

LEGISLATIVE BILL 311

Approved by the Governor May 17, 1973

Introduced by Interim on Appropriations, Marvel, 33, Chmn.; Whitney, 44; Stahmer, 8; Johnson, 15; Savage, 10; S. Marsh, 29; Clark, 47; Nore, 22

AN ACT to amend sections 83-1,142 and 83-1,143, Reissue Revised Statutes of Nebraska, 1943, relating to the office of mental retardation; to clarify provisions; to change funding provisions; to provide for budgets; to provide for agreements; to define terms; to provide for programs, services, and mental retardation regions; to provide severability; to repeal the original sections, and also section 83-1,145, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

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

Section 1. That section 83-1,142, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,142. (1) To carry out the policies and purposes of section 83-1,141, the director of the office of mental retardation shall provide a comprehensive and integrated statewide plan for facilities, programs, and services for mentally retarded persons, establish minimum standards for the operation of any facility or program providing services funded in whole or in part under the provisions of sections 83-1,141 to 83-1,146, provide such assistance as may be necessary to place a mentally retarded person in an appropriate facility or program, encourage research by public and private agencies, institutions of higher learning, and hospitals, in the interest of the elimination and amelioration of retardation and of the care and training of mentally retarded persons, and promulgate such rules and regulations as are necessary to carry out the provisions of sections 83-1,141 to 83-1,146. In adopting standards, rules and regulations, the director shall be governed by the provisions of Chapter 84, article 9. In-addition;

(2) If community-based programs or services are not available and the director determines that such programs or services cannot reasonably be provided locally in an area of the state where such programs or services for mentally retarded persons are necessary, the director of the office of mental retardation may enter

into agreements with other departments or agencies of the State of Nebraska, counties, cities, other political subdivisions, agencies created under the Interlocal Cooperation Act, and private organizations providing facilities, programs or services for mentally retarded persons, contract with educational service units and counties that have established offices of mental retardation or organizations designated by such counties to assist in the administration of local and regional services and programs, provide programs or services, if community-based programs or services are not available and the director determines that such programs or services cannot reasonably be provided locally in an area of the state where such programs or services for mentally retarded persons are necessary; and exercise all powers and perform all duties necessary and proper in carrying out the responsibilities of his office.

(3) Any public agency defined by section 23-2203 may enter into agreements and compacts to form cooperative undertakings or separate legal entities under the provisions of the Interlocal Cooperation Act for the purpose of entering into agreements on a regional basis with the director for providing facilities, programs, and services for the mentally retarded. Each public agency having taxing authority may levy and collect taxes within its geographical unit in an amount not to exceed one half mill on the dollar on the assessed valuation of all taxable property except intangible property for the purpose of funding programs within sections 83-1,141 to 83-1,146.

Additional money needed for the funding of such programs may be obtained from taxes levied and collected under the general fund levy of any public agency having taxing authority.

Sec. 2. That section 83-1,143, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,143. (1) The Until June 30, 1973, the office of mental retardation may provide funds on a matching basis for the provision of community-based services, programs, and facilities, but no more than sixty per cent of the cost of such services, programs, and facilities may be provided by the office, and not less than forty per cent must be provided by public or private sources in the community. Community based services, programs, and facilities shall be eligible for such funds when the local contribution equals or exceeds forty per cent of the total of the funds to be provided by the office of mental retardation for that



community-based service, program, or facility. Up to three-fourths of the community contribution may be in the form of facilities, material, or personnel, but local contributions may not be made from state or federal funding resources.

(2) When funds available to the office of mental retardation are insufficient to meet all requirements for matching funds, distribution shall be made pro-rata in proportion to local matching retardation are insufficient to meet the budget requirements for all agencies in this state, a pro rata distribution shall be made upon a formula determined by the director of the office of mental retardation. Such formula shall include but not be limited to population, taxable value, per capita income, service, need, and quality of services.

(3) Allocation of state matching funds shall be limited to use for employment of staff personnel, technical assistance, operation of programs, leasing, renting, or otherwise acquiring and maintaining facilities for the retarded and for the families of the retarded but not to include construction of buildings and for the initiation and continuance of programs and services for those with mental retardation and related disorders.

Sec. 3. Each mental retardation region shall annually, prior to July 1, 1973, and each year thereafter, prepare a proposed budget for the fiscal year beginning July 1. The budgets shall show all expenditures proposed by the mental retardation region. Such budgets shall be submitted by August 1 to the Department of Public Institutions. The Department of Public Institutions shall review such budgets and attach its recommendations thereto and transmit them to the Director of Administrative Services not later than September 15. The final budget for each mental retardation region shall be set by the Legislature.

Sec. 4. As used in this act, unless the context otherwise requires:

(1) Education shall mean a socially-directed process to facilitate learning through structured training programs; and

(2) Training shall mean an ordered program within the educational process leading to a specific result.

Sec. 5. Commencing July 1, 1973, the office of mental retardation shall provide funds on a matching basis for community-based services, programs, and

facilities. The office of mental retardation shall provide three dollars for each dollar available in the community, including in-kind services, and income from workshops and room and board payments.

Sec. 6. Commencing July 1, 1973, programs for the retarded, whether provided by a school district, educational service unit, or the office of mental retardation, shall meet the minimum standards established by the office of mental retardation.

Sec. 7. Commencing July 1, 1973, services of the office of mental retardation shall be available to any person regardless of age.

Sec. 8. There are hereby created six mental retardation regions in the state. Each region shall consist of the following counties:

Region 1 shall consist of Sioux, Daves, Sheridan, Box Butte, Scotts Bluff, Morrill, Garden, Kimball, Banner, Cheyenne, and Deuel counties;

Region 2 shall consist of Grant, Hooker, Thomas, Arthur, McPherson, Logan, Keith, Lincoln, Perkins, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, and Red Willow counties;

Region 3 shall consist of Blaine, Loup, Garfield, Wheeler, Custer, Valley, Greeley, Sherman, Howard, Merrick, Buffalo, Hall, Hamilton, Phelps, Kearney, Adams, Clay, Furnas, Harlan, Franklin, Webster, and Nuckolls counties;

Region 4 shall consist of Cherry, Keya Paha, Boyd, Brown, Rock, Holt, Knox, Cedar, Dixon, Antelope, Pierce, Wayne, Dakota, Thurston, Madison, Stanton, Cuming, Burt, Boone, Platte, Colfax, Nance, Polk, and Butler counties;

Region 5 shall consist of Saunders, York, Seward, Lancaster, Otoe, Fillmore, Saline, Gage, Johnson, Nemaha, Thayer, Jefferson, Pawnee, and Richardson counties; and

Region 6 shall consist of Dodge, Washington, Douglas, Sarpy, and Cass counties.

Sec. 9. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.



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Sec. 10. That original sections 83-1,142 and 83-1,143, Reissue Revised Statutes of Nebraska, 1943, and also section 83-1,145, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 11. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.