the Speaker of the
9 Legislature. The Legislature at large shall elect two of its members
10 from legislative districts Nos. 1, 2, 15, 21 to 30, 32, 34, and 46,
11 two from legislative districts Nos. 3 to 14, 18, 20, 31, 39, and 45,
12 and two from legislative districts Nos. 16, 17, 19, 33, 35 to 38, 40
13 to 44, and 47 to 49. The Chairperson of the Committee on
14 Appropriations shall serve as a nonvoting ex officio member of the
15 executive board whenever the board is considering fiscal
16 administration.

17 (2) The executive board shall:

18 (a) Supervise all services and service personnel of the
19 Legislature and may employ and fix compensation and other terms of
20 employment for such personnel as may be needed to carry out the
21 intent and activities of the Legislature or of the board, unless
22 otherwise directed by the Legislature, including the adoption of
23 policies by the executive board which permit (i) the purchasing of an
24 annuity for an employee who retires or (ii) the crediting of amounts
25 to an employee's deferred compensation account under section 84-1504.

1 The payments to or on behalf of an employee may be staggered to
2 comply with other law; and

3 (b) Appoint persons to fill the positions of Legislative
4 Fiscal Analyst, ~~Director of Research,~~ Revisor of Statutes, and
5 Legislative Auditor. The persons appointed to these positions shall
6 have training and experience as determined by the executive board and
7 shall serve at the pleasure of the executive board. The Legislative
8 Performance Audit Committee shall recommend the person to be
9 appointed Legislative Auditor. Their respective salaries shall be set
10 by the executive board.

11 (3) Notwithstanding any other provision of law, the
12 executive board may contract to obtain legal, auditing, accounting,
13 actuarial, or other professional services or advice for or on behalf
14 of the executive board, the Legislative Council, the Legislature, or
15 any member of the Legislature. The providers of such services or
16 advice shall meet or exceed the minimum professional standards or
17 requirements established or specified by their respective
18 professional organizations or licensing entities or by federal law.
19 Such contracts, the deliberations of the executive board with respect
20 to such contracts, and the work product resulting from such contracts
21 shall not be subject to review or approval by any other entity of
22 state government.

23 Sec. 2. Section 50-1206, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 50-1206 (1) Requests for performance audits may be made

1 by the Governor, any other constitutional officer of the State of
2 Nebraska, a legislator, the Legislative Auditor, or the Legislative
3 Fiscal Analyst, ~~, or the Director of Research of the Legislature.~~

4 (2) Performance audit requests shall be submitted to the
5 committee chairperson or Legislative Auditor by letter or on a form
6 developed by the Legislative Auditor.

7 (3) When considering a performance audit request, if the
8 committee determines that the request has potential merit but
9 insufficient information is available, it may, by majority vote,
10 instruct the Legislative Auditor to conduct a preaudit inquiry.

11 (4) Upon completion of the preaudit inquiry, the
12 committee chairperson shall place the request on the agenda for the
13 committee's next meeting and shall notify the request sponsor of that
14 action.

15 Sec. 3. Section 50-1304, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 50-1304 (1) All agencies, boards, commissions, and
18 departments of the state shall furnish such information, reports,
19 aid, services, and assistance as may be requested by any standing
20 committee of the Legislature in the performance of its duties.

21 (2) The Government, Military and Veterans Affairs
22 Committee of the Legislature shall use its staff and may also request
23 assistance from ~~the Director of Research of the Legislature,~~ the
24 Legislative Fiscal Analyst, ~~or any other division within the~~
25 Legislature as may be necessary in the performance of the duties set

1 forth in sections 50-1301 to 50-1304.

2 Sec. 4. Section 71-465, Revised Statutes Cumulative
3 Supplement, 2010, is amended to read:

4 71-465 (1) The Legislature finds that Nebraska's general
5 acute and critical access hospitals provide a foundation of health
6 care throughout the state. This long-established means of providing
7 health care is changing. Because health care delivery is evolving, it
8 is important to assess needs in Nebraska and determine whether
9 licensure and regulation should be changed to reflect current and
10 future practices.

11 (2) The department shall not accept an application for or
12 issue a license for a new hospital beginning on April 15, 2010, and
13 continuing through September 15, 2011, except that this prohibition
14 shall not apply to an application for or issuance of a license as a
15 critical access hospital or an application for or issuance of a
16 license for any hospital which has begun construction prior to May 1,
17 2010.

18 (3) The Health and Human Services Committee of the
19 Legislature shall study health care in Nebraska. The study shall
20 include, but not be limited to:

21 (a) A comparison of the roles of Nebraska's general acute
22 hospitals, critical access hospitals, ambulatory surgical centers,
23 and other limited service facilities, such as physician-owned
24 hospitals and investor-owned hospitals, and the impact of such
25 hospitals, centers, and facilities on access to services, quality of

1 health care, and cost, including medicaid costs and insurance
2 premiums;

3 (b) Compliance with the federal Emergency Medical
4 Treatment and Active Labor Act, 42 U.S.C. 1395dd, as such act existed
5 on January 1, 2010;

6 (c) Referral practices;

7 (d) Ownership disclosure;

8 (e) Uncompensated and under-compensated patient care;

9 (f) Joint ventures among or between hospitals,
10 physicians, and investors;

11 (g) Reinvestment in facilities;

12 (h) Examination and definition of community benefits;

13 (i) Clarification and definition of limited service
14 facilities, such as physician-owned hospitals and investor-owned
15 hospitals, and other definitions as needed; and

16 (j) The impact of federal health care reform on the items
17 in subdivisions (a) through (i) of this subsection.

18 (4) The committee shall seek information from resources,
19 including, but not limited to, physicians; representatives of
20 hospitals, ambulatory surgical centers, physician-owned hospitals,
21 investor-owned hospitals, public health agencies, the department, and
22 allied professions such as behavioral health service providers,
23 nurses, pharmacists, and emergency care providers; businesses;
24 consumers; insurers; communities; and the Legislative Fiscal
25 Analyst. ~~; and the office of Legislative Research.~~

1 (5) The committee shall report its findings to the
2 Legislature by December 31, 2010.

3 Sec. 5. Original sections 50-401.01, 50-1206, and
4 50-1304, Reissue Revised Statutes of Nebraska, and section 71-465,
5 Revised Statutes Cumulative Supplement, 2010, are repealed.

6 Sec. 6. The following section is outright repealed:
7 Section 50-416, Reissue Revised Statutes of Nebraska.