

E AND R AMENDMENTS TO LB 1033

Introduced by Hansen, 26, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. The Legislature finds and declares that:

4 (1) In 1999 the United States Supreme Court held in the case of
5 Olmstead v. L.C., 527 U.S. 581, that unjustified segregation of persons
6 with disabilities constitutes discrimination in violation of Title II of
7 the federal Americans with Disabilities Act of 1990. The court held that
8 public entities must provide community-based services to persons with
9 disabilities when (a) such services are appropriate, (b) the affected
10 persons do not oppose community-based services, and (c) community-based
11 services can be reasonably accommodated, taking into account the
12 resources available to the public entity and the needs of others who are
13 receiving disability services from the entity. The court stated that
14 institutional placement of persons who can handle and benefit from
15 community-based services perpetuates unwarranted assumptions that persons
16 so isolated are incapable or unworthy of participating in community life,
17 and that confinement in an institution severely diminishes the everyday
18 life activities of individuals, including family relations, social
19 contacts, work options, economic independence, educational advancement,
20 and cultural enrichment;

21 (2) Many Nebraskans with disabilities live in institutional
22 placements where they are segregated and isolated with diminished
23 opportunities to participate in community life; and

24 (3) The United States Supreme Court further stated in the Olmstead
25 decision that development of (a) a comprehensive, effective working plan
26 for providing services to qualified persons with disabilities in the most
27 integrated community-based settings and (b) a waiting list that moves at

1 a reasonable pace could be important ways for a state to demonstrate its
2 commitment to achieving compliance with the federal Americans with
3 Disabilities Act of 1990.

4 Sec. 2. (1) The Department of Health and Human Services shall
5 develop a comprehensive strategic plan for providing services to
6 qualified persons with disabilities in the most integrated community-
7 based settings pursuant to the Olmstead decision.

8 (2) The department shall (a) convene a team consisting of persons
9 from each of the six divisions of the department to assess components of
10 the strategic plan which may be in development; (b) consult with other
11 state agencies that administer programs serving persons with
12 disabilities; (c) appoint and convene a stakeholder advisory committee to
13 assist in the review and development of the strategic plan, such
14 committee members to include a representative from the State Advisory
15 Committee on Mental Health Services, the Advisory Committee on
16 Developmental Disabilities, the Nebraska Statewide Independent Living
17 Council, the Nebraska Planning Council on Developmental Disabilities, the
18 Division of Rehabilitation Services in the State Department of Education,
19 a housing authority in a city of the first or second class and a housing
20 authority in a city of the primary or metropolitan class, the Assistive
21 Technology Partnership, the protection and advocacy system for Nebraska,
22 an assisted-living organization, the behavioral health regions, mental
23 health practitioners, developmental disability service providers, an
24 organization that advocates for persons with developmental disabilities,
25 an organization that advocates for persons with mental illness, an
26 organization that advocates for persons with brain injuries, and an area
27 agency on aging, and including two persons with disabilities representing
28 self-advocacy organizations, and, at the department's discretion, other
29 persons with expertise in programs serving persons with disabilities; (d)
30 determine the need for a consultant to assist with the development of the
31 strategic plan; (e) provide a preliminary progress report to the

1 Legislature and the Governor by December 15, 2016, which includes, but is
2 not limited to, (i) the components of the strategic plan which may be in
3 development and (ii) the department's recommendation on hiring a
4 consultant; (f) provide a second progress report to the Legislature and
5 the Governor by December 15, 2017; and (g) provide the completed
6 strategic plan to the Legislature and the Governor by December 15, 2018.
7 The reports and completed plan shall be submitted electronically to the
8 Legislature.

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