

May 10, 1995

LB 390

one is a little more...is a little different. It's in Department of Administrative Services Risk Management Section 1, Department 65. It's related to Department of Public Institutions. The amendment provides for \$441,500 General Funds in the current year to pay two contractual claims which have been recently settled. It will allow payments of \$177,500 to Region I developmental disability services and \$264,000 to Region V developmental disability services. The claims are related to contracts between DPI and the providers in 1992-93. DPI signed a contract with these regions which established rates that were higher than the amounts able to be paid with the appropriation provided by the Legislature. The contracts had a letter attached which said the rates in the contract would be adjusted based upon actual intervention hours and funds available for payments. The regions were reimbursed at rates less than the rates established in the contract. The regions sued for reimbursement at the higher rates. The state decided to settle because (1) the contracts were never amended, (2) the letter would probably be not considered to be part of the contract, and (3) the state may not be able to use the argument there were not sufficient funds. With that, I would urge the adoption of this amendment. Once again, the second issue is a new amount of \$441,500 to settle a suit with Region I and Region V. I'll try to answer any questions.

SPEAKER WITHEM: Any discussion? Hearing none, the question is...Senator Wehrbein, you have an opportunity to close. Closing is waived. The question before the body is the adoption of the Wehrbein amendment to LB 390. All in favor vote aye, opposed vote nay. Record.

CLERK: 25 ayes, 0 nays, Mr. President, on the adoption of Senator Wehrbein's amendment.

SPEAKER WITHEM: The Wehrbein amendment is adopted. Anything further?

CLERK: Nothing further on the bill, Mr. President.

SPEAKER WITHEM: Senator Maurstad.

SENATOR MAURSTAD: Mr. Speaker, I'd move to advance LB 390 to E & R for grossment.

SPEAKER WITHEM: All in favor vote aye; opposed. LB 390 is