

LEGISLATIVE BILL 1136

Approved by the Governor April 19, 1994

Introduced by Byars, 30; Lynch, 13

AN ACT relating to developmental disabilities services; to amend section 83-1201, Revised Statutes Supplement, 1992, and section 83-1216, Revised Statutes Supplement, 1993; to state and restate intent; to create the Advisory Committee on Developmental Disabilities; to provide duties for the advisory committee; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 83-1201, Revised Statutes Supplement, 1992, be amended to read as follows:

83-1201. Sections 83-1201 to 83-1226 and sections 2 to 4 of this act shall be known and may be cited as the Developmental Disabilities Services Act.

Sec. 2. The Legislature finds that present state appropriations on behalf of community-based services to persons with developmental disabilities are twenty-nine million dollars below the amount which has been identified by the Department of Public Institutions as being the minimum necessary to pay the reasonable costs of providing such services to all Nebraskans who are eligible to receive them. Of that total, eighteen million dollars is required to bring services to an estimated one thousand one hundred fifty-five persons who are presently waiting for services and eleven million dollars is required to pay employees of community-based providers of services on a parity with employees performing essentially the same tasks in state institutions.

The Legislature also finds that increasing the present appropriation by the required amount in a single budget period is not feasible but that the state must pursue full funding of community-based developmental disability programs in a reasonable timeframe. Although Nebraska is presently committed to the goal of providing services to all eligible persons by July 1, 1996, the Legislature finds that a more realistic goal is July 1, 2000, and hereby commits itself and the state to attaining that goal.

Sec. 3. It is the intent of the Legislature that there be appropriated from the General Fund, in addition to the amount of the continuation budget to the Department of Public Institutions, for Program 424, \$4,000,000 for FY1994-95. Of the funds appropriated pursuant to this section, sixty-two percent shall be used to bring services to persons who are presently waiting for services and thirty-eight percent shall be used for pay equity.

Sec. 4. (1) There is hereby created the Advisory Committee on Developmental Disabilities. The advisory committee shall consist of not more than fifteen members. At least one-third of the membership shall be persons with developmental disabilities, at least one-third of the membership shall be families of persons with developmental disabilities and no more than one-third of the membership shall be elected officials or interested community persons.

(2) The members shall be appointed by the Governor for staggered terms of three years. Any vacancy shall be filled by the Governor for the remainder of the term. One of the members shall be designated as chairperson by the Governor. Members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(3) The advisory committee shall advise the department regarding all aspects of the funding and delivery of services to persons with developmental disabilities.

Sec. 5. That section 83-1216, Revised Statutes Supplement, 1993, be amended to read as follows:

83-1216. (1) By December 1, 1991, the department shall, in conjunction with persons with developmental disabilities, their families or designated advocates, service providers, state and local officials, and the general public, define and develop a plan for a system of service coordination for persons with developmental disabilities and their families. This system may be implemented on March 1, 1992.

(2) By July 1, 1992, the department shall conduct a needs assessment and develop a services plan for each person found to be eligible for services.

(3) By September 15, 1992, the department shall submit a budget request to fund services required to address the assessed needs of eligible persons.

(4) Beginning July 1, 1995, persons determined to be eligible for

specialized services who on or after September 6, 1993, graduate from high school, reach the age of twenty-one years, or are currently receiving services shall receive services in accordance with the Developmental Disabilities Services Act.

(5) On or after July 1, 1995, the department shall provide directly or by contract service coordination to each person found to be eligible for services.

(6) It is the intent of the Legislature that beginning July 1, 1996 2000, all persons determined to be eligible for services shall receive services in accordance with the act. On or before December 1, 1991, the department shall submit a report to the Legislature and the Governor as to the number of persons anticipated to be served, what services would be needed, how the services would be developed, and the cost of serving all eligible persons.

(7) It is the intent of the Legislature that the Department of Public Institutions take all possible steps to maximize funding in order to implement subsections (4) and (5) of this section prior to the date these subsections become entitlements. It is the intent of the Legislature that funding sources within the Department of Social Services, the State Department of Education, specifically including the Division of Rehabilitation Services, and other agencies be utilized to the maximum extent possible.

Sec. 6. That original section 83-1201, Revised Statutes Supplement, 1992, and section 83-1216, Revised Statutes Supplement, 1993, are repealed.