

AMENDMENTS TO LR32

Introduced by Executive Board.

1           1. Strike the original provisions and insert the following new  
2 provisions:

3           WHEREAS, the One Hundredth Legislature, Second Session, 2008,  
4 adopted Legislative Resolution 283 to establish the Developmental  
5 Disabilities Special Investigative Committee of the Legislature. The  
6 committee was then reauthorized by the One Hundred First Legislature,  
7 First Session, 2009, in Legislative Resolution 11, by the One Hundred  
8 Second Legislature, First Session, 2011, in Legislative Resolution 47, by  
9 the One Hundred Second Legislature, Second Session, 2012, in Legislative  
10 Resolution 365, and by the One Hundred Third Legislature, First Session,  
11 2013, in Legislative Resolution 20. The committee was authorized to study  
12 the quality of care and related staffing issues at the Beatrice State  
13 Developmental Center, investigate the placement and quality of care  
14 statewide for the developmentally disabled in Nebraska, and determine how  
15 and why such services to the developmentally disabled were permitted to  
16 decline to the level documented in the United States Department of  
17 Justice report.

18           NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED  
19 FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

20           1. That the Legislature hereby calls for the Executive Board of the  
21 Legislative Council to meet forthwith and appoint a special committee of  
22 the Legislature to be known as the Developmental Disabilities Special  
23 Investigative Committee of the Legislature. The committee shall consist  
24 of seven members of the Legislature appointed by the Executive Board. The  
25 Executive Board shall appoint the chairperson and vice-chairperson of the  
26 committee. The Executive Board is hereby authorized to provide the  
27 committee with a legal counsel, committee clerk, and other staff as

1 required by the committee from existing legislative staff. The Executive  
2 Board is also authorized to hire outside legal counsel, consultants, and  
3 investigators as required by the committee. The committee shall be an  
4 investigative committee and is hereby authorized to hold hearings and  
5 issue subpoenas as is deemed necessary by the committee.

6 2. That the Developmental Disabilities Special Investigative  
7 Committee shall provide oversight to ensure that the terms of the United  
8 States Department of Justice Consent Decree and the recommendations from  
9 the Report of the Developmental Disabilities Special Investigative  
10 Committee dated December 15, 2008, are implemented in a timely fashion.

11 3. That the Developmental Disabilities Special Investigative  
12 Committee is hereby authorized to continue to study the quality of care  
13 and related staffing issues at the Beatrice State Developmental Center  
14 and other such facilities, including options and funding for services for  
15 residents.

16 4. That the Developmental Disabilities Special Investigative  
17 Committee is hereby authorized to continue investigation of the placement  
18 and quality of care statewide for the developmentally disabled in  
19 Nebraska, including a determination of whether adequate staffing,  
20 funding, and capacity exist for persons to receive community-based  
21 services, a review of staffing practices at community-based care  
22 facilities, and an analysis of the relationship of those practices to the  
23 quality of care provided to the developmentally disabled.

24 5. That the Developmental Disabilities Special Investigative  
25 Committee shall review the processes of how the Division of Developmental  
26 Disabilities of the Department of Health and Human Services determines  
27 eligibility for services for individuals who are in need of services, as  
28 well as the processes utilized by the division to determine when  
29 individuals who have received services are no longer eligible for such  
30 services.

31 6. That the Developmental Disabilities Special Investigative

1 Committee shall brief the Health and Human Services Committee of the  
2 Legislature by December 15, 2015, and December 15, 2016, and issue a  
3 report with its findings and recommendations to the Legislature as  
4 circumstances warrant.

5 7. That the Developmental Disabilities Special Investigative  
6 Committee is hereby authorized to continue its work until the beginning  
7 of the One Hundred Fifth Legislature, First Session.