

PRESIDENT: ...being distributed. So we are speaking now to the amendment which you have now introduced. All right. The Chair recognizes Senator Johnson.

SENATOR JOHNSON: Yes, I am having the Pages hand out now an amendment to LB 35 which is....there have been, I suppose, a series of amendments that I have written at the request of members to this bill over the last several months and this particular amendment is the one that changes the dates in LB 35. LB 35 was before us last year and it had a number of 1980 dates in it. This amendment moves it back one year. In addition, this amendment strikes some language that has become surplus language because of the adoption of the committee amendments and then finally this amendment inserts a new Section 11 of the bill and I think it is the Section 11 amendment which is the most important. What the Section 11 amendment does is this. It says that as the Department of Public Welfare constructs standard of need under LB 35, those standards shall not be put into operation until such time as the department submits those standards to the Legislature, that is files them with the Clerk, and the Legislature by appropriate action, approves the standards. Now the kind of action that would be appropriate by the Legislature in approving the standards would be through a bill. I say that because the Attorney General has written an opinion on a different matter in which the Attorney General says that when the Legislature by statute refers to subsequent legislative action, that has to be done by bill. Personally I think the amendment is a very good amendment because it still keeps with the legislative branch the standard of need issue which heretofore has been with the executive branch. Now I have provided you a lot of material over the last few months on LB 35 and the most recent batch of material you received came out yesterday. One of the things you will discover in that packet of material is a memorandum that was prepared by the research director for the Nebraska Department of Public Welfare and in that memorandum the research director specifically suggests that the State Legislature establish by statute the appropriate standard of need. I wholeheartedly concur with that suggestion. What LB 35 does is it provides essentially, the mechanism for determining what should be in a standard of need and for costing it out. The amendment that I have presented to you then says that once that mechanism is in place, before a standard of need can actually be implemented, it has to be brought back to the Legislature for legislative approval and I think that is fine. We will