

is the bill requests submitted to the bill drafters, bill drafting staff by noon Tuesday, January 16 will be guaranteed to be ready for introduction before adjournment on the 10th legislative day, Tuesday, January 16 at noon is the cutoff for bill introduction on the 10th day.

Mr. President, a hearing notice from the Appropriations Committee, signed by Senator Warner as Chair.

And a new A bill, LB 723A by Senator Wesely. (Read by title for the first time. See page 311 of the Legislative Journal.) That's all that I have, Mr. President.

SENATOR LANDIS: Thank you, Mr. Clerk. Senator Weihing, since you are there at the microphone, perhaps you would make a motion to recess the body.

SENATOR WEIHING: Mr. Speaker, members of the Legislature, I make a motion that we recess until one-thirty this afternoon.

SENATOR LANDIS: You've heard the motion. All in favor say aye. Opposed nay. We are in recess.

RECESS

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Record, Mr. Clerk.

ASSISTANT CLERK: There is a quorum present, Mr. President.

SPEAKER BARRETT: Thank you. With a quorum present, anything to read into the record?

ASSISTANT CLERK: Two items, Mr. President, Banking Committee gives announcement of hearings, and new bills. (Read for the first time by title: LB 1126. See pages 312-13 of the Legislative Journal.) That is all that I have.

SPEAKER BARRETT: Thank you. We will retreat on General File to LB 503 and 503A, the bills that were passed over this morning. Senator Goodrich is back with us. Mr. Clerk.

January 17, 1990

LB 163, 821, 822, 823, 824, 825, 826  
827, 828, 829, 1102-1135, 1158-1161

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated) ...pastor at UN-L, and now is pastoral associate at Trinity Lutheran Church here in Lincoln. Would you please rise for the invocation.

DR. NORDEN: (Prayer offered.)

PRESIDENT: Dr. Norden, thank you for being with us again, we appreciate it. Come back again. Roll call, please. Record, Mr. Clerk, please.

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Thank you. Do you have any messages, reports or announcements this morning?

CLERK: Mr. President, Reference Report referring LBs 1102-1135, as well as three gubernatorial appointments to the appropriate standing committees for hearing. (See pages 348-49 of the Legislative Journal.)

Received a report from the Department of Roads filed pursuant to statute, Mr. President. That's all that I have.

PRESIDENT: Would you like to introduce any new bills, or would you not like to?

CLERK: Mr. President, I'm sorry, I do have some other items. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 821 and recommend that same be placed on Select File; LB 822, LB 823, LB 824, LB 825, LB 826, LB 827, LB 828, and LB 829, all on Select File, some of which have E & R amendments attached, Mr. President. Now, that's all that I have, Mr. President. (See pages 350-51 of the Legislative Journal.)

PRESIDENT: New bills, please.

CLERK: Mr. President, new bills. (Read LBs 1158-1161 by title for the first time. See page 352 of the Legislative Journal.) That's all that I have at this time, Mr. President.

PRESIDENT: We'll move on to General File then, LB 163.

March 6, 1990

LB 1059, 1126  
LR 267, 268

sincere with the citizens of the State of Nebraska. I would like to see this body say, yes, 1059 raises the sales tax for schools; yes, 1059 would raise the sales tax on motor vehicles and the money would go to highways, but, fellow citizens, highways don't have anything to do with 1059. That is a school bill, so I'll tell you what they're going to do, citizens of the State of Nebraska, the Legislature is going to look you straight in the eye and they're going to say, folks, it isn't fair, it's not fair to gouge you another 1 percent on your vehicle to go to highways when we're talking about schools, so, therefore, we're not going to raise the sales tax on motor vehicles to 5 percent, we're going to leave it at 1 percent. That's what the amendment does. Now, don't forget, some people and most cars are sold two and three times and every time they are sold that sales tax is collected, doesn't go to the schools, it goes to the highways. So in closing, Mr. President, I'd say to the members of this body, let's be fair, let's be upright, adopt the amendment which leaves the sales tax on motor vehicles at 4 percent instead of raising it to 5 percent. Thank you.

SPEAKER BARRETT: Thank you. And the question before the body is the adoption of the Haberman amendment to LB 1059. Those in favor of that motion please vote aye, opposed nay. Have you all voted? A record vote has been requested. Have you all voted? Record, Mr. Clerk.

CLERK: (Read record vote. See page 1177 of the Legislative Journal.) 13 ayes, 26 nays, Mr. President.

SPEAKER BARRETT: Motion failed. Items for the record, Mr. Clerk.

CLERK: Mr. President, yes, a few, if I may. Appropriations Committee reports LB 1126 to General File with committee amendments attached. That is signed by Senator Warner as Chair of the committee. (See page 1178 of the Legislative Journal.)

New resolutions. (Read brief descriptions of LR 267 and LR 268 for the first time. See pages 1178-79 of the Legislative Journal.)

Amendments to be printed by Senator Hall, Mr. President. (Re: LB 1059. See pages 1179-80 of the Legislative Journal.)

And, finally, your Committee on Enrollment and Review

March 15, 1990

LB 457, 1031, 1059, 1126, 1220  
LR 299

of the top 14 or one of 14 or 15 National Cancer Institute designated research facilities. I think this is a good investment to make. I do understand frustrations on some members of the floor. Notwithstanding that, I would urge your advancement of LB 1220.

SPEAKER BARRETT: Thank you. The question is the advancement of LB 1220 to E & R Initial. All in favor vote aye, opposed nay. Please record.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 1220.

SPEAKER BARRETT: LB 1220 advances. Mr. Clerk, have you items for the record?

CLERK: A few, Mr. President. A study resolution (LR 299) offered by Senator Dierks will be referred to the board; amendments to be printed by Senator Hefner to LB 1059; Senator Warner to LB 1031; Senator Conway to LB 457. That is all that I have, Mr. President. (See pages 1389-91 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Proceeding to LB 1126.

CLERK: Mr. President, 1126 was a bill originally introduced by the Health and Human Services Committee and signed by its members. (Read title.) The bill was introduced on January 12 of this year, referred to Appropriations, advanced to General File. I do have committee amendments pending by the Appropriations Committee. (See AM2849 on page 1178 of the Legislative Journal.)

SPEAKER BARRETT: Chairman Warner, will you handle the committee amendments.

SENATOR WARNER: Mr. President, and members of the Legislature, LB 1126 was introduced, if you look at the title, by the Health and Human Services Committee and, as I recall, it was the result of a study that had been conducted by that committee. But as it was introduced, it was a straight appropriation bill to provide increases in three specific areas, one of which was the personal care aides which there was both trained and those who had not had the amount of training that were to be increased. All these, as I recall, were at the minimum wage. Then there was a

provision, also, which would have increased the appropriations for respite care which, incidentally, was running at...it was reimbursed at the rate of \$2 an hour and it was running about \$4,000 a year as far as cost. That was to be increased to \$5 an hour and then there was an increase of \$5 per day for Title XX adult day care. Though cost of the bill had it been...if it is approved as introduced is about a million, five, \$1,494,000. General Fund money, and \$1,442,000 in federal funds for the first year, and then some increase, obviously, for the second year. What the committee amendment does, we recognize that certainly there was a need for some increase in these areas. In part because of the change in the minimum wage, there will be an increase for some of these in the area of untrained personal care aides that will be taking effect on April 1 which goes from 3.35 to 3.85 per hour. What the committee amendment does, however, it reduces the number of areas down to one which was a personal care aide with 21 hours of training and would increase those salaries from 3.70 per hour to \$5.00 an hour. The bill, as introduced, I believe was to increase it to 5.50. The cost, as it is with the committee amendment, is \$180,000 in General Fund for the current year and \$150,000, approximately, the following year in General Fund money. In trying to resolve this issue and visiting with the department and others who had some responsibility, the indication was or, at least, it was the feeling that this particular area of the personal care aides was by far the highest priority for increased funding. There was far more problems with turnover in direct care and it was important to make some increase there. Another thing I will point out, as LB 1126 is situated, being an appropriation bill by itself, it then, too, becomes part of the A bill allocations as opposed to, if you are interested in the green sheet, and, obviously, we attempted to pick out through the committee amendment what we understood to be the most important area of stress, although I would not argue that any of them are overpaid, but that was the purpose of the amendment was to try to select what appeared to us as being the highest priority for additional funding, and that is what the committee amendment will do.

SPEAKER BARRETT: Discussion on the committee amendment? Senator Wesely, followed by Senator Lynch.

SENATOR WESELY: Thank you, Mr. Speaker, members. I want to rise and just say a few words and certainly let Senator Lynch address the heart of the issue. Senator Lynch chaired a study

on caregiving under the Health and Human Services Committee and did an excellent job of it, examining a number of different areas of need in this field. His task force came back with a number of recommendations dealing with setting up a caregiving program and dealing with this underreimbursement problem. I think the proposal that was developed by Senator Lynch's task force, everyone of those can be justified and I understand the limits that we have on finances and understand why the committee is attempting to amend this down, but I just want to reiterate how serious a problem we have. The respite care rates of \$2 an hour right now are simply inadequate. Two dollars an hour seems preposterous. I understand there are some considerations, family members frequently provide this, but still \$2 an hour in today's day and age is unbelievable. The day care rates from 7.50 to \$10 a day currently are woefully inadequate and are less than half or more below what the actual cost is for those, and neither one of those needs were addressed by the committee amendment. The committee did address, to some degree, the personal care aide rates and I, for one, appreciate at least some version of the bill coming out. I simply would add my concern that the other needs are still there. Anytime this Legislature begins to see a problem, you don't, I guess, expect that problem to be solved right away. On the child care Title XX reimbursement, we did half of the job last year, hopefully, we will do the other half of the job this year. And I guess you learn to expect to solve problems over a period of time but we do have a problem here and it is a serious problem and, again, I feel that we will need to do more. Maybe we can't do it this year, maybe this bill won't be able to accomplish it, but I think we are at least starting down the road and, hopefully, we will finish that job in the near future because right now Title XX in this area is woefully inadequate. And, again, I want to praise Senator Lynch and the task force for the good work they did in identifying these problems, and, hopefully, sometime soon we will be able to begin to address those problems.

SPEAKER BARRETT: Senator Lynch.

SENATOR LYNCH: Mr. Speaker, and members, I owe it to over 35 people who, from all walks of life, volunteered a lot of time this summer to review this particular problem and make some recommendations for their hard work which resulted in this legislation. It did, in fact, only involve money and appropriately it did go to an Appropriations Committee. I, like

Senator Wesely, want to tell you I don't intend to offer any amendments or suggest we vote against the committee amendments, which would have the same effect, because if the committee amendments were defeated, it would return the bill to the form that we sent it to the Appropriations Committee, which would include funding all three of the areas described by Senator Warner. However, I do want to point out to you that the people that do this kind of work don't belong to any union, and they don't work in any other...most of them have no other opportunity. They are not given benefits because of that, so when you look at two bucks an hour or even minimum wage, you are not looking at other kind of benefits that they may receive, like health and accident, like a pension program, or any other kind of an employment benefit most people receive. Also, most importantly, at a time that we have such high medical costs, the most important thing we can do is to find alternatives to people being institutionalized in hospitals, and more and more, given the DRG system established by President Reagan some years ago where, in fact, deadlines are established for about 400 and some procedures and, in fact, some people put out of institutions sometimes they claim before their time, most times I hope not and don't think so, but, nevertheless, still needing some help, caregiving is vital and important and it applies not just to elderly people but those people who are physically disabled because of automobile accidents, motorcycle accidents, or whatever it might be. Try to find somebody for 3.70 an hour who would come in at, say, three o'clock or two o'clock in the afternoon when somebody you love comes home from the hospital and they need to be there because they are in a wheelchair, they can't go to the bathroom by themselves, can't eat, can't go up and down stairs, are incontinent, and it is difficult. It is tough work, and it is a terrible thing that we can only pay them this much to do this important work, indeed. It also is probably the most, if not the most, one of the most cost-effective things we can do. The more help we can give in the form of caregiving, the less we will have to consider continually raising in an almost obnoxious way health care costs as we know them today. I have got to throw this in, too, an editorial comment, when we talk about capping off how much governments can spend, it would be interesting for us to consider at the same time if we cap off at 2 percent, all third party, second party, and first party people doing business with that jurisdiction. For example, if a health insurance company says your health insurance costs are going to go up 18 percent, the jurisdiction because there is a cap would say, no, only

2 percent because that is what the law provides. But then the doctors and the hospitals and everybody else that causes those health rates would also have to live with 2 percent at the same time, and private industry that provides gravel and all of the other things you need, the food to feed the prisoners and the rest, it would be interesting if that applied, wouldn't it? Don't you think it ought to? When we talk about caps later on, keep that in mind. I think we ought to keep in mind it should apply to everybody, too, including state institutions, not just jurisdictions of government like cities, counties, and schools. But in this particular case, I appreciate that the Appropriations Committee, just like Senator Wesely said, did put the bill out and we do get at least an increase from minimum wage to five bucks. For some of you that take care of these people who really need it so badly, it is still a kick in the butt as far as I am concerned, but it is something. And it is scandalous that we can find these millions and millions of dollars to build all these buildings and we can't seem to find the kind of money we need to pay the poorest of the poor to help the sickest, the sickest that can't stay in the hospital any more, are kicked out because they have no more money left...

SPEAKER BARRETT: One minute.

SENATOR LYNCH: ...to stay. So I have to tell you at the same time I am grateful, I am dissatisfied as well because our whole sense of priorities is screwed up, obviously, when something like this can't be funded. So I want to promise those people that served on the committee, that we will be back next year with the remaining parts of this legislation and, hopefully, at that point in time, you folks for the next two years will support the legislation and fund it for these people that mean so much to the people they serve and the money they can save all of us in health care costs.

SPEAKER BARRETT: Any other discussion on the committee amendments? Senator Warner, would you like to close?

SENATOR WARNER: Again, Mr. President, I want to clearly indicate that, as I indicated in the opening, that the committee amendment, yes, it does reduce the cost. This is one of the bills that we are in competition with A bills, that the majority of the body would wish to appropriate the funds for the full request, certainly you could make a case for that. What our committee amendment did, we, recognizing that this was in



competition with other areas, that it perhaps at least should be offered in an amendment which would reflect what we understood was the most critical need of the area in order to be able to retain people, that is what the committee amendment does. Obviously, it does not suggest or at least this would not be our intention to suggest that the others are adequately compensated but it is just that our understanding is that this was the most crucial area although I would quickly agree that all of them represent a problem.

SPEAKER BARRETT: Thank you. The question is the adoption of the committee amendments to LB 1126. All in favor vote yes, opposed no. Voting on the adoption of the committee amendments. Have you all voted? Senator Warner, please.

SENATOR WARNER: Mr. President, I guess I would need to call for the house and rumor tells me there are some other matters that have taken people from the floor, so perhaps I would ask for a call of the house.

SPEAKER BARRETT: Shall the house go under call? All in favor vote aye, opposed nay. Record, please.

CLERK: 16 ayes, 0 nays to go under call.

SPEAKER BARRETT: The house is under call. Members, return to your seats and record your presence. Those members outside the Legislative Chamber, please return and record your presence. Call ins are authorized.

CLERK: Senator Elmer voting...you had voted yes, Senator. Senator Lindsay voting yes.

SPEAKER BARRETT: Record.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

SPEAKER BARRETT: The committee amendments are adopted. To the bill, Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, members. As Senator Lynch went through, there is disappointment that we aren't able to do more but there is also a gratitude that at least we are doing something, and so I would move for advancement of the

bill.

SPEAKER BARRETT: Thank you. Is there discussion? The call is not raised. Any discussion on the advancement of the bill? Anything further, Senator Wesely? Thank you. The question is the advancement of LB 1126 to E & R Initial. All in favor vote aye, opposed nay. Record, please.

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB 1126.

SPEAKER BARRETT: LB 1126 is advanced. To 11, or excuse me, to LB 898, Mr. Clerk. The call is raised.

CLERK: Mr. President, LB 898 was a bill introduced by Senators Scofield, Weihing, Ashford, and Baack. (Read title.) The bill was introduced on January 3, referred to Appropriations, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Senator Scofield, please.

SENATOR SCOFIELD: Thank you, Mr. President, and members. LB 898 is a bill which is an issue that was before us last year and which we passed. It got as far as the Governor's desk and came pretty close to an override and, frankly, I thought awhile before I brought this back this year, but the events last summer, frankly, at Fort Robinson convinced me that this is an issue that definitely deserves to be done in this state, which I was convinced of earlier. But, as you know, we came very close to losing a Nebraska treasure last summer. We lost a lot of trees and a lot of pasture but, fortunately, we didn't lose any historic structures and we didn't lose any artifacts as a result of the fire. But I can tell you the morning that that fire was blazing, the first thing I thought about when they evacuated Fort Robinson was we have priceless artifacts stored in an old wood frame building with no humidity control that shudders every time a truck drives by on Highway 20. The security there is basically a lock on kind of an old ramshackle wooden door, and I thought, you know, this is something that really needs to do. We have Nebraska treasures at risk. You have lying on your desk in front of you a handout from a National Geographic Society to give you the world renown that the centerpiece of this whole display that the Trailside Museum would house, which are two Columbian mammoths, the only kind of find like this in the

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LB 315, 536, 898, 899, 920, 1031, 1125  
1126, 1170, 1220  
LR 310, 311

all would want to be treated if we were in that same situation. If any of us were in a circumstance where we were in a drug and alcohol problem, lost our jobs and wanted to deal with that problem, hadn't the resources, and at that time faced with an inability to get unemployment benefits, out of work, no future, what kind of situation are these people going to be in? The problem that they have is only going to get worse. Let's try and make it better. Let's try and deal with that drug problem and getting them into treatment. I ask your support for this amendment.

SPEAKER BARRETT: Thank you. The question is the adoption of the Wesely amendment to LB 315. All in favor of that motion vote aye, opposed nay.

SENATOR WESELY: I'll take a record vote and that will be fine.

SPEAKER BARRETT: Thank you. Record, Mr. Clerk. A record vote has been requested.

CLERK: (Read record vote. See pages 1436-37 of the Legislative Journal.) 12 ayes, 19 nays, Mr. President, on the amendment.

SPEAKER BARRETT: Motion fails. Next item.

CLERK: Mr. President, may I read some items before we proceed?

SPEAKER BARRETT: Yes, proceed.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 1031 and recommend the same be placed on Select File; LB 1125, LB 920, LB 1170, LB 536, LB 1220, LB 1126, LB 898, LB 899, all of those to Select File, some of which have E & R amendments attached. (See pages 1437-40 of the Legislative Journal.)

And, Mr. President, study resolutions. (Read introduction of LR 310 and LR 311 by title for the first time. See pages 1440-41 of the Legislative Journal.) Both will be referred to the Executive Board.

Mr. President, the next amendment I have to the bill is by Senator Coordsen. Senator Coordsen's amendment is on page 1350 of the Journal.

March 21, 1990

LB 536, 899, 1126, 1220

SENATOR LINDSAY: Mr. President, I move that LB 536, as amended, be advanced.

SPEAKER BARRETT: Any discussion? If not, shall 536 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 1220.

CLERK: LB 1220, Senator, I have E & R amendments pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 1220.

SPEAKER BARRETT: Any discussion? Shall the E & R amendments be adopted to 1220? All in favor say aye. Opposed no. Carried. They are adopted.

CLERK: I have nothing further on that bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1220, as amended, be advanced to E & R for engrossment.

SPEAKER BARRETT: Questions or discussion? If not, shall LB 1220 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 1126.

CLERK: LB 1126, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1126 be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? Seeing none, shall LB 1126 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 899.

CLERK: LB 899, Senator, I have E & R pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the

March 27, 1990

LB 315, 536, 551, 551A, 799, 898, 899  
920, 1019, 1019A, 1031, 1125, 1126, 1136  
1170, 1220, 1246

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber. Please stand. The opening prayer of the day by Pastor Robert Bye of the First Presbyterian Church of Plattsmouth, Nebraska, Senator Wehrbein's district. Pastor Bye. (Gavel.)

PASTOR BYE: (Prayer offered.)

SPEAKER BARRETT: Thank you so much, Reverend Bye. Please come back again. Roll call.

PRESIDENT NICHOL PRESIDING

PRESIDENT: I understand we're about ready to start. Mr. Speaker, would you explain the progression we're going to follow, please.

SPEAKER BARRETT: Yes, thank you, Mr. President and members. Obviously we do have a problem with the electronic voting board this morning. Apparently everything else is working. The microphones and the panels on either side of the board are okay, so rather than waste some time waiting for repair people to arrive on the scene, I'd recommend we get started and when it comes to casting a vote, we'll have to either use hands, voice vote or, of course, a roll call. So if we can put up with the inconvenience for a short while, we should be back in business as soon as the repair people are on site. Mr. President, I'd suggest we go ahead with the first item on the agenda.

PRESIDENT: Okay, thank you. Have you any corrections, Mr. Clerk?

CLERK: I have no corrections this morning, Mr. President.

PRESIDENT: Do you have any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 1246 and recommend that same be placed on Select File with E & R amendments attached. Mr. President, Enrollment and Review also reports they have carefully engrossed LB 315 and find it correctly engrossed as well as LB 536, LB 551, LB 551A, LB 799, LB 898, LB 899, LB 920, LB 1019, LB 1019A, LB 1031, LB 1125, LB 1126, LB 1136, LB 1170 and LB 1220, all of those reported

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LB 898, 899, 1126, 1220

CLERK: (Read LB 1220 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1220 pass? Those in favor of that motion vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See page 1688 of the Legislative Journal.) 41 ayes, 2 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1220 passes. LB 1126, Mr. Clerk.

CLERK: (Read LB 1226 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1126 pass? Those in favor vote aye, opposed nay. Record, please.

CLERK: (Read record vote. See pages 1688-89 of the Legislative Journal.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1126 passes. LB 898E.

CLERK: (Read LB 898E on Final Reading.)

SPEAKER BARRETT: (Mike off.) Have you all voted? Please record.

CLERK: (Read record vote. See pages 1689-90 of the Legislative Journal.) 38 ayes, 3 nays, 4 present and not voting, 4 excused and not voting.

SPEAKER BARRETT: LB 898E passes. LB 899E.

CLERK: (Read LB 899 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 899 with the emergency clause attached pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See pages 1690-91 of the Legislative

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LB 163, 163A, 164, 164A, 187, 536, 898  
899, 1031, 1125, 1126, 1170, 1220

us. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 1031, LB 1125, LB 1170, LB 536, LB 1220, LB 1126, LB 898, LB 899, LB 163, LB 163A, LB 164 and LB 164A. (See page 1695 of the Legislative Journal.) Senator Wesely, further discussion on the motion to return the bill.

SENATOR WESELY: Yes, Mr. Speaker, members, just very briefly, I rise to indicate for the record why it is I'm going to change position today on this bill. I have supported the concept of the state participating in the cost of indigent care. I have worked and led task forces and introduced legislation to this effect, but I've had conversations with the Nebraska Hospital Association about the two-way street we live on and then that two-way street, when additional public tax dollars go into any particular area, it seems to me that an amount of accountability is in order and unfortunately we have had a desire on the part of the hospitals in particular to ask and request for Medicaid increases, for this legislation on indigent care reimbursement and additional public monies, but when requested to participate in different health care cost containment initiatives they object and block every effort we make practically. For instance, I remember last year on certificate of need their efforts blocked my concerns about certificate of need and that process to contain costs was weakened dramatically as a result of legislation promoted by the Hospital Association last year. This year we have a health care cost data bill that has got the support of a number of different organizations and interests with the exception of the Hospital Association and they are working very hard, as you all know, to block that piece of legislation. If we were able to pass that, if we were able to work with them on the cost containment side of things, I very much support the work of Senator Lynch and those in support of LB 187. The concept is valid. The state should take a responsibility in this area, but before further monies get spent in this field or any other field that go into the hospitals in particular in this state it seems to me appropriate to ask those hospitals to work with us, the public, the taxpayers, the Legislature, to try and deal with the cost issue, the cost containment problem that we have across the State of Nebraska and across this country. And as long as the hand is out to receive the money but there is no assistance whatsoever to help us deal with the cost of this, I, for one, feel unable to support further funding in this manner. I would want to add that in some of the data, in some of the information we have

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LB 163, 163A, 164, 164A, 187, 187A, 259  
259A, 260, 260A, 272A, 313, 313A, 338  
488, 488A, 503, 503A, 520, 520A, 536  
567, 567A, 662, 898, 899, 1031, 1125  
1126, 1170, 1220

morning visiting in the south balcony. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 520, LB 520A, LB 567, and LB 567A. Senator Lynch, please check in. Senator Byars. Senator Schimek, please. Senator Labedz. Members will return to your seats for a roll call vote. Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1713-14 of the Legislative Journal.) 14 ayes, 33 nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: Motion fails. Mr. Clerk, have you a priority motion?

CLERK: I do, Mr. President. May I read some items?

SPEAKER BARRETT: Proceed.

CLERK: Mr. President, amendments to be printed to LB 338 by the Health and Human Services Committee. (See pages 1714-17 of the Legislative Journal.)

Messages that bills read on Final Reading this morning have been presented to the Governor. (Re: LB 1031, LB 1125, LB 1170, LB 536, LB 1220, LB 1126, LB 898, LB 899, LB 163, LB 163A, LB 164, LB 164A, LB 187, LB 187A, LB 259, LB 259A, LB 260, LB 260A, LB 272A, LB 313, LB 313A, LB 488, LB 488A, LB 503, LB 503A. See page 1714 of the Legislative Journal.)

And LB 272A has been reported correctly enrolled, Mr. President. That is all that I have.

SPEAKER BARRETT: To the motion.

CLERK: Mr. President, the first motion, Senator Hall would move to recess until one-thirty, Mr. President.

SPEAKER BARRETT: You have heard the motion to recess until one-thirty. All in favor say aye. Opposed no. Carried. We are recessed.

RECESS



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LB 163, 163A, 164, 164A, 187, 187A, 503  
503A, 520A, 536, 662, 662A, 678, 678A  
898, 1031, 1126, 1170, 1220

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day, Pastor Jim McGaffin of the Victory Outreach in Omaha. You might be interested to know that his father was the Chairman of the Board of Nebraska Education TV at one time and he was also News Director of WOW-TV. Would you please rise for the invocation by Pastor McGaffin.

PASTOR MCGAFFIN: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Pastor McGaffin. We appreciate your being here. Roll call, please. Mr. Clerk, please.

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Thank you. Do we have any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: Do we have any messages, reports, or announcements?

CLERK: Mr. President, I have received a series of veto messages from the Governor, specifically a veto message on LB 163 and LB 163A, LB 164 and LB 164A, LB 187, LB 187A, LB 503, LB 503A, LB 520A, LB 536, LB 662, LB 662A, LB 678, LB 678A, LB 898, LB 1031, LB 1126, LB 1170, LB 1220. All of those messages will be placed in the Journal, Mr. President. (See pages 1912-25.) That is all that I have.

PRESIDENT: Thank you. How about the confirmation report, Transportation Committee.

CLERK: Mr. President, confirmation report offered by Senator Lamb is found on page 1852 of the Journal.

PRESIDENT: Senator Lamb, please.

SENATOR LAMB: Mr. President and members, the Committee on Transportation reports favorably on a number of appointments. We have three for the Board of Public Roads Classifications and Standards. They are Marvin Athey, William Lindholm, and Robert Stutzman. There were no negative votes for those appointments.

PRESIDENT: Thank you. The question is, shall the veto on LB 187 be overridden? All those in favor vote aye, opposed nay.

SENATOR LYNCH: Mr. Chairman, if I could, why don't we just check in...

PRESIDENT: Yes.

SENATOR LYNCH: ...and have a roll call vote in regular order?

PRESIDENT: Okay. Please record your presence. Senator Scofield, please. Thank you. Senator Bernard-Stevens, please. Senator Conway, Senator Schmit. We're waiting for Senator Schmit. Roll call vote has been requested and the question is, shall the veto on LB 187 be overridden? All in favor vote aye and opposed nay. Mr. Clerk, roll call.

CLERK: (Roll call vote taken. See page 2042 of the Legislative Journal.) 25 ayes, 23 nays, Mr. President.

PRESIDENT: The motion fails. LB 1126, please.

CLERK: Mr. President, Senator Wesely would move that LB 1126 become law notwithstanding the objections of the Governor.

PRESIDENT: Thank you. Senator Wesely, please.

SENATOR WESELY: Yes, Mr. President, and members, LB 1126 deals with Medicaid personal care aides. These individuals care for the disabled in their home and provide assistance so that they can live independent and healthy lifestyles. These individuals are physically handicapped, by and large, and have the need of assistance to get out of bed, get their clothes on, to bathe themselves, to eat. Personal hygiene, grooming, other types of things, just everyday types of needs that we all take for granted these individuals cannot perform and so personal care aides come in to assist them. This legislation was a part of a study of a task force shared by Senator Lynch on caregiving that resulted in a number of recommendations and the bill was introduced by the Health and Human Services Committee and referenced to the Appropriations Committee. The original bill called for about a million and a half dollars in expenditures to provide for a number of different improvements and reimbursement in a similar area that caregiving has a great need of.

Caregiving is that service of providing assistance to the elderly for children, for the handicapped, for disabled, and we find in this particular area that personal care aides are getting paid very poorly. They get 3.35 minimum wage that will be going up here shortly but we would like to take them to \$5 an hour, if they have completed training. The cost of this is about \$180,000. The first year of that brings in about \$300,000 in federal funds. It goes down in cost in General Funds to 149,000 the next year and then 250,000 of federal fund. By not providing adequate reimbursement to these individuals, you have the likelihood of these disabled individuals going into home health care agencies which cost much more nursing home care. And so, in fact, this is a cost effective way to meet their needs. It's also a humane way to meet their needs. These individuals are unable to care for themselves. They need to have this assistance and this reimbursement is woefully inadequate. So I think it's cost effective and in addition this is a much smaller version of the bill, LB 1126 would have cost much more than this, but this was picked as the highest need by the Appropriations Committee and we went along with that delineation, bringing it down to this level. Certainly, we can at least do this much to help in the caregiving for these individuals. There was a young man who was getting a hold of me and was in the back of the room on crutches who is desperately in need of this assistance, as there are many other individuals across the state, faceless and voiceless. But, hopefully, you will listen to them and care about them and vote for this assistance so that they might continue to have individuals helping them who will do a good job, provide them with the dignity that they deserve. With that, I would ask for your support for this override.

PRESIDENT: Thank you. Senator Warner, please, followed by Senator Byars.

SENATOR WARNER: Mr. President and members of the Legislature, Senator Wesely has outlined pretty clearly what the action of the Appropriations Committee was on this and what the initial cost, as well as the initial services that would have been provided. Personally, I think this is a modest amount of money relative to the total problem. And I also believe that the kind of care that is provided and would be reimbursed from these are for individuals where most certainly it ought to be done. And I would hope that the body would override this veto in order to make some small adjustment in the salaries for those people who

provide that personal care.

PRESIDENT: Thank you. Senator Byars, please.

SENATOR BYARS: I don't speak often and I always speak briefly. I believe this is good legislation. I think it's very well deserved and very needed legislation and I would urge your support.

PRESIDENT: Thank you. Senator Wesely, would you like to close? No closing. The question is, shall the veto on LB 1126 be overridden? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 2042-43 of the Legislative Journal.) 38 ayes, 0 nays, Mr. President, on the motion that LB 1126 become law notwithstanding the objections of the Governor.

PRESIDENT: The veto on LB 1126 is overridden. The one you have all been waiting for, LB 1059.

CLERK: Mr. President, Senator Withem would move that LB 1059 become law notwithstanding the objections of the Governor.

PRESIDENT: Senator Withem, please.

SENATOR WITHEM: Thank you for the editorial introduction there, Mr. President. I do appreciate that. I will be opening somewhat briefly. I don't think there is a lot that hasn't been said about 1059. Then Senator Moore will be closing and if there is anybody obviously that wants to speak in the middle, they certainly will be able to. Just going to hit on a few points that I think you ought to remember. If there is anybody in here that is undecided on which button they're going to push, just a few things to think about before you push that button. First question is, what's going to happen if LB 1059 does not pass? No secret, we're on the 60th day, no secret, there is no other school finance property tax measure out there. What's going to happen if 1059 doesn't get overridden? Number one, and most importantly I think, we're going to continue the inequitable educational funding system we have in our state. If students are lucky enough to live in districts that have a lot of property, they're going to have lots more opportunities available to them than are students that live in districts

April 9, 1990

LB 42, 42A, 163, 163A, 164, 164A, 503  
503A, 536, 834, 843, 843A, 1004, 1004A  
1031, 1043, 1059, 1059A, 1126, 1170, 1222  
1222A

employee is 21, State Patrol is 21, other school employees in Omaha, no age limit and the judges are no age limit. So, therefore, I would ask that you override the veto of 834. It doesn't cost any more money. It doesn't cost any money. It will keep young people in Nebraska. It will want them to help work for the state and do a good job for the state and I ask for your override. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Discussion? Senator Elmer, followed by Senator Schellpeper.

SENATOR ELMER: Thank you, Mr. Speaker. To be very brief, and Senator Haberman said it and said it well, all private businesses are required to allow their employees to participate when they're 19. I think the state should go at least as low as 20 to give consideration, allow these young people to accumulate a little more for retirement. It's not going to cost the state any money. I would urge your override. Thank you.

SPEAKER BARRETT: Thank you. Senator Schellpeper.

SENATOR SCHELLPEPER: Thank you, Mr. Speaker, and members, I also rise to support this override. We have some very dedicated employees in this state and I think this is just another thing we can do for the employees. So I think Senator Haberman said it all and I would just move for the override.

SPEAKER BARRETT: Thank you. Anything further, Senator Haberman? If not, the question is, shall LB 834 be overridden? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See pages 2054-55 of the Legislative Journal.) 31 ayes, 0 nays, Mr. President, on the override of LB 834.

SPEAKER BARRETT: LB 834 is overridden. And let the record show that the Chair is certifying that the Legislature has overridden the following vetoes, notwithstanding the objections of the Governor, LB 834, LB 1043, LB 1222 and LB 1222A, LB 1170, LB 1004 and LB 1004A, LB 843 and LB 843A, LB 1059 and LB 1059A, LB 1126, LB 11...excuse me, LB 536, LB 42 and LB 42A, LB 164 and LB 164A, LB 1031, LB 503, and LB 503A, LB 163 and LB 163A, and LB 834. Anything for the record at all, Mr. Clerk?