

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 577A**

Introduced by Campbell, 25.

Read first time May 21, 2013

A BILL

1 FOR AN ACT relating to appropriations; to amend sections 94, 95, 102,  
2 111, and 161, Legislative Bill 195, One Hundred Third  
3 Legislature, First Session, 2013; to appropriate funds to  
4 aid in carrying out the provisions of Legislative Bill  
5 577, One Hundred Third Legislature, First Session, 2013;  
6 to change appropriations; to provide an operative date;  
7 to repeal the original sections; and to declare an  
8 emergency.  
9 Be it enacted by the people of the State of Nebraska,

1           Section 1. There is hereby appropriated (1) \$5,875,775  
 2 from the General Fund and \$6,081,975 from federal funds for FY2013-14  
 3 and (2) \$7,225,000 from the General Fund and \$7,225,000 from federal  
 4 funds for FY2014-15 to the Department of Health and Human Services,  
 5 for Program 033, to aid in carrying out the provisions of Legislative  
 6 Bill 577, One Hundred Third Legislature, First Session, 2013.

7           Total expenditures for permanent and temporary salaries  
 8 and per diems from funds appropriated in this section shall not  
 9 exceed \$11,700,000 for FY2013-14 or \$14,450,000 for FY2014-15.

10           Sec. 2. There is hereby appropriated (1) \$268,150,919  
 11 from federal funds for FY2013-14 and (2) \$310,372,058 from federal  
 12 funds for FY2014-15 to the Department of Health and Human Services,  
 13 for Program 349, to aid in carrying out the provisions of Legislative  
 14 Bill 577, One Hundred Third Legislature, First Session, 2013.

15           No expenditures for permanent and temporary salaries and  
 16 per diems for state employees shall be made from funds appropriated  
 17 in this section.

18           Sec. 3. Section 94, Legislative Bill 195, One Hundred  
 19 Third Legislature, First Session, 2013, is amended to read:

20           Sec. 94. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
 21 SERVICES

22           Program No. 38 - Behavioral Health Aid

	FY2013-14	FY2014-15
23		
24	<del>70,759,664</del>	57,344,214
25	<u>70,759,664</u>	<u>54,344,214</u>

1	CASH FUND	14,582,280	14,582,280
2	FEDERAL FUND est.	10,504,971	10,504,971
3	<del>PROGRAM TOTAL</del>	<del>95,846,915</del>	<del>82,431,465</del>
4	<u>PROGRAM TOTAL</u>	<u>95,846,915</u>	<u>79,431,465</u>

5           There is included in the appropriation to this program  
6 for FY2013-14 \$70,759,664 General Funds, \$14,582,280 Cash Funds, and  
7 \$10,504,971 Federal Funds estimate for state aid, which shall only be  
8 used for such purpose. There is included in the appropriation to this  
9 program for FY2014-15 ~~\$57,344,214~~ \$54,344,214 General Funds,  
10 \$14,582,280 Cash Funds, and \$10,504,971 Federal Funds estimate for  
11 state aid, which shall only be used for such purpose.

12           There is included in the amount shown as General Fund aid  
13 in this program \$1,389,908 General Funds for FY2013-14 and \$2,811,089  
14 General Funds for FY2014-15 for an annual two and twenty-five  
15 hundredths percent increase in rates paid to providers of mental  
16 health and substance abuse services, which funds shall only be used  
17 for such purpose.

18           There is included in the amount shown as Cash Fund aid in  
19 this program \$6,500,000 Cash Funds for FY2013-14 and \$6,500,000 Cash  
20 Funds for FY2014-15 from the Nebraska Health Care Cash Fund to be  
21 used for community-based mental health and substance abuse services,  
22 including intermediate-level residential mental health services. It  
23 is the intent of the Legislature that these funds shall be  
24 distributed to each of the six behavioral health regions based upon a  
25 formula determined by the Department of Health and Human Services.

1                   There is included in the amount shown as Cash Fund aid in  
2 this program \$2,599,660 Cash Funds for FY2013-14 and \$2,599,660 Cash  
3 Funds for FY2014-15 from the Nebraska Health Care Cash Fund to be  
4 used for rates paid to providers of mental health and substance abuse  
5 services.

6                   There is included in the amount shown as Cash Fund aid in  
7 this program \$1,500,000 Cash Funds for FY2013-14 and \$1,500,000 Cash  
8 Funds for FY2014-15 from the Nebraska Health Care Cash Fund to be  
9 used for the cost of maintenance and treatment of persons in  
10 emergency protective custody under the Nebraska Mental Health  
11 Commitment Act.

12                   There is included in the amount shown as Cash Fund aid in  
13 this program \$225,000 Cash Funds for FY2013-14 and \$225,000 Cash  
14 Funds for FY2014-15 from the Nebraska Health Care Cash Fund to be  
15 used for compulsive gamblers assistance programs.

16                   It is the intent of the Legislature that funds  
17 appropriated in this section for FY2013-14 and FY2014-15 shall not be  
18 utilized to add behavioral health services, other than for normal  
19 inflationary increases and rate increases approved by the  
20 Legislature. This shall not preclude a shift in the use of funds for  
21 less intensive services.

22                   The Department of Health and Human Services shall provide  
23 a quarterly report to the Appropriations Committee and the Health and  
24 Human Services Committee of the Legislature identifying the reduction  
25 in state expenditures, by fund source, for behavioral health services

1 pursuant to the federal Patient Protection and Affordable Care Act.  
2 The initial quarterly report shall be submitted within one month  
3 after the quarter ending on March 31, 2014. Subsequent reports shall  
4 be submitted for the ensuing quarters, within one month after the end  
5 of each quarter, for the remainder of FY2013-14 and FY2014-15.

6           The reports shall indicate the monthly reductions in  
7 state expenditures for behavioral health services pursuant to the  
8 federal Patient Protection and Affordable Care Act. The reports shall  
9 separately show reductions in expenditures for mental health and  
10 substance abuse services, by fund source, by region, and by category  
11 of care. The expenditure reductions shall be based upon decreased  
12 expenditures relative to initial budgets approved by the Division of  
13 Behavioral Health of the Department of Health and Human Services for  
14 services each fiscal year.

15           The Department of Health and Human Services shall provide  
16 a report showing actual aid expenditures by subprogram, activity or  
17 service, region, and category of care for Program 38 - Behavioral  
18 Health Aid for FY2012-13. Using the same format, the Department of  
19 Health and Human Services shall provide a report showing the initial  
20 budget allocation by subprogram, activity or service, region, and  
21 category of care, for Program 38 - Behavioral Health Aid for  
22 FY2013-14. The reports shall be provided to the Appropriations  
23 Committee and Health and Human Services Committee of the Legislature  
24 by August 31, 2013.

25           The Department of Health and Human Services shall provide

1 a report showing actual aid expenditures by subprogram, activity or  
 2 service, region, and category of care for Program 38 - Behavioral  
 3 Health Aid for FY2013-14. Using the same format, the Department of  
 4 Health and Human Services shall provide a report showing the initial  
 5 budget allocation by subprogram, activity or service, region, and  
 6 category of care for Program 38 - Behavioral Health Aid for  
 7 FY2014-15. The reports shall be provided to the Appropriations  
 8 Committee and Health and Human Services Committee of the Legislature  
 9 by August 31, 2014.

10 The reports required by this section shall be submitted  
 11 electronically.

12 Sec. 4. Section 95, Legislative Bill 195, One Hundred  
 13 Third Legislature, First Session, 2013, is amended to read:

14 Sec. 95. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
 15 SERVICES

16 Program No. 46 - Patient Protection and Affordable Care  
 17 Act Contingency Fund

	FY2013-14	FY2014-15
18		
19	<del>0</del>	<del>10,000,000</del>
20	<del>0</del>	<del>10,000,000</del>
21	<u>-0-</u>	<u>12,000,000</u>
22	<u>-0-</u>	<u>12,000,000</u>

23 There is included in the appropriation to this program  
 24 for FY2014-15 ~~\$10,000,000~~ \$12,000,000 General Funds set aside to

1 reflect potential reductions in General Fund appropriations for  
2 behavioral health services pursuant to the implementation of the  
3 federal Patient Protection and Affordable Care Act.

4 No expenditures shall be made from this program. The  
5 chief executive officer of the Department of Health and Human  
6 Services, or his or her designee, shall certify to the budget  
7 administrator of the budget division of the Department of  
8 Administrative Services for FY2014-15 the amounts necessary to  
9 supplement General Funds appropriated to Program 38 - Behavioral  
10 Health Aid, to continue behavioral health services, with no  
11 additional or new services, if the General Fund appropriation to  
12 Program 38 is insufficient to continue such services. The budget  
13 administrator shall administratively transfer during FY2014-15  
14 available appropriation balances as certified by the chief executive  
15 officer of the Department of Health and Human Services, or his or her  
16 designee, from appropriations contained in this section to Program 38  
17 - Behavioral Health Aid.

18 Sec. 5. Section 102, Legislative Bill 195, One Hundred  
19 Third Legislature, First Session, 2013, is amended to read:

20 Sec. 102. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
21 SERVICES

22 Program No. 347 - Public Assistance

	FY2013-14	FY2014-15
23		
24	<del>106,259,868</del>	<del>106,467,252</del>
25	<u>103,226,535</u>	<u>97,367,252</u>

1	CASH FUND	3,560,000	3,560,000
2	FEDERAL FUND est.	103,059,571	102,852,187
3	<del>PROGRAM TOTAL</del>	<del>212,879,439</del>	<del>212,879,439</del>
4	<u>PROGRAM TOTAL</u>	<u>209,846,106</u>	<u>203,779,439</u>

5           There is included in the appropriation to this program  
6 for FY2013-14 ~~\$106,259,868~~ \$103,226,535 General Funds, \$3,560,000  
7 Cash Funds, and \$103,059,571 Federal Funds estimate for state aid,  
8 which shall only be used for such purpose. There is included in the  
9 appropriation to this program for FY2014-15 ~~\$106,467,252~~ \$97,367,252  
10 General Funds, \$3,560,000 Cash Funds, and \$102,852,187 Federal Funds  
11 estimate for state aid, which shall only be used for such purpose.

12           There is included in the appropriation to this program  
13 for FY2013-14 \$810,000 Cash Funds from the Nebraska Health Care Cash  
14 Fund for state aid to aid in carrying out the Nebraska Lifespan  
15 Respite Services Program and to provide payment to caregivers to  
16 purchase services under the respite subsidy program. There is  
17 included in the appropriation to this program for FY2014-15 \$810,000  
18 Cash Funds from the Nebraska Health Care Cash Fund for state aid to  
19 aid in carrying out the Nebraska Lifespan Respite Services Program  
20 and to provide payment to caregivers to purchase services under the  
21 respite subsidy program.

22           There is included in the appropriation to this program  
23 for FY2013-14 \$660,000 General Funds and for FY2014-15 \$660,000  
24 General Funds which shall be used solely to increase the  
25 reimbursement rate paid to providers of adult day services under the

1 Title XX Program.

2 Sec. 6. Section 111, Legislative Bill 195, One Hundred  
 3 Third Legislature, First Session, 2013, is amended to read:

4 Sec. 111. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
 5 SERVICES

6 Program No. 514 - Health Aid

	FY2013-14	FY2014-15
8 <del>GENERAL FUND</del>	<del>6,040,612</del>	<del>5,890,612</del>
9 <u>GENERAL FUND</u>	<u>5,740,612</u>	<u>4,990,612</u>
10 CASH FUND	11,495,817	11,495,817
11 FEDERAL FUND est.	54,042,225	54,042,225
12 <del>PROGRAM TOTAL</del>	<del>71,578,654</del>	<del>71,428,654</del>
13 <u>PROGRAM TOTAL</u>	<u>71,278,654</u>	<u>70,528,654</u>

14 There is included in the appropriation to this program  
 15 for FY2013-14 ~~\$6,040,612~~\$5,740,612 General Funds, \$11,495,817 Cash  
 16 Funds, and \$54,042,225 Federal Funds estimate for state aid, which  
 17 shall only be used for such purpose. There is included in the  
 18 appropriation to this program for FY2014-15 ~~\$5,890,612~~\$4,990,612  
 19 General Funds, \$11,495,817 Cash Funds, and \$54,042,225 Federal Funds  
 20 estimate for state aid, which shall only be used for such purpose.

21 There is included in the appropriation to this program  
 22 \$653,759 General Funds for FY2013-14 and \$653,759 General Funds for  
 23 FY2014-15, which shall only be used for the following purposes:  
 24 Reimbursement for the provision of pap smears, colposcopy, cervical

1 biopsy, cryotherapy, loop electrosurgical excision procedure (LEEP),  
2 and such other treatments and procedures as may be developed for the  
3 followup of abnormal pap smears; the diagnosis and treatment of  
4 sexually transmitted diseases, including, but not limited to,  
5 chlamydia, gonorrhea, HPV (genital warts), and herpes; and associated  
6 laboratory and equipment costs and staff training costs relating to  
7 the use of colposcopy equipment. None of the General Funds provided  
8 under this program shall be used to perform or facilitate the  
9 performance of abortion or to counsel or refer for abortion.

10           There is included in the appropriation to this program  
11 for FY2013-14 \$200,000 Cash Funds from the Nebraska Health Care Cash  
12 Fund for the Poison Control Center at the University of Nebraska  
13 Medical Center, which shall only be used by the medical center for  
14 the Poison Control Center. There is included in the appropriation to  
15 this program for FY2014-15 \$200,000 Cash Funds from the Nebraska  
16 Health Care Cash Fund for the Poison Control Center at the University  
17 of Nebraska Medical Center, which shall only be used by the medical  
18 center for the Poison Control Center.

19           There is included in the appropriation to this program  
20 for FY2013-14 \$1,100,000 General Funds for evidence-based early  
21 intervention home visitation programs. There is included in the  
22 appropriation to this program for FY2014-15 \$1,100,000 General Funds  
23 for evidence-based early intervention home visitation programs.

24           Included in this appropriation is a one-time  
25 appropriation of \$150,000 General Funds in FY2013-14 for cardiac

1 monitors and training for rural emergency medical services.

2           Sec. 7. Section 161, Legislative Bill 195, One Hundred  
3 Third Legislature, First Session, 2013, is amended to read:

4           Sec. 161. AGENCY NO. 46 - DEPARTMENT OF CORRECTIONAL  
5 SERVICES

6           Program No. 200 - Operations

	FY2013-14	FY2014-15
8 <del>GENERAL FUND</del>	<del>166,726,953</del>	<del>170,532,912</del>
9 <u>GENERAL FUND</u>	<u>166,362,145</u>	<u>169,803,296</u>
10 CASH FUND	1,741,500	1,741,500
11 FEDERAL FUND est.	1,745,232	1,751,929
12 REVOLVING FUND est.	18,485,218	18,580,670
13 <del>PROGRAM TOTAL</del>	<del>188,698,903</del>	<del>192,607,011</del>
14 <u>PROGRAM TOTAL</u>	<u>188,334,095</u>	<u>191,877,395</u>
15 SALARY LIMIT	94,802,231	96,943,042

16           The unexpended General Fund and Cash Fund appropriation  
17 balances existing on June 30, 2013, are hereby reappropriated.

18           Included in the salary limitations provided by this  
19 section is \$3,800,991 for FY2013-14 and \$3,888,017 for FY2014-15 for  
20 Revolving Fund salaries for program classifications 390 and 563, that  
21 shall not be limited to the amounts shown.

22           The Department of Administrative Services shall monitor  
23 the appropriations and expenditures for this program according to the  
24 following program classifications:

- 1                   No. 260 - Nebraska Correctional Youth Facility
- 2                   No. 300 - Tecumseh Correctional Center
- 3                   No. 368 - Lincoln Community Corrections Center
- 4                   No. 369 - Omaha Community Corrections Center
- 5                   No. 370 - Central Office
- 6                   No. 372 - Nebraska State Penitentiary
- 7                   No. 373 - Nebraska Center for Women - York
- 8                   No. 375 - Diagnostic and Evaluation Center
- 9                   No. 376 - Lincoln Correctional Center
- 10                  No. 377 - Omaha Correctional Center
- 11                  No. 386 - McCook Incarceration Work Camp
- 12                  No. 389 - Adult Parole Administration
- 13                  No. 390 - Federal Surplus Property
- 14                  No. 495 - Department Central Warehouse
- 15                  No. 563 - Correctional Industries

16                   Revolving Fund expenditures shall not be limited to the  
17 amounts shown.

18                   It is intended that the Department of Correctional  
19 Services shall maintain a Department Contingency Fund and a  
20 Department Equipment Fund.

21                   Sec. 8. This act becomes operative on July 1, 2013.

22                   Sec. 9. Original sections 94, 95, 102, 111, and 161,  
23 Legislative Bill 195, One Hundred Third Legislature, First Session,  
24 2013, are repealed.

25                   Sec. 10. Since an emergency exists, this act takes effect

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1 when passed and approved according to law.