

E AND R AMENDMENTS TO LB 570

Introduced by Slama, 1, Chairman Enrollment and Review

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

3           Section 1. Section 71-7611, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           71-7611 (1) The Nebraska Health Care Cash Fund is created. The State  
6 Treasurer shall transfer (a) sixty million three hundred thousand dollars  
7 on or before July 15, 2014, (b) sixty million three hundred fifty  
8 thousand dollars on or before July 15, 2015, (c) sixty million three  
9 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty  
10 million seven hundred thousand dollars on or before July 15, 2017, (e)  
11 five hundred thousand dollars on or before May 15, 2018, (f) sixty-one  
12 million six hundred thousand dollars on or before July 15, 2018, (g)  
13 sixty-one million four ~~three~~ hundred fifty thousand dollars on or before  
14 July 15, 2019, and (h) sixty million four hundred fifty thousand dollars  
15 on or before every July 15 thereafter from the Nebraska Medicaid  
16 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust  
17 Fund to the Nebraska Health Care Cash Fund, except that such amount shall  
18 be reduced by the amount of the unobligated balance in the Nebraska  
19 Health Care Cash Fund at the time the transfer is made. The state  
20 investment officer shall advise the State Treasurer on the amounts to be  
21 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund  
22 until the fund balance is depleted and from the Nebraska Tobacco  
23 Settlement Trust Fund thereafter in order to sustain such transfers in  
24 perpetuity. The state investment officer shall report electronically to  
25 the Legislature on or before October 1 of every even-numbered year on the  
26 sustainability of such transfers. The Nebraska Health Care Cash Fund  
27 shall also include money received pursuant to section 77-2602. Except as

1 otherwise provided by law, no more than the amounts specified in this  
2 subsection may be appropriated or transferred from the Nebraska Health  
3 Care Cash Fund in any fiscal year.

4 The State Treasurer shall transfer ten million dollars from the  
5 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on  
6 June 28, 2018, and June 28, 2019.

7 It is the intent of the Legislature that no additional programs are  
8 funded through the Nebraska Health Care Cash Fund until funding for all  
9 programs with an appropriation from the fund during FY2012-13 are  
10 restored to their FY2012-13 levels.

11 (2) Any money in the Nebraska Health Care Cash Fund available for  
12 investment shall be invested by the state investment officer pursuant to  
13 the Nebraska Capital Expansion Act and the Nebraska State Funds  
14 Investment Act.

15 (3) The University of Nebraska and postsecondary educational  
16 institutions having colleges of medicine in Nebraska and their affiliated  
17 research hospitals in Nebraska, as a condition of receiving any funds  
18 appropriated or transferred from the Nebraska Health Care Cash Fund,  
19 shall not discriminate against any person on the basis of sexual  
20 orientation.

21 (4) The State Treasurer shall transfer fifty thousand dollars on or  
22 before July 15, 2016, from the Nebraska Health Care Cash Fund to the  
23 Board of Regents of the University of Nebraska for the University of  
24 Nebraska Medical Center. It is the intent of the Legislature that these  
25 funds be used by the College of Public Health for workforce training.

26 (5) It is the intent of the Legislature that the cost of the staff  
27 and operating costs necessary to carry out the changes made by Laws 2018,  
28 LB439, and not covered by fees or federal funds shall be funded from the  
29 Nebraska Health Care Cash Fund for fiscal years 2018-19 and 2019-20.

30 Sec. 2. Section 81-6,121, Revised Statutes Cumulative Supplement,  
31 2018, is amended to read:

1           81-6,121 The Legislature finds and declares that:

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

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

22           (3) The United States Supreme Court further stated in the Olmstead  
23   decision that development of (a) a comprehensive, effective working plan  
24   for providing services to qualified persons with disabilities in the most  
25   integrated community-based settings and (b) a waiting list that moves at  
26   a reasonable pace could be important ways for a state to demonstrate its  
27   commitment to achieving compliance with the federal Americans with  
28   Disabilities Act of 1990.

29           Sec. 3. Section 81-6,122, Revised Statutes Cumulative Supplement,  
30   2018, is amended to read:

31           81-6,122 (1) The Department of Health and Human Services, the

1 Governor's Policy Research Office, the Department of Correctional  
2 Services, the Department of Economic Development, the Department of  
3 Labor, the Department of Transportation, the State Department of  
4 Education, and the office of the state long-term care ombudsman 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 Director of Behavioral Health of the Division of Behavioral  
9 Health of the Department of Health and Human Services, the Director of  
10 Children and Family Services of the Division of Children and Family  
11 Services of the Department of Health and Human Services, the Director of  
12 Developmental Disabilities of the Division of Developmental Disabilities  
13 of the Department of Health and Human Services, the Director of Medicaid  
14 and Long-Term Care of the Division of Medicaid and Long-Term Care of the  
15 Department of Health and Human Services, the Director of Public Health of  
16 the Division of Public Health of the Department of Health and Human  
17 Services, the Director of Correctional Services, the Director of Economic  
18 Development, the Commissioner of Labor, the Director-State Engineer, the  
19 Commissioner of Education, and the state long-term care ombudsman  
20 department shall (a) convene as a team to:

21 (a) Develop the strategic plan described in subsection (1) of this  
22 section;

23 (b) Appoint consisting of persons from each of the six divisions of  
24 the department to assess components of the strategic plan which may be in  
25 development; (b) consult with other state agencies that administer  
26 programs serving persons with disabilities; (c) appoint and convene a  
27 stakeholder advisory committee to assist in the review and development of  
28 the strategic plan, such committee members to include a representative  
29 from the State Advisory Committee on Mental Health Services, the Advisory  
30 Committee on Developmental Disabilities, the Nebraska Statewide  
31 Independent Living Council, the Nebraska Planning Council on

1 Developmental Disabilities, the Division of Rehabilitation Services in  
2 the State Department of Education, the Commission for the Deaf and Hard  
3 of Hearing, the Commission for the Blind and Visually Impaired, a housing  
4 authority in a city of the first or second class and a housing authority  
5 in a city of the primary or metropolitan class, the Assistive Technology  
6 Partnership, the protection and advocacy system for Nebraska, an  
7 assisted-living organization, the behavioral health regions, mental  
8 health practitioners, developmental disability service providers, an  
9 organization that advocates for persons with developmental disabilities,  
10 an organization that advocates for persons with mental illness, an  
11 organization that advocates for persons with brain injuries, and an area  
12 agency on aging, and including two persons with disabilities representing  
13 self-advocacy organizations, and, at the department's discretion, other  
14 persons with expertise in programs serving persons with disabilities;

15 (c) Arrange ~~(d) determine the need for~~ consultation with an  
16 independent a consultant to assist with the continued analysis and  
17 revision development of the strategic plan and determine whether the  
18 benchmarks, deadlines, and timeframes are in substantial compliance with  
19 the strategic plan;

20 (d) Provide continuing analysis of the strategic plan and a report  
21 on the progress of the strategic plan and changes or revisions to the  
22 Legislature by December 15, 2021, and every three years thereafter; and

23 (e) Provide ~~provide a preliminary progress report to the Legislature~~  
24 ~~and the Governor by December 15, 2016, which includes, but is not limited~~  
25 ~~to, (i) the components of the strategic plan which may be in development~~  
26 ~~and (ii) the department's recommendation on hiring a consultant; (f)~~  
27 ~~provide a second progress report to the Legislature and the Governor by~~  
28 ~~December 15, 2017; and (g) provide the completed strategic plan to the~~  
29 ~~Legislature and the Governor by~~ November 1, 2019 ~~December 15, 2018.~~

30 (3) The reports and completed plan shall be submitted electronically  
31 to the Legislature.

1           Sec. 4.    Original section 71-7611, Reissue Revised Statutes of  
2 Nebraska, and sections 81-6,121 and 81-6,122, Revised Statutes Cumulative  
3 Supplement, 2018, are repealed.

4           Sec. 5.    Since an emergency exists, this act takes effect when  
5 passed and approved according to law.

6           2. On page 1, strike beginning with "persons" in line 1 through line  
7 7 and insert "public health and welfare; to amend section 71-7611,  
8 Reissue Revised Statutes of Nebraska, and sections 81-6,121 and 81-6,122,  
9 Revised Statutes Cumulative Supplement, 2018; to change transfers to the  
10 Nebraska Health Care Cash Fund; to restate legislative intent; to change  
11 provisions regarding the strategic plan for providing services to persons  
12 with disabilities as prescribed; to provide powers and duties; to require  
13 reports; to eliminate obsolete provisions; to repeal the original  
14 sections; and to declare an emergency."