

**ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019**  
**COMMITTEE STATEMENT**  
**LB540**

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**Hearing Date:** Thursday February 28, 2019  
**Committee On:** Health and Human Services  
**Introducer:** Walz  
**One Liner:** Eliminate the termination date of a developmental disability service

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 7 Senators Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz,  
Williams  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Oral Testimony:**

**Proponents:**

Senator Lynne Walz  
Alan Zavodny  
Liz Wollmann  
Edison McDonald  
Traci Gilmer  
Loveda Mitchell  
Denise Gehringer  
Philip Gray  
Michael Wasmer  
Sherri Harnisch  
Terry Kruse  
Erin Phillips  
Mary Hahn

**Representing:**

Introducer  
Northstar Services - NASP  
KVC Nebraska  
The Arc of Nebraska  
Self  
Self  
Self  
Parents for Appropriate Special Services (PASS)  
Autism Speaks  
Down Syndrome Alliance of the Midlands  
Self  
Self  
Arc of Nebraska

**Opponents:**

Courtney Miller

**Representing:**

Dept. of Health and Human Services

**Neutral:**

Joe Valenti  
Mark Bulger

**Representing:**

Self  
Self

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**Summary of purpose and/or changes:**

LB 540 amends the Developmental Disabilities Services Act. It removes a sunset provision in Neb. Rev. Stat. 83-1216.02 related to services that must be provided to persons with disabilities who are transitioning from the education system and attaining the age of 21.

The Developmental Disabilities Services Act sets out the funding priorities for the Home and Community Based Services waiver. The Department of Health and Human Services (DHHS) must distribute the funds under the waiver based on the following priorities:

- Priority 1: responding to the needs of persons with disabilities facing immediate crisis such as the death of a caregiver, homelessness, or threat to life and safety;
- Priority 2: responding to the needs of persons with disabilities who have been residing in a residential facility for the past 12 months and are requesting community-based services;
- Priority 3: responding to the needs of persons with disabilities who are former state wards or persons under the jurisdiction of the Office of Probation who are transitioning from the system at age 19 and no other alternative has been identified to support residential services;
- Priority 4: responding to the needs of persons with disabilities who are transitioning from the education system at the age of 21 and for whom day services are necessary to pursue self-sufficiency;
- Priority 5: responding to the needs of persons with disabilities who are dependents of members of the military living in Nebraska;
- Priority 6: responding to the needs of all other persons with disabilities in the order in which their application was received.

(Neb. Rev. Stat. 83-1216.) These priorities were amended in 2017 as part of LB 333.

Previously, persons with disabilities transitioning from the education system in Priority 4 had been guaranteed services, by law, upon their transition from the education system. But under the priority system, graduates are no longer guaranteed services. Last year, in 2018, section 83-1216.02 was passed through LB 793 to create a safety net of sorts for graduates that might be excluded under the waiver. Under section 83-1216.02, if there is not enough room and funding in the waiver to serve all graduates, DHHS must provide day services to those who would have received services under Priority 4.

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**Explanation of amendments:**

AM 1182 reinstates the sunset but extends the date to June 30, 2025.

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Sara Howard, Chairperson