

expectation that this appeal could then go to the district court and end up in court system. If the court ruled in favor of these two clients, it could be that DSS may be required to serve all mentally retarded clients on the waiting list because of some question about interpretation of the current funding stream. So what this amendment does is change that so that the Title XX funds, now passed through the Department of Public Institutions to the regions, would stay with the Department of Social Services, and that like amount of money would be sent to the Department of Public Institutions and on to the regions with General Fund money. And this is kind of a switch. The money stays the same, it's a question of how it reaches the ultimate consumer of services. The amount of money we're talking about is \$3.4 million in General and federal funds. What this means is that the amendment would result in the Department of Public Institutions being the sole funding source for community-based mental retardation services. Now this ties into LB 830, which again is trying to consolidate these various state agencies in how they provide services to the mentally retarded. And so it parallels what we're trying to do there. And the Department of Social Services will serve only nonmentally retarded clients through their Title XX program. So it clarifies whose responsible for this program and averts the potential of the Title XX fund being tapped for a court decision that would require that fund to serve all individuals on the mental retardation waiting list. The potential cost is hard to estimate, if the lawsuit was successful and the courts ruled in favor of the clients, somewhere close to \$850,000. But it's hard to be sure about that, it could be more or less. The idea is that I ultimately feel that nobody should be on a waiting list, and we ultimately should fund services for these people. But I'd rather do it up front, through LB 830, with the study, and with legislative action, rather than through the back door, through utilization of court action with Title XX. So I stand ready to continue to feel that we shouldn't have waiting lists for the services to people with mental retardation and developmental disabilities. But the way to do it isn't this way. And so I think Senator Moore can speak to this amendment as well. Again, we've worked with the Department of Social Services, and Department of Public Institutions on this. They sign off on it, and I believe Senator Moore will sign off on it. And I would ask your support for the amendment.

SENATOR WARNER PRESIDING