

February 7, 1989

LB 35, 166, 187A, 194, 353, 354A, 362A
LR 26-28

in favor say aye. Opposed no. Carried, the bill is advanced.
LB 166.

CLERK: I have E & R amendments to 166, Senator.

SPEAKER BARRETT: Mr. Chairman.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 166 be adopted.

SPEAKER BARRETT: Shall the amendments to 166 be adopted? Those in favor say aye. Opposed no. Ayes have it, motion carried, they are adopted.

CLERK: Nothing further on the bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 166, as amended, be advanced.

SPEAKER BARRETT: Shall LB 166, as amended, be advanced? All in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. LB 353.

CLERK: LB 353, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 353 be advanced.

SPEAKER BARRETT: Shall LB 353 be advanced? Those in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. Thank you. Mr. Clerk, for the record.

CLERK: Mr. President, new resolutions. (Read brief descriptions of LR 26-28 for the first time. See pages 632-34 of the Legislative Journal.) All three of those will be laid over, Mr. President.

New A bills. (Read LB 187A, LB 354A and LB 362A by title for the first time. See pages 634-35 of the Legislative Journal.)

Mr. President, your Enrolling Clerk presented to the Governor, as of ten fifty-nine, bills read on Final Reading. (Re: LB 35,

about so that I can consider along with this your priority, as well as this one, and we can come to some meaningful and fair resolution at the time we decide how much money we are going to spend and how it should be spent. So I would ask, hopefully, for your support and allow this bill to proceed to Select File.

PRESIDENT: Thank you. The question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 4 nays, Mr. President, on the motion to advance LB 187.

PRESIDENT: LB 187 advances. LB 187A.

CLERK: Mr. President, LB 187A by Senator Lynch. (Read title.) I have no amendments to the bill, Mr. President.

PRESIDENT: Senator Lynch, on your 187A.

SENATOR LYNCH: Thank you, Mr. Chairman, if I can find the A bill information here. Mr. President and members, as you know how A bills work, they are just like all the other bills. If this A bill, for example, were not allowed to proceed to Select File, we could, in fact, wind up with the bill but no money to fund it. So the same, without repeating it all over and over again, the same justification for allowing the A bill to continue is as important as the bill, itself, so that, in fact, those priority things we talked about can be justified. In the case of the A bill, though, I would like to suggest that in Section 1 where it provides for \$577,000 from the General Fund for administration and nine hundred and some thousand in July 1, 1990, when the bill goes into effect, by the way, July 1, 1990, I am concerned with those numbers. And I know something about what it takes to process claims, and this is a very, very large amount of money to process this amount of claim and work in this amount of money. I had the chance, Laurie and I had the chance this morning to sit down with Mary and somebody else from the Fiscal Office to try to determine these costs and, apparently, what the Fiscal Office is trying to do is to merge the administration of a program like this into a data system they call the MMIC data system. Now I am not quite sure if that is the best alternative or not but, apparently, it is a system that would be compatible that is going to be in that brand new building that we are building across the street that cost a few

million bucks to build, and, in fact, I am concerned that the process used or the reasons to justify the funds in the A bill for administration indicate that maybe the people who suggested the administrative cost don't quite understand. If you are a private insurance company, for example, or if you are a claims processor or a broker, and you charge more than 6 or 6 1/2 percent, some as little as 3 percent, for administering the claims, all those people at data systems, as well, all of them can process programs, some very different from the other within the same company, sometimes on the same system, if you charge any more than 6, you are not going to get the business. So it is strange to me that, for example, it would cost the state much more than that to process and, in fact, administer this program. So even though the A bill does include that cost, I just want you to know that I am not satisfied yet with it. I told the people I talked to in the Fiscal Office about that dissatisfaction. We are going to have to do some more work. Simply put, I would appreciate very much if you would allow the A bill to proceed through the process as well. Give me a chance to discuss with them what real administrative costs exist. They have space, for example, in there. I understand \$7 a year per square foot doesn't seem like much, but if each employee by their standards say needs 35 square feet, that is a heck of a lot of money a year for one person in space that probably could be available, especially in greater Nebraska. You have been in your courthouses. There is some space available out there where people could, in fact, come in on a periodic basis, work, and administer this program. Simply put, I am concerned about the A bill projected costs. I am not sure they are realistic. I stand corrected if I am wrong, but I need much more information to justify that. Simply put, without spending a lot of time, you understand the bill. I appreciate the courtesy you showed to everybody involved with the process and the system and I would, hopefully, ask for your support for the A bill to also continue through the process and ask for your support. Are there any lights on, Mr. Chairman?

PRESIDENT: Yes, sir, one, I think. Senator Korshoj, please.

SENATOR KORSHOJ: Mr. President and members, I had a question I wanted to ask Dan.

PRESIDENT: Senator Lynch, please.

SENATOR KORSHOJ: And he probably doesn't know the answer, and I

did vote for the bill. What I was wondering, can you tell me, how do counties budget for indigent care today? Do they just grab a figure in the air?

SENATOR LYNCH: Yeah, they hope that they won't have to spend probably any more than they did the year before, Frank, but they never know. If someone, as described by Senator Elmer, walks in off the street and they are indigent and they wind up with pneumonia and you can't prove a residency, and you can't prove they have any third-party payment, they are not on Medicare or Medicaid, then they are yours. If they are in your jail, they are yours, and that could wind up, if you have got a five or ten thousand dollar bill, that is something it is hard for you to budget for and you never know. So they just hope against hope that they won't have a serious health care cost problem.

SENATOR KORSHOJ: I can ask my county, but do you think they use an average of what they have spent the last few years maybe?

SENATOR LYNCH: Yeah.

SENATOR KORSHOJ: I am trying to put it in perspective to what will it do to the property tax relief, and it is not a property tax relief bill, I understand that. What I just wonder, then will they take this money and find someplace else to spend it? Will there be a possibility of some tax relief in a big county like Douglas or Lancaster?

SENATOR LYNCH: I would sure hope so but, you know, how politicians are, they always give back to the voters any kind of property tax relief money like this. You and I can't say that they actually are going to do it, and I would be completely honest and frank about it, you know that and I know that, but, in fact, what this does provide is a source of funds that the county does not now have to provide that should, in fact, recover money that maybe the county needs for some other unmet need. I am not sure, a lot of them are at their limit, their spending limit, and so I can understand. A lot of them I know have not had salary increases for years and years, so I can't tell you county by county how it will work, but I do know that this, in principle, is, in fact, a property tax relief funding proposal.

SENATOR KORSHOJ: I agree with that. I do have a lot of problems with the \$12 million, but you are going to work on

that, right?

SENATOR LYNCH: Yes, sir.

SENATOR KORSHOJ: Thank you. That is all.

PRESIDENT: Thank you. Senator Scofield, followed by Senator Wehrbein, please.

SENATOR SCOFIELD: Mr. President and members, I want to stand up and kind of pick up where Senator Korshoj left off I guess. I agree with Senator Schellpeper on this. This isn't to me a property tax bill. This is a health care bill. You ought to vote for it because you think it is the right thing to do in terms of addressing health care needs in the state. We shouldn't kid ourselves to think that this is significant property tax relief. It just simply cannot be viewed that way. The other thought that I had as the discussion has progressed, and if I can catch Senator Lynch's attention, I might have a little discussion with him for a minute. Senator Lynch, I would like you to respond to this, but as I was listening to your comments, I had to agree that you are absolutely correct, none of us, including even those of us in the Appropriations Committee, have a complete idea of what all of those items, if you will, that are out there on the cafeteria yet that we might want to pick from, and you probably noticed that I voted no on your bill. However, I will be voting yes on the A bill because the body has said I want to move it now. I don't want to wait. And that is legitimate and I will move the A bill with it. Would it be a useful tool, I guess you got me to thinking with your comments, would it be a useful tool, since I have been on the Appropriations Committee, this is the first year we have ever really had the luxury of maybe thinking about doing a little bit more than usual, would it address some of your concerns if, for instance, we put out what...an early summary sheet. You know towards the end of the game, usually we list those bills that have advanced the last few weeks and you can kind of look and see what the tickets are on those, once they have advanced out of committee, but maybe just because it is a little harder I think to manage in a year when you have a surplus rather than a year when you are looking a deficit in the face, maybe it would be appropriate to put that out so that it would help all of us start to make those decisions. Is that...do you think that is a good idea, Senator Lynch?

SENATOR LYNCH: Yeah, Senator Scofield, I would appreciate that very much. That would be helpful. One time I suggested that the Appropriations Committee should be made up of only the chairmen of the Standing Committees, and that all the agencies of state government should develop their budgets through the Standing Committees so that many more people understood what was being spent out there, and the priorities, as they considered other bills that relate to that agency and their priorities, and then make the recommendation that the...that chairman make the recommendation for that agency of state government as a member of the Appropriations Committee. That would just crank more people in the process and do something to solve the kind of problem you have. But what you suggest would be very helpful at this time for us to understand and I appreciate that.

SENATOR SCOFIELD: Thank you, Senator Lynch. I will see what I...I think the committee is responsive to that notion and I guess with that I will just say I am going to vote to advance your A bill, but, again, I want to reiterate, I guess, my tone and recognize the difficulty of individuals compiling that information right now, but it really is time for us to start setting our individual priorities and start saying how much money am I going to decide is out there? Am I going to vote for a tax increase or am I going to create enough of a problem that I am willing to back it up with voting for one of the sales tax increase bills that are out there, whatever, and start setting your individual priorities, because we are just going to have to do that now. The time is now to start thinking that way, and I will do my best to make sure you have information on that, and I know the committee will be interested in doing that. As I said, it is different when you have got a little bit of a surplus and we are going to have to work together on this if we are going to resolve this in any kind of humane and peaceful fashion at the end of this session. Thank you.

PRESIDENT: Thank you. Senator Wehrbein, please, followed by Senator Nelson.

SENATOR WEHRBEIN: Mr. President and members, I guess I will continue on a little bit about this discussion. It has been one of my frustrations that it is hard to put all this picture together on all the expenses that we have, and perhaps in the Appropriations Committee, we do see some of them that the rest of you don't. I voted to advance this bill against my better judgment in terms of the money but I do believe it needs to be

hung out there, if you will, to have as something that we can look at as time goes along. One of the problems I see, and I don't think many of us appreciate the problem that counties, in particular, with a mill levy limit have in facing some of the responsibilities that they have, and so it is easy to mandate programs there as has been the case over the years, much as the federal government is really doing to us at the state level, and then saying, now, we know better, you must do this kind of program, and it is up to you to figure out where the dollars come from. This is nearly one of those issues. We know that we need to have amount of care for the medically indigent. This is not the problem. The problem is how do we pay for many of these programs that are mandated, and this is one of those issues. Then we say, well, where is the state going to come up with the \$12 million, and I am simply submitting to you that as time goes along we are going to have to face many of these issues as we care for the elderly, as we try to support our education that should be done over the next five or 10 years, we are going to have to decide where are we going to have this money come from. Obviously, property tax has been talked about a lot in this session and it will be, but I think that we are going to have to recognize the fact we are going to have to increase the sales and income tax if we continue to put out these programs that we want, and from my viewpoint, we are going to have to figure out a way then to be sure that we don't...that we, I don't want to use the word "freeze" but we have got to do something to stop the property tax increase at the same time. So, as I voted for this to have it out there, I think it is we have got to recognize the burden we are putting on those entities that have a mill levy limit. They have nowhere to go. Then what are we going to do. So we need to keep in mind that we are going to have to be prepared to raise our own sales and income tax to do this. If that is what you want to do as we fund these programs, then I think we are going to have to be prepared to do it because I don't see any long-term surplus in our state treasury as we are facing it right now. We may have some extra funds right now but I don't see that they are sustainable. I think we need to keep the balance in mind and perhaps it is publicly time to state what some of our priorities are. Some way we need a forum, and I guess this is the place to state what or where are we going to put our emphasis, and perhaps we need to be talking about these issues each time they come up, and see if we can find that consensus before we come to May 24th and we work all night.

PRESIDENT: Thank you. Senator Nelson, please.

SENATOR NELSON: Mr. Speaker, members of the body, I don't intend to belabor this bill any longer. I think we have spent enough time on it, but I was made privileged to some information and how this count came from. As you know, I mentioned here a little bit ago, a \$6 million cap, and sometimes you get figures real rapid, and this is no exception. The actual count as been counted in the last couple of years, the outpatient and the hospital inpatient, and the total charges billed were \$13.6 million, and the hospital's share was \$4.6 million at 35 percent, and the state's share at 65 percent, \$9 million. So then my question then was back, well, I am quite sure that the doctor maybe that has to absorb some of this fee, it doesn't actually maybe cost him \$24 to serve that patient. Let's cut that in half or two-thirds, so actually they did in arriving at the \$12 million figure, they used 65 percent of the billed charges. So I am not denying those figures and I have no reason to believe that they are not correct. I, too, have to set my priorities and whether or not I could support the bill at that amount of money, but I thought I would share that with the body real quick.

PRESIDENT: Thank you. Senator Owen Elmer, please.

SENATOR ELMER: Thank you, Mr. President. There has been several individuals among the membership that have said this is not a property tax relief bill. I would look at it more in this light. The counties are obligated to take care of these type of individuals that they find out they are unable to take care of themselves. The potential for increasing the property tax to do that is there. This would, at least, address some of that potential liability that those counties may incur. In that respect, it could be viewed as a future curb on increases in taxes in those counties. That is how I view this. Thank you.

PRESIDENT: Thank you. Senator Lynch, would you like to close on your advancement.

SENATOR LYNCH: Well, Mr. Chairman, I appreciate the courtesy and the time that was given by the body to the bill so far. Anything I would say would simply repeat what has been said before. I hope you allow the A bill to proceed along with the bill, itself, to Select File. I would ask for your support. Thank you.

February 15, 1989 LB 39, 48, 187A, 238, 344, 556, 763
LR 31

PRESIDENT: Thank you. The question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 187A.

PRESIDENT: LB 187A advances. May I please introduce the doctor of the day. We have Dr. Richard Hanisch of St. Paul, Nebraska. I believe this is in Senator Rogers district. Dr. Hanisch, would you stand up so we may see you, please. He must be out taking care of somebody. Thank you. Mr. Clerk, something for the record, please.

CLERK: Mr. President, your Committee on Agriculture, whose Chair is Senator Rod Johnson, reports LB 39 to General File with committee amendments attached. (See page 750 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 238 correctly engrossed, and LB 344 correctly engrossed.

A new resolution, LR 31 by Senator Schimek and other members. (Read brief explanation. See pages 751-52 of the Legislative Journal.) That will be laid over.

An Attorney General Opinion to Senator Wesely regarding LB 48, and an Opinion to Senator Morrissey with respect to the Low-level Radioactive Waste Compact Commission, LB 763. That is all that I have, Mr. President.

PRESIDENT: Thank you. We will move on to LB 556.

CLERK: Mr. President, LB 556 was a bill that was introduced by Senator Abboud. (Read title.) It was introduced on January 18, referred to the Judiciary Committee, advanced to General File. I do have Judiciary Committee amendments pending, Mr. President. (See page 562 of the Legislative Journal.)

PRESIDENT: Senator Chizek, please.

SENATOR CHIZEK: Well, Mr. President and colleagues, the committee amendment is on page 562 of the Journal. The committee amended it to ensure that the language that governs

February 16, 1989 LB 183, 187, 187A, 214, 214A, 332, 421
433, 516, 556
LR 30

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to this, the one-third mark, the 30th day in the life of the first session of the ninety-first Legislature. Our Chaplain this morning, Harland Johnson. Please rise for the opening prayer.

HARLAND JOHNSON: (Prayer offered.)

SPEAKER BARRETT: Thank you, Harland. Roll call.

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

SPEAKER BARRETT: Thank you. Any corrections to the Journal?

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any announcements, reports, or messages?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 187 and recommend that same be placed on Select File; LB 187A, LB 556, LB 421, LB 516, LB 214 and LB 214A, all on Select File, some having E & R amendments attached. (See pages 765-66 of the Legislative Journal.)

Mr. President, LR 30 is ready for your signature.

I have an Attorney General's Opinion addressed to Senator Lamb regarding LB 183. (See pages 766-68 of the Legislative Journal.)

I have amendments to be printed by Senator Haberman to LB&187; Senator Kristensen to LB 332 and, Mr. President, a motion from Senator Wesely to place LB 433 on General File notwithstanding the committee action. That will be laid over. And that is all that I have, Mr. President. (See pages 768-69 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 30. (See page 769 of the Legislative Journal.)

Members will please return to their seats in anticipation of Final Reading. As a matter of interest, LB 198 will not be read

March 2, 1989

LB 187A

on to LB 187A.

CLERK: Mr. President, I have no E & R amendments. I do have an amendment to the A bill from Senator Lynch.

PRESIDENT: Senator Lynch, do you want to take up your amendment first? (Lynch amendment appears on page 953 of the Legislative Journal.)

SENATOR LYNCH: Yeah, I know it has been passed out. It's amendment number, whatever it is, 0685. It's from the fiscal office readjusting the numbers in the fiscal note and I'll read it because it's...I'm not even sure what it does. It does lower the costs on the administration and raises, I think by \$130,000 or over 50, whatever it is, the cost of the health care in the second year. But I'm not sure I'm agreeing with it, but I'll offer it and introduce it because the fiscal office says you should do this, so that's what I'm doing, folks. In Section 3, since an emergency exists, this act shall be in full force to take effect, from and after its passage and approval, and according to law. On page 2, line 3, strike "and 28-320" and insert "28-320 and 28-320.01", and I know you all understand that and would move the adoption of that fiscal office's amendment.

PRESIDENT: Any further discussion?

SENATOR LYNCH: Hold the phone, Mr. President. Mr. Chairman, can you...we would have amended another bill if we accepted that, so let me read this one instead.

PRESIDENT: You're asking that you want to start over?

SENATOR LYNCH: Well, I guess so.

PRESIDENT: Okay.

SENATOR LYNCH: I, in fact, please forget everything you heard, don't believe it. In fact, somebody gave me a certificate this morning. Maybe the official winner of the National Liars' Hall of Fame, Dannebrog, Nebraska, so it's true. Anyhow, this amendment is on page 2, line 2, strike "\$577,069: and insert \$512,364"; in line 3 strike "946,562" and insert \$846,715"; and on line 11 strike "\$38,978" and insert "\$57,387";' on line 12

March 2, 1989

LB 187A, 421, 556

strike "\$647,943" and insert "\$579,046"; and on line 15 strike "\$10,784,250" and put in \$10,940,650". This is from the fiscal office. I apologize, Mr. Chairman and members, for the confusion. Offer that and ask for your support for that fiscal note amendment.

PRESIDENT: Any further discussion? If not, we're voting on the adoption of the Lynch amendment as lately described. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

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

PRESIDENT: Okay, the Lynch amendment is adopted. Anything further, Mr. Clerk?

CLERK: Nothing further, Mr. President.

PRESIDENT: Okay, on the advancement of the bill, Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 187A as amended be advanced to E & R Engrossing.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 556.

CLERK: Mr. President, 556, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 556 be advanced to E & R for engrossing.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 421.

CLERK: Mr. President, on 421, the first...I have E & R amendments, first of all, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 421 be adopted.

March 6, 1989

LB 187, 187A, 214, 214A, 224, 320, 326
334, 354, 354A, 421, 516, 556, 638

PRESIDENT: The motion fails. Mr. Clerk, do you want to read in some things before we proceed?

ASSISTANT CLERK: Yes, Mr. President. I have priority bill designations from Transportation Committee and Senator Carson Rogers. Government Committee reports LB 638 to General File with committee amendments. Committee on Enrollment and Review reports the following bills correctly engrossed--LB 187, LB 187A, LB 214,...

PRESIDENT: The call is raised.

ASSISTANT CLERK: ...LB 214A, LB 320, LB 326, LB 334, LB 354, LB 354A, LB 421, LB 516, and LB 556. That is all that I have, Mr. President. (See pages 988-91 of the Legislative Journal.)

PRESIDENT: We're back on the advancement of the bill. Senator McFarland, on the advancement of the bill, followed by Senator Chambers and Senator Hefner.

SENATOR MCFARLAND: Yes, I'd like to address some of the concerns that Senator Chambers has raised because he's really overstated, he's misled and he had not apparently read the bill in detail, as he tries to convey to us. Let's just look at one thing. He's alleging that this is going to be a state enforcement procedure, an...

PRESIDENT: The call is raised.

SENATOR MCFARLAND: ...agent for the NCAA. And all it is to do is to protect eligibility of college athletes for the institutions. Well the fact of the matter is that in the part dealing with the noneligible student athlete we say that they cannot be contacted either, unless the sports agent registers with the Secretary of State. Earlier Senator Chambers said, well why should they have to be concerned, if they don't have eligibility, why should they have to be concerned about whether the sports agent registers with the Secretary of State. The reason is we're concerned about all athletes, eligible, noneligible, high school athletes, athletes who may be in professional school or graduate school or whatever. The goal of the bill is to protect athletes from being exploited by sports agents. If you read that particular provision that talks about noneligible student athletes they can be contacted, it's on page 4, they can be contacted if the sports agent is registered.

May 17, 1989

LB 84, 187A, 429, 525, 651, 651A

SPEAKER BARRETT: Thank you. The question before us is the bracketing until LB 739 is read. Those in favor vote aye, opposed nay. Have you all voted? Record. Record vote has been requested.

CLERK: (Read record vote as found on page 2494 in the Legislative Journal.) 15 ayes, 27 nays, Mr. President, on the bracket motion.

SPEAKER BARRETT: Motion fails. Items for the record, please.

CLERK: Very quickly, Mr. President, LB 429, read earlier on Final Reading this evening has been presented to the Governor. I have amendments to be printed on LB 187A, to LB 525, and to LB 651 and LB 651A. (See pages 2494-97 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Next item, Mr. Clerk?

CLERK: I have nothing further at this time, Mr. President.

SPEAKER BARRETT: Back to the bill. Members take your seats. Senator Hannibal.

SENATOR HANNIBAL: I move we adjourn until eight o'clock tomorrow morning.

SPEAKER BARRETT: You've heard the motion offered by Senator Hannibal to adjourn until eight o'clock. Request for machine vote. All in favor of the motion to adjourn, please vote aye, opposed nay. Record, please.

CLERK: 11 ayes, 25 nays, Mr. President, on the motion to adjourn.

SPEAKER BARRETT: Motion fails. Mr. Clerk.

CLERK: Mr. President, I have a bracket motion by Senator Hannibal until Friday, May 19, until 1:30 p.m.

SENATOR LAMB: Mr. President, was that motion up there before?

CLERK: Senator, it was.

SENATOR HANNIBAL: I heard there was nothing else on the bill,

I'll support it and hope the body goes along with it.

SPEAKER BARRETT: Senator Rod Johnson, please.

SENATOR R. JOHNSON: I'll pass on this amendment.

SPEAKER BARRETT: Thank you. Any other discussion? If not, any closing, Senator McFarland?

SENATOR McFARLAND: I'd just move to return the bill for purpose of the amendment.

SPEAKER BARRETT: Thank you. Those in favor of that motion vote aye, opposed nay. Record, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: The bill is returned. Senator McFarland.

SENATOR McFARLAND: I'd just move that we adopt the amendment.

SPEAKER BARRETT: Thank you. Any discussion? Seeing none, those in favor vote aye, opposed nay. Please record.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of Senator McFarland's amendment.

SPEAKER BARRETT: The amendment is adopted. Senator McFarland.

SENATOR McFARLAND: I'd move to advance the bill...readvance the bill.

SPEAKER BARRETT: Thank you. Machine vote has been requested. Those in favor of the readvancement of the bill vote aye, opposed nay. Have you all voted? Please record.

CLERK: 25 ayes, 7 nays on the readvancement of LB 177, Mr. President.

SPEAKER BARRETT: The bill is readvanced. LB 187A.

CLERK: Mr. President, on 187A, I have a motion from Senator Lynch. Senator, I have two amendments. The first, I understand, AM1890 you want to withdraw, is that correct,

May 19, 1989

LB 44, 187A, 525

Senator?

SENATOR LYNCH: Well, Mr. President, Chairman and Mr. Clerk, I'd like to ask unanimous consent, if I could, to have permission to withdraw, yeah, and substitute another amendment. Withdraw 1890 for 1934. (The Lynch amendment appears on pages 2598-99 of the Legislative Journal.)

SPEAKER BARRETT: Insert 1934?

SENATOR LYNCH: Yes, sir.

SPEAKER BARRETT: Any objection? So be it. Senator Lynch.

SENATOR LYNCH: Mr. President, members, I'd ask permission to return this bill for this amendment. I don't intend to take a lot of time. We have an awful lot of other important legislation, everybody said that. I'll try to absolutely do it. The only difference between the original amendment that was substituted and 1934 was the section that states that the operative date for the parts of amendment which don't appropriate funds is July 1, 1990 now. May or may not remember that this is the indigent health care bill. Just so you understand, I did support LB 525 after receiving some numbers from the Department of Social Services indicating how the funds would be developed for physicians and for hospitals for the reimbursement for the Medicaid patients. It was obvious that it made some sense to use almost \$4.5 million to have it matched 60 percent with federal funds and accomplish a \$12 million goal. Also the re-establishment of how those funds were distributed made sense to help encourage doctors and hospitals to get involved with Medicaid patients and especially reimburse more appropriately family docs and other kinds of physicians. What this bill does, what this amendment does is to delete, from 187, the indigent health care bill, in the second year, in the second year those amount of dollars that were appropriated in LB 525 for physicians and doctors, and reduces the total amount of money from \$12 million down to 7.2. Also, as you know or can remember, hopefully, LB 44 was passed, I'm not sure what kind of fate it may be eligible for in the process that we all understand around here, but the first part of this amendment clarifies that if LB 44 is enacted into law, there is no conflict between LB 44 and LB 187. Under 44, as you, hopefully, or maybe don't remember, prisoners' medical costs are still the county's responsibility. Under LB 187, they would be the

state's responsibility. Under LB 44, the nonmedical is still the county's, and under 187 they still remain the county's. And one of the most important things had to do with the medical incompetent to stand trial folks, who were ordered by state courts, held by counties until trial. Under LB 44, that would become the state responsibility. Under 187, it was, in fact, the counties'. If 187 passes after 44, which is the only way it could happen, could be interpreted to negate LB 44 and leave these costs with the county. The second thing it does is lowers the maximum cap of the state's liability for medical payments under this bill from \$12 million to 7.2 and, as I pointed out, how that would happen. Can you hear me all right up there?

SPEAKER BARRETT: Just barely, Senator Lynch. (Gavel.)

SENATOR LYNCH: Well, I don't care if anybody listens so much, I just want to be able to hear myself is all. Sounded like it was pretty good conversation, too, by golly. Probably a lot more interesting than I'm telling you right now. The third thing it does is increases the administration costs in 187 to reflect the increased costs for the amendment that was adopted on Select File which clarifies that the medical costs of county prisoners, which meet the eligibility criteria of this program, are included in LB 187. It assumes 2,520 prisoners will be eligible. In '88-90, start-up for the state and county still would pay the bills, it adds \$49,929; remember, this is an A bill, and for a total cost of \$562,275. Remember, this is administrative and start-up costs. Please don't ask me to explain it because I can't understand how it would cost, in the second year, for example, it adds another 345,165, total administrative costs of \$1,190,880. And that's hard to...and I can't honestly explain why it would cost that much to administer a \$7.2 million program. But that is what the fiscal office says it would be. There is some training, and I've got a list of the people that would be involved. And, lastly, it lowers the appropriations for a hospital and provider payments to the 7.2 million from 12. Please understand the only cost in '88-89 would be administrative. The bill would not be effective until 1990, at which time the 7.2 million would kick in. That's the amendment. I'll try to answer any questions you might have.

SPEAKER BARRETT: Senator Wesely, would you like to discuss the motion to return.

SENATOR WESELY: Thank you, Mr. Speaker, members. I am not

familiar with all the elements of the amendment, but I am familiar with the effort on the 7.2 million. I would rise in support of that. What Senator Lynch is trying to do is recognize, I think, the impacts of LB 525, which Senator Warner and the Appropriations Committee has put forward. The combination of that bill, along with LB 187 and the way it's now structured, will maximize federal funds. One of the things that we have to understand here, and I'll just run through it real quickly, is we are dealing with different populations. LB 525 puts \$4.8 million of state money in, which brings in another \$7.2 million in federal money because it's under the Medicaid program, and that covers individuals that qualify for Medicaid. Above that group, but below the poverty level, are the indigent. Those are the people Senator Lynch is trying to address their medical needs through LB 187, and in that area we don't have a federal program. So there is no federal monies to be maximized or leveraged or matched. And so every dollar we put in is the only dollar we'll be able to get because the federal government has yet to address the indigent care problem. So if we want to get money into the health care providers of the state to help with low income assistance, the sort of combination of directions that Senator Lynch and the Appropriations Committee is taking will maximize federal dollars and still attempt to address the problems of the indigent. So, you know, another example of that, just to give you another case history, was when we were looking at a high risk pregnancy program. Senator Vard Johnson and I passed a bill twice that had been vetoed twice, and then the federal government said, we are going to have a high risk pregnancy Medicaid option. So last year we came in and adopted that option. For every dollar we put in, we got \$1.50 additional money, federal money, so we were able to get more bang for the buck than we put into that program. There was another bill we have pending on Final Reading, LB 354, that would likewise try and maximize that federal money. So all I'm saying is every time we can to help the low income with their health care needs, trying to utilize our dollars to maximize federal dollars is the best way to help those people. And I think Senator Lynch is recognizing that with this amendment and, as a result, I would support it.

SPEAKER BARRETT: Thank you. Senator Ashford, on the motion to return. Thank you. Senator Warner, followed by Senator Moore.

SENATOR WARNER: Mr. President, members of the Legislature, as I understand what is proposed and the combination of the two

bills, well, this one is reduced that if both bills were to be enacted and signed into law by the Governor, together it would be roughly \$12 million of General Fund money. Then in addition to that you would have the federal funds. The concept in LB 525 all by itself, and, admittedly, it's different people served, that certainly is no argument, but the effect in that was putting 12 million into the health care system, generally, different distribution, different people served, but half of which was federal funds and half of which approximately were state funds. So apparently those who were outside of, from what I understood agreed to, was to try and take some of both, most of both I guess is more accurate, and then insert a lid which I'm not sure if that is an entitlement program or not, or at least I don't know who pays if the state doesn't fund it. But my real problem that I'd like to raise before I raise that issue, and I'm doing this on the assumption that it's been checked out, but we're dealing again with an A bill with substantive legislation. And there have been a number of Supreme Court...at least some Supreme Court cases in these areas. What the court has always held, to my knowledge at least, is that the substantive legislation in an appropriation to carry out the chief legislation could properly be considered one subject matter and in one bill. What cannot be done is two subjects, though. It may be a fine line, but a portion of the appropriation for the administration of this would be in the A bill and, in fact, the substantive legislation that authorizes that administration will still be in 187. And you could...you know, there is a perfect excuse not to sign this bill, if the Attorney General would rule that way, or there is the perfect excuse for someone, I suppose, to file a lawsuit, if they chose to, obviously, the benefactors wouldn't. But it's a substantive enough issue that I guess, while I disagree with the bill, Senator Lynch, as we all well know, and I haven't asked this question because I hadn't looked at this and, as you know, I just walked in now, that long before...earlier today. But I'm wondering if someone has really made reasonably certain that they do not have a constitutional problem with two subject matters. I just simple do not know. I have an alternative amendment that I had in mind. I guess my question is, if LB 187 itself was amended, obviously, there was no problem, and that could still be done tonight. If 187A is to be used, I have another alternative which I will tell you what it is, it takes the medical out.

SPEAKER BARRETT: One minute.

SENATOR WARNER: And they would be funded solely with the provisions of 525 and the cap would be reduced from 7.4 or 5 to 6. I would be very hesitant to put that on the A bill by itself. It's the same issue...the issue wouldn't be changed in constitutionality, if there is one, with my amendment, because the damage, if there is any, would already be done. But so that you know, if you do adopt this, it would be my intent to follow with an amendment which would take the medical out and adopt, in addition to that, a cap of only 6 million which is all that would be required to fund the hospital side only.

SPEAKER BARRETT: Senator Moore.

SENATOR MOORE: Mr. Speaker and members, I also rise in opposition to the amendment. In listening to Senator Warner, I agree...I, too, have some concerns about the actual vehicle they're attempting to use. But regar...I think for that reason alone the body should think very seriously about supporting this amendment. Secondly, I don't know, maybe it's just me, but I'm a little dense in...I don't know what exactly it is all we're trying to do. And I've looked at the amendment and looked at some things, and basically I think, as Senator Warner so aptly described, you took the best of LB 525 and 187 and rolled them together. So, instead of injecting \$12 million into the health industry, you're injecting \$19 million. I guess that's similar to the compromise Senator Withem and Senator Kristensen reached, the compromises always seem to jack the ante up, and we're doing it once again here. It's no secret that I'm opposed to LB 187 for a variety of reasons. I, myself, am supporting the provisions in LB 525, and the very simple reason for me is that it took less state dollars to generate about the same amount of money for the health care industry, not the same exact people but the industry in total. And I prefer to do it that way, \$4 million of General Funds and \$8 million of federal matching funds. You're not helping quite the same people, but, yes, in some ways you kind of are. And that is...I, personally, prefer LB 525 in its pure form over 187. And, obviously, the reason I like that is it would save me \$8 million in General Funds. Obviously, the supporters of this measure figured that out and said, yeah, we can still spend \$12 million if we can get the federal match. So I applaud them for being creative, but yet we're defeating the purpose of trying to save \$8 million. So, for that reason as well, I oppose the amendment. But, more importantly, I think there is a serious question on whether or

not this is the proper vehicle and proper method to do it. With that, I simply oppose the amendment.

SPEAKER BARRETT: Thank you. Any other discussion? Senator Lynch. This could represent your closing, if you wish, Senator Lynch.

SENATOR LYNCH: Thank you, Mr. President. We will then make it the closing, to save time. First of all, as you may remember also, while Senator Vard Johnson was here we discussed and worked on, for some years, an indigent health care bill. To be perfectly frank, unbeknownst to me while we were working on the indigent health care bill the Appropriations Committee was apparently working with the doctors and hospitals too on LB 525. I didn't understand that. The alternative offered in LB 525 by the Appropriations Committee is understandable and I endorse that. What is unique is it's great to hear two prominent members of the Appropriations Committee tell somebody on the floor who is not involved with the appropriations process that they think what you're doing is kind of clever, they're not quite sure if it's legal, but it's a wonderful way to go about it, because I feel like we're almost human anymore around here because of that. However, what we're trying to do is to serve a different category of people. For example, the hospitals and physicians, in fact, are still serving people besides Medicaid patients who are poor, the people who are falling through the cracks, the working stiff who is out of a job temporarily, they need help and they take care of them. When we talked about 187, for example, on General and Select File I mentioned, of course, that the medical profession was, in fact, doing their duty, they were taking care of these folks. That problem still exists with or without LB 525. What this would do is by providing this kind of assistance to these medical professionals and institutions, and at the same time helping, in fact, at the county level, provide even more medical assistance which, in the long run, can, in fact, be a cost savings. You hear that about everything when people suggest we spend revenue monies. But the way this amendment is written would mean that we would spend no more than we originally asked to be spent for indigent care in Nebraska. Remember, this would not go into effect until next year, 1990. It would take this fiscal year for the Department of Social Services and, apparently in some cases, the Department of Health to gear up for this responsibility. Remember also that the county's responsibility for general assistance continues and will be maintained. It does not relieve in total the counties'

responsibilities. It does address, in fact, along with LB 44, the problem of maintaining medically incompetent people who are standing trial or waiting to stand trial, and, of course, prisoner medical costs. Douglas County is maybe at an advantage, they can afford it more than some. Douglas County, in fact, traditionally has paid for most of their own, where other counties who have access to state institutions have had the advantage of being able to send folks to those institutions for the same kind of care at state expense. I'm not suggesting this is an urban and rural problem and that we're being mistreated at all. All I'm saying is that across the state there are even greater Nebraska counties trying to cope with this problem. For example, if you're a smaller Nebraska county, and a district judge, a state judge says you shall hold a medically incompetent person until trial, and you're talking in some cases in acute care psychiatric facility, three or four hundred dollars a day, and the trial don't take place for two or three or four months, or is postponed five or six times. That's a problem and it has been traditionally, and is, in fact, a problem for many of those counties. Those are the kinds of problems, that's the kind of people that this amendment would try to serve. Though it would not go into effect until the second year, the cap still remains, we can spend no more than what the bill...original bill provided for. I can't address, because I'm not a lawyer, the constitutionality of all of this. But given the time restraints we have it seemed like this was the only vehicle we had left on this particular day before the session to address this issue and the related costs and offer this compromise to all of you. I'd simply like to suggest that for those of you that may understand...

SPEAKER BARRETT: Thirty seconds.

SENATOR LYNCH: ...and think we should at the same time we provide just matching dollars with federal dollars to take care of some Medicaid problems, we still will not resolve and help the people that could be served by this legislation. And I would ask for your support.

SPEAKER BARRETT: Thank you. You've heard the closing, and the question is the return of the bill to Select File. All in favor vote aye, opposed nay. Shall the bill be returned? Senator Lynch.

SENATOR LYNCH: Mr. Chairman, I can continue to talk until I

think of something to say. I can sing a song that is appropriate about the ill, the sick and the poor. Give me your tired, your poor, your poor county mental patients waiting to be served...(laughter), somehow, somewhere those property taxpayers will find the funds because the state alas fails to. I hope...we need three more. Mr. President, I hate to have a call of the house and I understand the inconvenience of this, and I really regret that, but it's possible, so I would ask for a call of the house. Well,...

SPEAKER BARRETT: A call of the house has been requested. Please record your presence. Senator Scofield, Senator Warner. Senator Schmit, record your presence, please. Senator Robak. Senator Nelson. Senator Weihing. Senator Lamb, please record your presence. Thank you, Senator Lynch. Return to your seats, please, for a roll call vote on Senator Lynch's motion to return the bill. Members are asked to be in their seats during a roll call vote. Proceed, Mr. Clerk.

CLERK: (Roll call vote taken. See pages 2599-2600 of the Legislative Journal.) 27 ayes, 13 nays, Mr. President.

SPEAKER BARRETT: The motion is adopted. The bill is returned. Senator Lynch, on the amendment.

SENATOR LYNCH: Mr. Chairman and members, are there any other lights on?

SPEAKER BARRETT: There is one.

SENATOR LYNCH: One, okay, I'll just wait and listen.

SPEAKER BARRETT: Thank you. Senator Warner.

SENATOR WARNER: I only want to indicate that the other side of the equation at least on the sheets I have, I don't know that it shows, that a part of LB 525, which was...is in the bill is increased aid to counties. That was an issue that was discussed one other time when 525 was being discussed earlier. That was intended to be an offset for the property tax relief that was discussed on LB 187 early on. As I recall, the property tax relief was somewhat indeterminable, but the number I recall hearing was 3.3 or 3.4 million as the most frequent number per year. This bill...or LB 525 was...the first year was 2.6, I think, million, but the second year would be at 4.1, obviously

distributed differently. But I guess all I'm going to say is I would suspect that both will not pass. They may pass, but both will not become law, partly for the cost. I suspect here is where one should make the choice. If this is adopted, I will, obviously, offer the next amendment that I would not have otherwise done on the A bill because I do think it may well jeopardize the bill because of two subject matters. But aside from that, once that's done then it doesn't make any difference because one more amendment will not create any greater problem than would already be there. It was intended to provide a choice for two ways putting in, in total, \$12 million into the health care system and provide some reduction to the counties and their property tax requirements was the option in LB 525. The option that is being proposed to you now is to put in twice as much General Fund money with both being passed, as well as the federal funds. And I still have a lot of doubt in my mind that a cap will be effective. It takes one amendment to a bill to show, and experience I'm sure will show that the 7.5 million is way too low. The Appropriations Committee only became involved in this issue because part of the budget request from the Department of Social Services was increased provider fees, both the hospital and medical. That's how...it came as a budget request. The increase in fees was not included in the Governor's budget, but we did include that in LB 525, and we thought that it was an important thing to do. I still think it was an important thing to do, but I have a question in my mind whether both can be done even at a reduced level with the cap. So I'd urge that you give careful thought to the adoption of the amendment. Most of the problem I'm raising, if the bill itself was used, constitutional issue, it would essentially go away. And I'm sure there are those who feel that they probably don't have to worry about who's going to file a lawsuit. But the one person who doesn't have to file a lawsuit to raise a question is an opinion from the Attorney General.

SPEAKER BARRETT: Senator Moore, for discussion, followed by Senators Langford and Scofield.

SENATOR MOORE: Well, I guess I really can't say much more. We all know that I'm actually opposed to LB 187. And I think by...once again I will compliment Senator Lynch and the folks behind this move, it's clever because you're getting a little more money. I still think you're making a rather large mistake, one, doing it with this measure, and, two, just as we usually do compromising up and spending just more dollars. And Senator

Warner touched on the fact that \$7.2 million...is that...is the cap...the 7.2...would Senator Lynch yield to a question?

SPEAKER BARRETT: Senator Lynch.

SENATOR MOORE: The \$7.2 million is what General Fund appropriated to the...the cap is still \$12 million, correct?

SENATOR LYNCH: Right, the cap is still 12 million.

SENATOR MOORE: Okay, well, that's all, Senator Lynch. I wanted to remind, I think, several months ago when we debated LB 187 I mailed out...sent out to all of you the original premise point of the whole issue of LB 187 was property tax relief. We discovered, of that \$12 million, only 3.7 million was actually expended on property taxes, about 80 percent of which was spent in Douglas County, at least in '87-88. And the other thing is that this is far from a \$12 million problem, according to some experts in the health care field, it's more like a 35 to 40 million dollar problem. And so that \$12 million cap, though I think it's put there in good faith, is going to go nowhere but up. We're buying into a very expensive program in the future. But, really, that's to the bill itself. I'll make those arguments again with you when we debate the bill, before we read it but, for the reason Senator Warner has mentioned, I think you're jeopardizing the whole bill, the whole issue, by the constitutional problems you raise by doing it this method. So I still oppose the amendment.

SPEAKER BARRETT: Thank you. Senator Langford.

SENATOR LANGFORD: Mr. President, I'm going to surprise everybody and talk. Actually, I was a little amused by Senator Lynch talking about Douglas County having all that money that it wasn't going to be that important for them, but some of the rural counties didn't have that much money. It was interesting to me because Buffalo County now budgets \$200,000 a year for indigent care and they never spend that amount. So, actually, I would say that it is not nearly as important for the rural counties as it is for the 80 percent in Douglas County. We use...we used in LB 525 funds that would bring match from the federal government, because this gives us more money to spend on health care. So I would ask you to very carefully think the benefits to your own area when you vote for this bill. Thank you.

SPEAKER BARRETT: Senator Scofield, followed by Senators Wehrbein and Lynch.

SENATOR SCOFIELD: Thank you, Mr. President and members. I would certainly echo the point Senator Langford just made in terms of thinking about what kind of trade-off we have made here. And let me reiterate once again that the Medicaid money that is in LB 525, where there is 5.5 million for increases to the hospitals...or to the doctors and additional money in there, that is General and federal together, \$2.5 million General. Let me remind you that the reason we did that is because it's a lesser investment of General Funds and it generates federal funds, and, furthermore, there is a difference here in terms of Medicaid and when that kicks in and when the indigent health care would kick in. Indigent health care, I believe, kicks in in 1991, Medicaid starts in '90. So not only are we investing state dollars in a way that we generate federal dollars, but also it's going to get more money into the system quicker, which I think is good policy, particularly in light of I think what is the very real possibility that both of these aren't going to go. The other point that I would also reiterate is again there is quite a variation from county to county, again, in terms of what their needs are for indigent health care. And we are taking a major step, if we decide to go this route, in terms of the state once again taking over responsibilities. Let me just read you a list here in which there are states, in which the counties still have the sole, legal responsibility for indigent health care. Those states are Arizona, California, Florida, Georgia, Idaho, Iowa, Louisiana, Michigan, Missouri, Montana, Nebraska, Nevada, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota and Utah. So, this isn't exactly...Nebraska isn't exactly hanging out there all by itself. But I think in terms of doing the most we can with the money we have available this year to get money quickly, inject it into the health care system and out there to serve as many people as possible, that the option in LB 525 not only contains, as Senator Warner already pointed out, state aid to counties, but also money which will generate significant federal funds is really our better option. There were, in fiscal year '88, 87,000 Medicaid clients receiving physician services, 20,600 receiving inpatient hospital services. I don't mean to be, I guess, uncaring about the indigent population, it is much smaller, but my rationale here is that I think if we put this kind of money into the system, plus the state aid to counties, it's a lot more

reasonable to expect them to continue to be able to deal and deal with that indigent population without, again, increasing the state's exposure. So I would urge you to think very carefully about these choices. My choice, obviously, is that in LB 525 which injects money into the system sooner and generated a lot more federal money. Thank you.

SPEAKER BARRETT: Thank you. Senator Wehrbein.

SENATOR WEHRBEIN: Mr. Speaker, members, I'd like to ask Senator Lynch a question, please.

SPEAKER BARRETT: Senator Lynch, would you respond.

SENATOR LYNCH: Certainly try, yes, sir.

SENATOR WEHRBEIN: Just a quick question. I didn't catch, how much money are you taking from General Funds to accomplish what you're trying to do in this amendment?

SENATOR LYNCH: \$7.2 million in 1990 and '91.

SENATOR WEHRBEIN: So it's 7.2. Thank you.

SENATOR LYNCH: Plus whatever the administration cost is for the administration of that money.

SENATOR WEHRBEIN: Okay, thank you. I just wanted to call to attention, if you go back to LB 525 once again, the 2.1 million one year, 3.2 million another year for the...to Social Services for noninstitutional medical providers, another 2.6 from the General Fund, 4.0 million dollars for rate increase for hospitals, 2.256 for counties first year, 4.3 for counties the second year, this is on top, and then we'll add to this the 7.2 million. So there is a lot of money going through these two bills for similar or potentially similar programs, or they could be used for these programs. It's just another way that we are running up the budget a few million at a time, and I'd just like to call your attention to that. LB 525 is already going along. This is going to add to our General Fund quite an additional amount.

SPEAKER BARRETT: Senator Lynch, please.

SENATOR LYNCH: Mr. President and members, I'll try my best to

answer most of these concerns, not necessarily in the order of importance or because I like one member of the Appropriations Committee better than another, but as I can think of them in order. Senator Scofield read from this document. This document is wrong. This document is right. I'm not going to take the time to read, because I'm on my time. All of these things where it said the county has sole responsibility, operates in a different kind of standards and state laws than we operate from in Nebraska. There are, in fact, only four states in the country, four states that mandate the counties pay any part at all of the indigent health care issue, and I'll get into more detail, if we have to. Secondly, as far as the trade-off is concerned, I do understand, and you folks should understand as well whenever an agency of state government comes into the Appropriations Committee with the recommendation, like they did, in this case for a Medicaid readjustment, funds to be matched with federal funds and then changing the formula for reimbursement for the docs, that doesn't come before the Health and Human Services Committee, obviously. It only goes to Appropriations. But, quickly, I want to point out that's one of the problems with the system, you see. At the same time, in Health and Human Services we were talking about indigent care, the Appropriations Committee was talking about a trade-off already and it's in the trailer bill, and we didn't know anything about it. I didn't try to create this problem or cause it, believe me. And I don't want to cause anybody any misery, I support LB 525. But remember that, remember that, and that can happen to any standing committee. As far as the kick in, the kick-in in 1990 and '91, is intentional. We never did intend to fund LB 187 in 1989-90, because we were told by the Department of Social Services it would take at least a year to gear up to administer this kind of legislation. Secondly, as far as the...again, as far as the concern is about regarding the problem with some constitutionality, everything in this bill addresses the same subject, indigent care. Now the numbers change because, obviously, we went from 12 million to 7.2. I'm not a lawyer, again, but I don't think that that should be a problem. I understand maybe the dilemma and frustration of the Appropriations Committee, but this is probably as good an example as we had for years around here where what we're doing in one building, part of the building at the same time we're doing something else in another part of the building, we're both trying to do the same thing and the whole problem becomes complicated. What we simply did with this, and, by the way, I also want to correct something. I understand with the amendment

we did cap off, Scotty and Senator Wehrbein, at 7.2. We adjusted the cap down to what the appropriation request was for the second year. Secondly, if we're concerned about caps, we really think, well, don't vote for this because it's got a cap on it and you know what is going to happen, somebody is going to amend that cap later on and you're probably going to blow a lot of money from your state. I just supported the Commonwealth thing, it has a cap on it. We might not fund it the first year, the second year, the third year, the fourth year, but I didn't worry about that cap. I think the integrity of this body committing future legislators to a sum of money is pretty sacred stuff, and it's fun and games time if we try to fool with the caps. So, if one cap indicates the possibility of fun and games, probably I guess the other cap should as well. I don't think they do. I don't think that kind of thing will happen at all. I'd just like to say that there probably was another way to handle this, but since I worked for so long, a couple of years on this thing, it seems to me that the purpose served by this legislation, the people served by this legislation, the clarification not only in the statutes, but as it applies to our jurisdictions of government,...

SPEAKER BARRETT: One minute.

SENATOR LYNCH: ...in identifying the responsibilities at all levels is important. And so even though I could suggest there may be another way to resolve this, I would simply do my duty and suggest we support this amendment. And, if no other lights are on, Mr. Chairman, that will be my closing.

SPEAKER BARRETT: Thank you, but there are more lights on. Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, members. I'd like to try and help clarify, I guess, the situation as best I can. As I understand the amendment, it is an attempt to decrease the amount of funding in this bill from 12 million to 7.2 million, so it's a decrease in funding under the bill. It also, as I understand it, does not incorporate the provisions of LB 525. It is intended to have both issues dealt with individually, but they would then mesh together as a result of the adjustment Senator Lynch is proposing. So I guess I would still say I support the amendment. It does reduce down the funding level from 12 to 7.2 million, but as a compatible situation with what is going on LB 525, again the providers end up coming out quite

a bit ahead because of the federal match. See, the way the system works, just to run through it real quickly, is you've got Medicaid out there right now, state Medicaid, that's a federal-state program. Medicaid is 40 percent state, 60 percent federal. So for every dollar the state puts in, \$1.50 federal comes in. We have the flexibility, under Medicaid, to set a number of different provisions in our law, determining eligibility, for instance, and determining reimbursement rates. So we have a flexible situation. We have found, under the Medicaid program, that we had reimbursements that were too low for providers, they were rejecting Medicaid patients, the doctors, the hospitals, they were being reimbursed too much below their actual cost. So the Appropriations Committee saw that need and is increasing, under LB 525, the reimbursement rate, and for every extra dollar they put in, they get \$1.50 federal money. So this increases the amount of money going into the providers by a total of \$12 million, when you count both state and federal money. And this is being offered as an alternative to the \$12 million originally in LB 187, but LB 187 deals with a different population. Right now Medicaid, you have to be in a categorical area and under a certain income level, that means your family situation or disability and below an income level that is quite below the poverty level. If you don't fit in that, you don't get covered by Medicaid. And, if you don't fit in that, and you're below the medically needy level, which we've established, you're considered indigent and LB 187 would pick you up. Now the big concern that is out there isn't so much that this...the couple of concerns are, number one, who should pick up that responsibility right now. The counties have it in Nebraska. Counties are paying something like \$3.5 million statewide for this responsibility. Under the original 187, that 3.5 million would have gone to 12 million under the state. So that's quite a jump. This would bring it back down to 7.2 million, but still it's about double what they were getting in the past for this coverage. So the question is, should the county do it, should the state do it? If the state does it, how much, in fact, should they pay for this activity? But, in any event, they do target different populations but they mesh together. And I also want to mention another bill we might be voting on perhaps later this evening, LB 354 deals with a similar type of situation. That's for individuals that are pregnant women and children, aged, blind and disabled individuals. These are individuals now covered under a program we passed last year, again state-federal match under the Medicaid option program. And that bill will also target a

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LB 44, 187A, 187, 354, 525

different group, a high need group, but will also bring in some federal monies and will be of assistance to help low income individuals with their medical needs. So you can...what I'm saying is you can combine three different elements that all kind of seem to tie in or be the same, but they're not. LB 525 targets one area, LB 187 targets a different area, LB 354, coming up later, will target another area. All attempt to address the need of low-income individuals to get medical care. A couple of them bring in federal monies, LB 187 does not because the federal government does not set up an indigent care match or program. Hopefully, some day they will but, nevertheless, there is a need and the counties, again, are meeting that responsibility at this time. I'm just trying to summarize as best I can the kind of interrelationship...

SPEAKER BARRETT: One minute.

SENATOR WESELY: ...of these issues and, again, I'd be happy to answer questions if you have any.

SPEAKER BARRETT: Thank you. Senator Schellpeper.

SENATOR SCHELLPEPER: I call the question.

SPEAKER BARRETT: The question has been called. Five hands? Yes, I do. Shall debate cease? All in favor vote aye, opposed nay. Please record.

ASSISTANT CLERK: 25 ayes, 0 nays to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. Senator Lynch, for a closing statement.

SENATOR LYNCH: Mr. President and members, I also would apologize that, as I tried to run through this almost as quickly as I could, I probably or maybe confused some people regarding two subject matters in one bill because I mentioned LB 44. I only did that...anything that has to do with LB 44 is like any other bill that has to do with the same issues in other bills, sometimes needs explanation. And since LB 44 was a consideration of this year, I only mentioned that to make sure that you understood the difference and why, in fact, there was no conflict between the two. We've already discussed it. I think it has been explained. I think you all probably

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LB 183, 187A

understand and I can talk longer so that Senator Hall can get here to support LB 183, I'm told, but I don't know if I have anything more to say, and I just hope he gets here in time to vote on that one as well. But, in any case, ladies and gentlemen, I'd ask for your permission and support for this amendment.

SPEAKER BARRETT: Thank you, Sir. The question then is the adoption of the Select File amendment offered by Senator Lynch to LB 187A. Those in favor vote aye, opposed nay. Voting on the Lynch amendment. Senator Lynch.

SENATOR LYNCH: We got from 22 to 23 the last time and...before we had to call the house, but it appears at this time we won't have to do that.

SPEAKER BARRETT: Please record.

CLERK: 25 ayes, 14 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The amendment is adopted. Senator Lynch.

SENATOR LYNCH: Readvance to Final.

SPEAKER BARRETT: The motion to readvance. All in favor say aye. Opposed no. Excuse me, Senator Warner, it is debatable. You didn't have a light on.

SENATOR WARNER: Well, somebody keeps shutting it off. (Laughter.)

SPEAKER BARRETT: The Chair recognizes the member from Waverly, Senator Warner.

SENATOR WARNER: You're probably right, Doug. Now, Mr. President, I want to make it clear what the...what I...the potential constitutional issue is. The issue is raised in good faith because those who think, I assume, Senator Lynch...I'm going to make an assumption and it's not an accusation. I'm assuming there was...somebody assumed it was less of a hazard using the A bill rather than a substantive bill because, obviously, it could have been used and that's fair enough. I have no quarrel with that. But they may have outsmarted themselves because the part of the funding that relates to

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LB 44, 84, 187, 187A, 683

LB 187, it has nothing to do with LB 84, or LB 44, excuse me. The problem lies in that the substantive legislation for which the funding is contained in the A bill is not a part of your amendment. And so you've got funding for a purpose in this A bill that that purpose isn't there. It's in a different bill, and so there are...in a very fine technical sense, there could be two subject matters in the bill. I raise the issue so if it gets vetoed, if the Attorney General would write a letter, you know, the body has been warned and those who drafted the amendment to this bill will know that they may have...you know, it may have been a really fine idea and I don't object to learning fine ideas, I...one of the advantages I have, I've seen so many fine ideas I didn't have to originate hardly any, I just copied a lot. But there still is that potential. And I've also made a decision, because I filed an amendment what's up there that I'm going to withdraw because I think it makes the problem more complex if I don't add an amendment, so...with that, I would urge that the bill be advanced.

SPEAKER BARRETT: Thank you. Any other discussion? Shall the bill be readvanced? Those in favor say aye. Opposed no. Ayes have it, motion carried, the bill is advanced. Senator Warner, did you say you wanted to withdraw the other amendment? Thank you. It is withdrawn. Nothing further on that bill, Mr. Clerk?

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

SPEAKER BARRETT: To LB 683.

CLERK: Mr. President, 683, the first motion I have, Senator Scofield, I had amendments from you, Senator, printed on page 1883. I have a note that you'd like to withdraw those.

SPEAKER BARRETT: Withdrawn.

CLERK: Mr. President, the next, I have a note...Senator Warner, the next amendment was from you, Senator, on page 1891. I have a note that you want to withdraw that one.

SPEAKER BARRETT: Withdrawn.

CLERK: Mr. President, Senator Warner would move to return the bill to Select File for a specific amendment. Senator, I have AM1550 in front of me. It is on page 1931 of the Journal.

May 19, 1989

LB 177, 187A, 209, 279, 285, 285A, 289A
362, 362A, 651A, 761A, 781

question is the striking of the enacting clause. Those in favor vote aye, opposed nay. Record.

CLERK: 35 ayes, 0 nays, Mr. President, to strike the enacting clause.

SPEAKER BARRETT: Thank you. Motion is adopted. The amendment is adopted. The enacting clause is stricken.

CLERK: Mr. President, if I may, your Committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed Legislative Bill 177 and fine the same correctly engrossed LB 187A, LB 279, LB 289A, LB 362, LB 362A, LB 651A, and LB 781, all signed by Senator Lindsay as Chair.

Mr. President, the Enrollment Clerk has presented to the Governor LB 285 and LB 285A read earlier this evening on Final Reading.

SPEAKER BARRETT: Mr. Clerk.

CLERK: Mr. President, I have one final item. I have a unanimous consent request to unbracket LB 209, which has been pending on Final Reading.

SPEAKER BARRETT: Thank you. If there are no objections, so ordered. I have just been advised that E & R, the Bill Drafters, have done an amazingly good job and they are to be congratulated. They've been working hard on all of the bills. They've been processed and have been returned to the floor in order that adjournment might be possible should it be the will of the body. With that announcement, we can proceed into Final Reading now if that is the body's desire. We can adjourn until Monday morning at nine o'clock. Monday will be dedicated to Final Reading in its entirety, Final Reading all day. I think we need to say thank you to the Bill Drafters for the work that they have done. It is up to the body. Senator Hall.

SENATOR HALL: Mr. President, I would move that we adjourn until Monday morning at 9:00 a.m..

SPEAKER BARRETT: You've heard the motion to adjourn until Monday morning at nine o'clock. Those in favor please vote aye, opposed nay. Record, please. Members take your seats for Final Reading. Motion fails. (See vote of 7 ayes, 31 nays, as found

May 23, 1989

LB 187, 187A, 213, 258, 272

acceptable solution to this problem.

PRESIDENT: Thank you. Senator Korshoj, please.

SENATOR KORSHOJ: Question.

PRESIDENT: Thank you. You were the last one so it won't be necessary, but thank you anyway, Senator. The question has been asked for unanimous consent to bracket. Is there any objection? If not, it is bracketed. Senator Lynch, you meant that to apply to LB 187 and LB 187A?

SENATOR LYNCH: Mr. President and members, I think we have to consider both separately since they're two separate bills.

PRESIDENT: Okay. The question is, unanimous consent to bracket LB 187A. Is there any objection? If not, it is bracketed also. LB 213 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 213 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 213 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read as found on page 2689 of the Legislative Journal.) 49 ayes, 0 nays, Mr. President.

PRESIDENT: LB 213 passes with the emergency clause attached. LB 258 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 258 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 258 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read as found on page 2690 of the Legislative Journal.) Vote is 49 ayes, 0 nays, Mr. President.

PRESIDENT: LB 258 passes with the emergency clause attached. LB 272 with the emergency clause attached.

January 9, 1990

LB 187A

Senator Lynch to LB 187A. That's all that I have, Mr. President. (See pages 244-50 of the Legislative Journal.)

PRESIDENT: Mr. Speaker, you're going to go down with the ship, if you don't get with it.

SPEAKER BARRETT: Mr. President, I move we adjourn until nine o'clock tomorrow morning.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. Ernie, you can stay alone. (Laugh.) Thank you, we're adjourned until tomorrow.

Proofed by:

Sandy Ryan
Sandy Ryan

January 31, 1990

LB 163, 187, 187A, 549, 551, 769, 962A
1059, 1066, 1094, 1101, 1212

SENATOR LABEDZ: A machine vote has been requested. All those in favor vote aye, all those opposed vote nay. Have you all voted? A record vote has been requested. Have you all voted? Record, Mr. Clerk.

CLERK: (Read record vote. See pages 598-99 of the Legislative Journal.) 32 ayes, 10 nays, Madam President, on the adoption of Senator Morrissey's amendment.

SENATOR LABEDZ: Senator Morrissey's amendment has been adopted. Do you have anything to read in, Mr. Clerk?

CLERK: Madam President, I do. Amendments to be printed to LB 163 by Senator Hefner. A new A bill, LB 962A by Senator McFarland. (Read for the first time by title.) Amendments to be printed to LB 163 by Senator Schimek; Senator Lynch to LB 769, LB 187, and LB 187A; Senator Labeledz to LB 1059. (See pages 599-606 of the Legislative Journal.)


Mr. President, Health and Human Services reports LB 551 to General File with amendments; LB 1101 General File with amendments...Health and Human Services General File with amendments, signed by Senator Wesely. General Affairs reports LB 1101 to General File with amendments, signed by Senator Smith. Banking reports LB 1066 to General File, LB 549 General File with amendments, LB 1094 General File with amendments, those signed by Senator Wesely (sic) as Chair. Finally, Madam President, Senator Pirsch would like to add her name to LB 1212 as co-introducer. (See pages 607-11 of the Legislative Journal.) That is all that I have, Madam President.

SENATOR LABEDZ: Thank you, Mr. Clerk. Senator Pirsch, would you like to adjourn us until tomorrow morning.

SENATOR PIRSCH: I would love to. I move that we adjourn until February 1st at nine o'clock in the morning.

SENATOR LABEDZ: Thank you, Senator Pirsch. We are adjourned.

Proofed by:


LaVera Benischek

SPEAKER BARRETT: Thank you. You've heard the closing. The question is the adoption of the Lynch amendment to LB 187. Those in favor of that motion vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of Senator Lynch's amendment.

SPEAKER BARRETT: The amendment is adopted. Senator Lynch, is it your desire to advance the bill?

SENATOR LYNCH: I would move it be readvanced.

SPEAKER BARRETT: Thank you. If there's no discussion, those in favor say aye. Opposed no. Ayes have it, motion carried, the bill is readvanced.

CLERK: Senator, you had that other amendment.

SENATOR LYNCH: Mr. President, members, I respectfully request that...the second amendment be withdrawn.

SPEAKER BARRETT: It is withdrawn. Mr. Clerk, let's proceed to LB 240, please. Senator Lynch, I believe we're on the A bill. (LB 187A)

SENATOR LYNCH: Yes, sir.

SPEAKER BARRETT: My apologies. Mr. Clerk.

CLERK: Mr. President, Senator Lynch, Senator, you had an amendment printed earlier this year, on page 244. I understand you want to withdraw that one.

SENATOR LYNCH: Yes, I would respectfully, Mr. President, members, ask that be withdrawn.

SPEAKER BARRETT: So ordered.

CLERK: Mr. President, Senator Lynch would move to return the bill. The amendment is on page 604 of the Journal.

SPEAKER BARRETT: The Chair recognizes Senator Lynch.

SENATOR LYNCH: Excuse me just a minute, Mr. President. Mr. President, members, I wanted to make sure that I had the right number and page. It's AM2358, found on page 604. It does three things. It changes the dollar amounts and years to reflect the fact that this bill did not pass last year. It deletes the state liability cap language from the A bill, the cap remains the same as the main bill, which is 7.2, and deletes language which was needed last year in case both LB 44 and LB 187 were passed. I could go into some more detail, but it does adjust the amount of funds to administer the program. And I won't, at this time, reflect on my concern about the total cost because I would need more information. But at the appropriate time, unless somebody is interested, I could explain the difference between the administrative costs for the 260 million dollars now in Medicaid and the percentage needed to administer this, but there may be a better time for that. I would simply ask for your support to return LB 187 (sic) for the adoption of this amendment.

SPEAKER BARRETT: Thank you. Is there discussion on the motion to return the A bill for purposes of an amendment? If not, those in favor of that motion please vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: The bill is returned. Senator Lynch, on the amendment.

SENATOR LYNCH: Yes, sir. I think it's been discussed. Unless there are some specific questions, I'd ask for its adoption.

SPEAKER BARRETT: Thank you. Any discussion? Any questions? If not, the question is the adoption of the Lynch amendment. All in favor vote aye, opposed nay. Record, please.

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of Senator Lynch's amendment.

SPEAKER BARRETT: The amendment is adopted. Senator Lynch.

SENATOR LYNCH: I would move the advancement back to Final Reading, Mr. Chairman.

SPEAKER BARRETT: Any discussion? If not, those in favor of the readvancement of the bill please say aye. Opposed no. Ayes have it, motion carried, the bill is readvanced. Mr. Clerk, LB 240.

CLERK: Mr. President, 240 has motions. The first is offered by Senator Baack. Senator, this is your AM2173, first one you gave me, Senator.

SENATOR BAACK: Yes, I would like to withdraw that, please.

SPEAKER BARRETT: So ordered.

CLERK: Mr. President, Senator Baack would move to return the bill for specific amendment. AM2276, Senator, is what I have in front of me. (Baack amendment can be found on page 537 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Baack.

SENATOR BAACK: Yes, Mr. Speaker and colleagues, I think you all have a sheet on your desk, and this explains the amendment to 240 that we're trying to attach here. What this amendment is, it's LB 719 that was heard last year before the Judiciary Committee. They advanced the bill. There were no opponents at the hearing. There was one neutral testifier, but there were no opponents at this hearing. What this...what LB 719 does is it talks about setting up a system so that we can provide 911 emergency telephone service in this state and have a system set in place for providing those services. And what it does is it says that it allows a body, and I stress that it allows them to do this, it does not mandate that they use this system to set up 911 in their area. It allows the governing body to impose a surcharge on the monthly telephone bill for the imple...for either the implementation or the upgrading of the 911 services. It also is the...the bill is one that encourages the local governing bodies to jointly utilize the 911 services. It is, as I said earlier, it is permissive, it's not mandatory. The local entity makes that decision. If they are already providing 911 services, are using their own local revenues to do that, they may continue to do that. But this also gives them the option of using a surcharge on the telephone bills to provide that service. It also...I think this is really important, especially in my area where they're trying to set up some 911 services in some of the counties that are very sparsely populated, they need

SENATOR LANGFORD: Okay, I'll ask for a call.

PRESIDENT: The question is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 14 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Please record your presence. Those not in the Chamber please return to the Chamber and record your presence. Please look up to see if you have touched the magic button.

SENATOR LANGFORD: Could we have a roll call vote in reverse order, please.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Senator Lamb, please check in. Senator Lindsay, please check in. Senator Ashford, the house is under call. Senator Nelson, please check in. Senator Haberman. Senator Scofield, please record your presence. Richard Peterson, Senator Peterson, please. The question before the house is the advancement of LB 348 to E & R Initial. A roll call vote has been requested. Mr. Clerk, proceed.

CLERK: (Roll call vote taken. See page 675 of the Legislative Journal.) 25 ayes, 6 nays, Mr. President, on the advancement.

SPEAKER BARRETT: The motion prevails and the bill is advanced. The call is raised. Anything for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. I have a reference report, Mr. President, referring certain gubernatorial appointments to the appropriate Standing Committee for confirmation hearing.

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 107 and find the same correctly engrossed; LB 187A, LB 240, LB 465 all reported correctly engrossed. That's all that I have, Mr. President. (See page 676 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Proceeding then to Item 6 on the agenda, LB 953.

March 29, 1990

LB 187, 187A, 220, 1212

SPEAKER BARRETT: LB 187 passes. The A bill, Mr. Clerk.

CLERK: (Read LB 187A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 187A pass? Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Read record vote. See pages 1696-97 of the Legislative Journal.) 37 ayes, 4 nays, 7 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 187A passes. LB 220, Mr. Clerk.

CLERK: Mr. President, I have a motion on the desk. Senator Hannibal would move to return the bill for a specific amendment.

SPEAKER BARRETT: The Chair recognizes Senator Hannibal.

SENATOR HANNIBAL: Thank you, Mr. Speaker and members of the Legislature. LB 220 is a bill that Senator Pirsch introduced originally. I have asked that my name be added to it and Senator Pirsch agreed. What I'd like to do today is ask you to return LB 220 for purposes of adding a bill and the bill is LB 1212 that was heard before the Judiciary Committee and was passed out of the Judiciary Committee with not only the thought, but even the approval of the Chair, I believe, and members of the committee that this bill become...that 1212 be amended into 220 so that we could pass it yet this year. LB 1212...well, LB 220 if you'll recall, deals with intensive supervision probation, deals with establishing a cash fund for the Supreme Court's administration to be able to collect fees for electronic monitoring devices and to collect fees for testing types of procedures provided that those people submitting to those tests and those electronic monitoring devices would be capable of paying those fees. LB 1212 is somewhat of a continuation, somewhat of a companion to this. What 1212 is doing is authorizing statewide intensive probation system that we have talked about under our discussions on corrections and on our discussions of prison overcrowding. It was one of the recommendations that came out of the select task force, select committee to look as an alternative to prison overcrowding to install an intensive supervision probation program. This LB 1212 sets up language that says this is a good program, it is

March 29, 1990

LB 187, 187A, 259, 259A, 260, 260A, 272A
313A, 313

Journal.) 29 ayes, 19 nays, 1 excused and not voting,
Mr. President.

SPEAKER BARRETT: LB 272A passes. Senator Landis, for what
purpose do you rise?

SENATOR LANDIS: Could I rise for a point of personal privilege
for just a moment, Mr. Speaker?

SPEAKER BARRETT: Proceed.

SENATOR LANDIS: On behalf of a great many people, I would like
to thank this body for its statesmanship and its compassion. I
recognize it's done with political cost but with a sense of
responsibility. And on behalf of many people, I want to say
thank you.

SPEAKER BARRETT: Thank you. While the Legislature is in
session and capable of transacting business, I propose to sign
and I do sign, LB 187, LB 187A, LB 259, LB 259A, LB 260, and
LB 260A. Have you anything for the record, Mr. Clerk?

CLERK: Not at this time, Mr. President.

SPEAKER BARRETT: Thank you. Proceed to LB 313.

CLERK: (Read LB 313 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure
having been complied with, the question is, shall LB 313 become
law? All in favor vote aye, opposed nay. Have you all voted?
Record, Mr. Clerk.

CLERK: (Read record vote. See pages 1704-05 of the Legislative
Journal.) 46 ayes, 1 nay, 1 present and not voting, 1 excused
and not voting, Mr. President.

SPEAKER BARRETT: LB 313 passes. The A bill.

CLERK: (Read LB 313A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure
having been complied with, the question is, shall LB 313A become
law? Those in favor vote aye, opposed nay. Have you all voted?
Please record.

March 29, 1990

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

April 5, 1990

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.