

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 561A
Final Reading

Introduced by Ashford, 20.

Read first time May 09, 2013

A BILL

1 FOR AN ACT relating to appropriations; to amend sections 93, 100, and
2 106, Legislative Bill 195, One Hundred Third Legislature,
3 First Session, 2013; to appropriate funds to aid in
4 carrying out the provisions of Legislative Bill 561, One
5 Hundred Third Legislature, First Session, 2013; to
6 provide for transfers of funds; to change appropriations;
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) \$19,756,126
2 from the General Fund for FY2013-14 and (2) \$43,965,323 from the
3 General Fund for FY2014-15 to the Supreme Court, for Program 435, to
4 aid in carrying out the provisions of Legislative Bill 561, One
5 Hundred Third Legislature, First Session, 2013.

6 Total expenditures for permanent and temporary salaries
7 and per diems from funds appropriated in this section shall not
8 exceed \$6,661,568 for FY2013-14 or \$8,532,089 for FY2014-15.

9 Sec. 2. There is hereby appropriated (1) \$1,807,404 from
10 the General Fund for FY2013-14 and (2) \$3,801,726 from the General
11 Fund for FY2014-15 to the Nebraska Commission on Law Enforcement and
12 Criminal Justice, for Program 155, to aid in carrying out the
13 provisions of Legislative Bill 561, One Hundred Third Legislature,
14 First Session, 2013.

15 Total expenditures for permanent and temporary salaries
16 and per diems from funds appropriated in this section shall not
17 exceed \$131,844 for FY2013-14 or \$134,810 for FY2014-15.

18 There is included in the appropriation to this program
19 for FY2013-14 \$1,522,425 General Funds for state aid, which shall
20 only be used for such purpose. There is included in the appropriation
21 to this program for FY2014-15 \$3,522,425 General Funds for state aid,
22 which shall only be used for such purpose.

23 Sec. 3. There is hereby appropriated (1) \$600 from the
24 General Fund for FY2013-14 and (2) \$600 from the General Fund for
25 FY2014-15 to the Nebraska Commission on Law Enforcement and Criminal

1 Justice, for Program 203, to aid in carrying out the provisions of
2 Legislative Bill 561, One Hundred Third Legislature, First Session,
3 2013.

4 No expenditures for permanent and temporary salaries and
5 per diems for state employees shall be made from funds appropriated
6 in this section.

7 Sec. 4. There is hereby appropriated \$56,000 from the
8 General Fund for FY2013-14 to the Department of Health and Human
9 Services, for Program 353, to aid in carrying out the provisions of
10 Legislative Bill 561, One Hundred Third Legislature, First Session,
11 2013.

12 If Legislative Bill 269, One Hundred Third Legislature,
13 First Session, 2013, becomes law, the appropriation made pursuant to
14 this section shall be appropriated to the Foster Care Review Office.

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. 5. The chief executive officer of the Department of
19 Health and Human Services and the probation administrator of the
20 Supreme Court shall jointly certify to the budget administrator of
21 the budget division of the Department of Administrative Services the
22 portion of the FY2013-14 unexpended appropriation balances available
23 for the transition of cases filed under subdivisions (1), (2), (3)
24 (b), and (4) of section 43-247 from the jurisdiction of the
25 Department of Health and Human Services to the Office of Probation

1 Administration. The certification shall include the costs for
2 personnel, operations, and services. The certified portion of the
3 available unexpended appropriations in Agency 25, Department of
4 Health and Human Services, shall be transferred from the following
5 budget programs: Program 33, Administration, Program 250, Juvenile
6 Services Operations, and Program 354, Child Welfare Aid. The
7 certified portion of the available unexpended appropriations shall be
8 transferred to Agency 5, Supreme Court, Program 435, Probation
9 Community Corrections. The budget administrator of the budget
10 division of the Department of Administrative Services shall
11 administratively transfer during FY2013-14 the portion of the
12 available unexpended appropriation balances, as jointly certified by
13 the chief executive officer of the Department of Health and Human
14 Services and the probation administrator of the Supreme Court for
15 cases filed under subdivisions (1), (2), (3)(b), and (4) of section
16 43-247 from the following budget programs: Program 33,
17 Administration, Program 250, Juvenile Services Operations, and
18 Program 354, Child Welfare Aid to Agency 5, Supreme Court, Program
19 435, Probation Community Corrections. The transfer of the available
20 unexpended appropriations shall be made as necessary throughout the
21 fiscal year to carry out the provisions of Legislative Bill 561, One
22 Hundred Third Legislature, First Session, 2013.

23 The chief executive officer of the Department of Health
24 and Human Services and the probation administrator of the Supreme
25 Court shall jointly certify to the budget administrator of the budget

1 division of the Department of Administrative Services, the remaining
 2 unencumbered June 30, 2014, appropriation balances for cases filed
 3 under subdivisions (1), (2), (3)(b), and (4) of section 43-247 that
 4 are available for transfer from Agency 25, Department of Health and
 5 Human Services, Program 33, Administration, Program 250, Juvenile
 6 Services Operations, and Program 354, Child Welfare Aid to Agency 5,
 7 Supreme Court, Program 435, Probation Community Corrections. The
 8 budget administrator of the budget division of the Department of
 9 Administrative Services shall administratively transfer the certified
 10 remaining unencumbered June 30, 2014, appropriations for cases filed
 11 under subdivisions (1), (2), (3)(b), and (4) of section 43-247 from
 12 the following budget programs in Agency 25, Department of Health and
 13 Human Services: Program 33, Administration, Program 250, Juvenile
 14 Services Operations, and Program 354, Child Welfare Aid to Agency 5,
 15 Supreme Court, Program 435, Probation Community Corrections. The
 16 funds transferred in this section are hereby appropriated.

17 Sec. 6. Section 93, Legislative Bill 195, One Hundred
 18 Third Legislature, First Session, 2013, is amended to read:

19 Sec. 93. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN
 20 SERVICES

21 Program No. 33 - Administration

	FY2013-14	FY2014-15
22		
23	116,642,068	117,815,106
24	<u>114,726,979</u>	<u>112,238,476</u>
25	23,789,160	23,964,984

1	FEDERAL FUND est.	275,925,442	270,278,361
2	PROGRAM TOTAL	416,356,670	412,058,451
3	<u>PROGRAM TOTAL</u>	<u>414,441,581</u>	<u>406,481,821</u>
4	SALARY LIMIT	134,562,714	138,264,730

5 The unexpended General Fund appropriation balance
 6 existing on June 30, 2013, is hereby reappropriated.

7 The Department of Administrative Services shall monitor
 8 the appropriations and expenditures for this program according to the
 9 following program classifications:

- 10 No. 261 - General Operations
- 11 No. 262 - Public Health Administration
- 12 No. 263 - Medicaid and Long-Term Care Administration
- 13 No. 264 - Children and Family Services Administration
- 14 No. 265 - Protection and Safety
- 15 No. 266 - Economic and Family Support
- 16 No. 267 - Developmental Disabilities Service Coordination
- 17 No. 268 - Behavioral Health Administration
- 18 No. 269 - Developmental Disabilities Administration

19 There is included in the appropriation to this program
 20 for FY2013-14 \$13,688 Cash Funds for regulatory support for out-of-
 21 hospital emergency care providers licensing from the Nebraska Health
 22 Care Cash Fund. There is included in the appropriation to this
 23 program for FY2014-15 \$13,688 Cash Funds for regulatory support for
 24 out-of-hospital emergency care providers licensing from the Nebraska
 25 Health Care Cash Fund.

1 There is included in the appropriation to this program
2 for FY2013-14 \$26,000 Cash Funds from the Nebraska Health Care Cash
3 Fund to continue the Parkinson's Disease Registry. There is included
4 in the appropriation to this program for FY2014-15 \$26,000 Cash Funds
5 from the Nebraska Health Care Cash Fund to continue the Parkinson's
6 Disease Registry.

7 There is included in the appropriation to this program
8 \$404,643 Cash Funds for FY2013-14 and \$404,643 Cash Funds for
9 FY2014-15 from the Nebraska Health Care Cash Fund for respite
10 services in each of the service areas designated by the Department of
11 Health and Human Services and for administrative costs, including
12 personnel costs, associated with the Nebraska Lifespan Respite
13 Services Program.

14 There is included in the appropriation to this program
15 for FY2013-14 \$25,000 Cash Funds from the Nebraska Health Care Cash
16 Fund for compulsive gamblers assistance programs. There is included
17 in the appropriation to this program for FY2014-15 \$25,000 Cash Funds
18 from the Nebraska Health Care Cash Fund for compulsive gamblers
19 assistance programs.

20 There is included in the appropriation to this program
21 for FY2013-14 \$6,000 Cash Funds from the Nebraska Health Care Cash
22 Fund for costs of smoking cessation covered by medicaid. There is
23 included in the appropriation to this program for FY2014-15 \$6,000
24 Cash Funds from the Nebraska Health Care Cash Fund for costs of
25 smoking cessation covered by medicaid.

1 There is included in the appropriation to this program
2 for FY2013-14 \$2,840,000 Cash Funds and \$25,560,000 Federal Funds for
3 Medicaid Management Information System replacement from the Health
4 and Human Services Cash Fund. There is included in the appropriation
5 to this program for FY2014-15 \$2,840,000 Cash Funds and \$25,560,000
6 Federal Funds for Medicaid Management Information System replacement
7 from the Health and Human Services Cash Fund.

8 There is included in the appropriation to this program
9 for FY2013-14 \$2,312,500 Cash Funds (Fund 22555) for information
10 technology costs related to the federal Patient Protection and
11 Affordable Care Act implementation from the Health and Human Services
12 Cash Fund. There is included in the appropriation to this program for
13 FY2014-15 \$2,312,000 Cash Funds (Fund 22555) for information
14 technology costs related to the federal Patient Protection and
15 Affordable Care Act implementation from the Health and Human Services
16 Cash Fund.

17 In order to monitor the Department of Health and Human
18 Services service delivery system and to ensure compliance with
19 federal and state law, the Department of Health and Human Services
20 shall develop a quarterly report which shall include, but not be
21 limited to, the following information:

22 (1) Number of days in increments that it takes to process
23 applications (approval or denial) for aid to dependent children, -
24 Supplemental Nutrition Assistance Program, Aid to the Aged, Blind,
25 and Disabled, and child care subsidy program, overall and broken down

1 by county;

2 (2) Number of days in increments that it takes to process
3 applications for Medicaid and the Children's Health Insurance
4 Program, separating the data for applicants not applying on the basis
5 of disability from applicants applying on the basis of disability,
6 overall and broken down by county;

7 (3) Reasons for benefit application processing delays
8 (department, client, third party) for all applications that are
9 processed beyond federal and state timeliness in aid to dependent
10 children, Supplemental Nutrition Assistance Program, Aid to the Aged,
11 Blind, and Disabled, Medicaid, and Children's Health Insurance
12 Program statewide, and child care subsidy program, overall and broken
13 down by county. This shall include the number of cases for each
14 respective reason (department, client, third party);

15 (4) The number of case closures in Medicaid, Children's
16 Health Insurance Program, aid to dependent children, Supplemental
17 Nutrition Assistance Program, Aid to the Aged, Blind, and Disabled,
18 and child care subsidy program, and the reason for the closure
19 statewide, overall and broken down by county;

20 (5) The number of case closures due to failure to
21 recertify benefits, including failing to timely provide information,
22 failing to perform a case review, or failing to appear for an
23 appointment, overall and broken down by county;

24 (6) The total number of first-time applicants for
25 benefits, categorized by state and county, and by month;

1 (7) The percentage of applications that are
2 reapplications, categorized by state and county, and by month;

3 (8) The percentage of individuals whose cases are closed
4 who reapply for benefits within thirty days and sixty days after case
5 closure, categorized by state and county, and by month;

6 (9) Average wait time for call center response. The
7 average wait time starting from the time when the call is transferred
8 to the customer service center to the time when the worker answers
9 the call;

10 (10) Number of client call terminations (client hang ups)
11 that occur prior to speaking with a staff member and the average
12 length of time starting from the time when the call is transferred to
13 the customer service center to the time when the caller terminates
14 the call;

15 (11) Average number of minutes per delivery system
16 transaction or task, based on type of transaction, including, but not
17 limited to, application management (new, review, renewal),
18 interviewing (high and low priority), application processing
19 (processing initial, processing daily, processing ready), and change
20 management; and

21 (12) The number of hours and the number of days when call
22 center responses are at a maximum and clients receive a busy signal
23 when calling.

24 It is the intent of the Legislature that the department
25 submit a report to the Clerk of the Legislature that includes the

1 following monthly information on a quarterly basis for workers in the
 2 ACCESSNebraska call centers and in local offices: The number of
 3 social service workers, eligibility technicians, and social service
 4 lead workers and the number of vacancies in these positions at the
 5 beginning of each month; the number of these positions vacated within
 6 a month; and the number of these positions filled within a month.

7 The reports required by this section shall be submitted
 8 electronically.

9 Sec. 7. Section 100, Legislative Bill 195, One Hundred
 10 Third Legislature, First Session, 2013, is amended to read:

11 Sec. 100. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN
 12 SERVICES

13 Program No. 250 - Juvenile Services Operations

	FY2013-14	FY2014-15
14 GENERAL FUND	28,823,535	29,168,097
15 <u>GENERAL FUND</u>	<u>18,707,706</u>	<u>19,052,268</u>
16 CASH FUND	1,085,380	1,085,380
17 FEDERAL FUND est.	712,823	712,823
18 PROGRAM TOTAL	30,621,738	30,966,300
19 <u>PROGRAM TOTAL</u>	<u>20,505,909</u>	<u>20,850,471</u>
20 SALARY LIMIT	11,701,606	11,964,892

22 The unexpended General Fund appropriation balance
 23 existing on June 30, 2013, is hereby reappropriated.

24 The Department of Administrative Services shall monitor

1 the appropriations and expenditures for this program according to the
 2 following program classifications:

- 3 No. 315 - Office of Juvenile Services
- 4 No. 345 - Juvenile Community-Based Services
- 5 No. 364 - Juvenile Parole Administration
- 6 No. 371 - Youth Rehabilitation and Treatment Center-
- 7 Geneva
- 8 No. 374 - Youth Rehabilitation and Treatment Center-
- 9 Kearney

10 There is included in the appropriation to this program
 11 for FY2013-14 \$1,000,000 Cash Funds for mental health services to
 12 juvenile offenders under section 43-407 from the Nebraska Health Care
 13 Cash Fund. There is included in the appropriation to this program for
 14 FY2014-15 \$1,000,000 Cash Funds for mental health services to
 15 juvenile offenders under section 43-407 from the Nebraska Health Care
 16 Cash Fund.

17 Sec. 8. Section 106, Legislative Bill 195, One Hundred
 18 Third Legislature, First Session, 2013, is amended to read:

19 Sec. 106. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN
 20 SERVICES

21 Program No. 354 - Child Welfare Aid

	FY2013-14	FY2014-15
22		
23	160,744,885	160,916,412
24	<u>157,019,677</u>	<u>137,477,218</u>
25	CASH FUND 2,734,444	2,734,444

1	FEDERAL FUND est.	30,963,503	30,791,976
2	PROGRAM TOTAL	194,442,832	194,442,832
3	<u>PROGRAM TOTAL</u>	<u>190,717,624</u>	<u>171,003,638</u>

4 There is included in the appropriation to this program
 5 for FY2013-14 ~~\$160,744,885~~ \$157,019,677 General Funds, \$2,734,444
 6 Cash Funds, and \$30,963,503 Federal Funds estimate for state aid,
 7 which shall only be used for such purpose. There is included in the
 8 appropriation to this program for FY2014-15 ~~\$160,916,412~~ \$137,477,218
 9 General Funds, \$2,734,444 Cash Funds, and \$30,791,976 Federal Funds
 10 estimate for state aid, which shall only be used for such purpose.

11 There is included in the appropriation to this program
 12 for FY2013-14 \$2,734,444 Cash Funds from the Nebraska Health Care
 13 Cash Fund for state aid for the continuation of the behavioral health
 14 provider rate increase. There is included in the appropriation to
 15 this program for FY2014-15 \$2,734,444 Cash Funds from the Nebraska
 16 Health Care Cash Fund for state aid for the continuation of the
 17 behavioral health provider rate increase.

18 Sec. 9. Original sections 93, 100, and 106, Legislative
 19 Bill 195, One Hundred Third Legislature, First Session, 2013, are
 20 repealed.

21 Sec. 10. Since an emergency exists, this act takes effect
 22 when passed and approved according to law.