

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,

SENATOR LABEDZ: Record the vote, Mr. Clerk.

CLERK: 25 ayes, 0 nays, Madam President, on the advancement of LB 362.

SENATOR LABEDZ: LB 362 is advanced. Mr. Clerk...raise the call. Mr. Clerk, LB 362A.

CLERK: Madam President, 362A offered by Senator Wesely. (Read title.)

SENATOR LABEDZ: Senator Wesely.

SENATOR WESELY: Thank you, Madam President. Some people weren't here earlier and let me reiterate where we're at. LB 362 is the bill we need to pass to come into compliance with two bills that Congress passed last year, one dealing with welfare reform, one dealing with catastrophic coverage. The only differences in what is mandated by the federal government and what this bill provides for is in the minimums allowed on the resource asset retention under the spousal impoverishment issue which we passed last year in LB 419. There we provide that you can keep \$25,000, the Congress only had a minimum of \$12,500. The Congress also has a maximum of \$60,000, which we have to have to keep us in compliance. Otherwise, we are attempting, through this legislation, to meet that federal mandate and it's important that we do that this year. One other item. The A bill is slightly different than the budget bill that the Governor introduced that does provide for this, having the mandate that we have to provide for it, it is in the Governor's budget. There was information that has come out since the budget was developed and even probably since the A bill was developed and we're going to continue to work with Senator Warner and the Appropriations Committee in how we get all the figures together. But nevertheless we do need to have the A bill to go along with the bill. If you have any questions again, I'll be happy to answer them.

SENATOR LABEDZ: Thank you, Senator Wesely. Senator Smith, on the advancement of LB 362A.

SENATOR SMITH: Thank you, Madam President. I would like to ask Senator Wesely, and he did do some clarifying because I told him I had some concerns. I want to make it very clear, Senator

Wesely, I do very much support the first part of this bill. It's something that we've been talking about for some time that I've been very supportive of. But the second part of the measure, which increases the amount of joint assets that a spouse could have when that partner goes into a nursing home, for instance. It is my understanding that you are telling me that that, too, is a new federal mandate, that this is...we just passed a piece of legislation last year, wasn't it, that dealt with the increase. And now we're looking at another jump to 60,000 as their half? In other words, that means if you had \$120,000 house, you could split that and keep 60,000 worth of assets. And it's an increase also from 400 and something a month to 7 something a month that they could keep for income...

SENATOR WESELY: Yes, and...

SENATOR SMITH: ...the spouse, the other spouse that is in the home.

SENATOR WESELY: On the assets we do go from a maximum, under our bill last year, of 25,000 to 60,000, and also on the income side we had a maximum of 475, and that actually goes up to 1,500.

SENATOR SMITH: Okay now, Don, can you explain to me, and I'm not just saying this, I mean, I really don't understand this exactly. When you say on one hand that the minimum is twelve-five and the maximum is 60,000, explain when we change this now to 60,000, as the maximum, what that means. Why is there a minimum and a maximum allowed?

SENATOR WESELY: Boy. Yes, and there is also minimum and maximums on the income side. If you get me into that, we'll really get confused. But on the...what we're trying to do is...let me give you some examples. Okay, let me give you...if you had 30,000 in assets, now by assets we're not talking about the home...

SENATOR SMITH: ...the home, we're talking about...

SENATOR WESELY: ...motor vehicle or the burial trust, okay, this is basic assets. Okay you've got \$30,000. Under the bill we passed last year, we split that and you could keep 15,000, see. Under this you could keep, because of the minimum figure, you could keep 25,000 of it.

SENATOR SMITH: Am I confusing the minimum assets with the home? Is that what I'm doing, I'm mixing two things together here?

SENATOR WESELY: I don't think so. I don't think so. What is happening...okay, let me go back to that example. We just plain split the difference and said you get half of it. At 30,000, you get 15,000; at 20,000 you've got 10,000, we did all that.

SENATOR SMITH: Um-huh.

SENATOR WESELY: Because there is a federal minimum, and under this bill we make it 25,000, you get to keep, if you've got 30,000, you get to keep 25,000 as the well spouse.

SENATOR SMITH: That's assets other than the home you're talking about now. Okay.

SENATOR WESELY: And the other 5,000 gets sent in to help cover the cost of your spouse.

SENATOR SMITH: Yes, okay so what I guess I was confused about is you have two different things we're talking about and I was mixing them. The minimum is twelve-five if you have...you split, that's how much you could keep, is that what you're saying? No, 25 you just said.

SENATOR WESELY: Twenty-five is what it is. But the federal government only mandates twelve-five. So we take, I'm trying...

SENATOR SMITH: We're doing that as a state? We're saying that's higher than the federal government's minimum.

SENATOR WESELY: Yes. Yes. We go up to 25,000, letting them keep 25,000.

SENATOR SMITH: Is that a part of this bill, or is it something that we did in the last time?

SENATOR WESELY: No, this is part of this bill. So that is...yes, yes, last year, I guess, we did it, too.

SENATOR SMITH: We did?

SENATOR WESELY: Yeah.

SENATOR SMITH: Okay, and now the...and the 60,000...

SENATOR WESELY: So we're trying to keep up...

SENATOR SMITH: ...is on the home now, we're talking about that as a separate figure.

SENATOR WESELY: No, it's all the same.

SENATOR SMITH: Well, then where does all this come in with 25,000, twelve-five and the 60,000 that you're talking about then?

SENATOR WESELY: It's all the same money. It's money that isn't...it's assets that aren't home or car or any of that stuff. Those are different tests (sic). These are just like you have stock or, you know, some sort of CDs or something. You could keep 30...you know, at \$30,000, if you had \$30,000 of it, you could keep 25,000 of it is what we're calling for now.

SENATOR SMITH: That's a separate...

SENATOR WESELY: If you had...but, actually, if you had 120,000 of it, you'd still only get 25,000 of it, under the bill last year. But under the federal mandate we've got to make the change up to 60,000.

SENATOR SMITH: Okay, now just explain one thing to me.

SENATOR LABEDZ: Senator Smith, one minute.

SENATOR SMITH: All right, just explain one more thing, Don. You're talking here about one amount of money, including assets and the value of a home, or you're talking about assets and a home?

SENATOR WESELY: Just assets, just assets.

SENATOR SMITH: Okay, I guess I'm kind of surprised this is pretty high.

SENATOR WESELY: It's pretty high.

SENATOR SMITH: Yes, thank you.

SENATOR WESELY: Yes, it goes much beyond what we did last year, but we have no choice in terms of that \$60,000 figure.

SENATOR SMITH: Except that we're higher, you said, than what the mandate from the federal is on the other.

SENATOR WESELY: No, no, not on the \$60,000 figure.

SENATOR SMITH: No, on the other one.

SENATOR WESELY: Yes, the other one, the 25,000 is bigger.

SENATOR SMITH: Why are we higher on that than what they are asking for?

SENATOR WESELY: Because that is what we were...that, last year we were trying to do that to get (inaudible).

SENATOR SMITH: That's what we've already did and now they've increased the other side of it.

SENATOR WESELY: Yeah.

SENATOR SMITH: Okay, I guess I'm not...

SENATOR WESELY: See, we...

SENATOR SMITH: ...so sure that I think that this is, I mean, I think we did some pretty good things last year for them, and...

SENATOR WESELY: Yes, and actually on the income side, if you look at that, it's way higher, too. Everything we did last year, like I said, they doubled and tripled.

SENATOR SMITH: Well, then maybe what we need to do is...

SENATOR LABEDZ: Your time is up, Senator.

SENATOR SMITH: ...what we did last year.

SENATOR LABEDZ: Senator Hefner, on the advancement of LB 362A.

SENATOR HEFNER: Madam President and members of the body, I have a question of Senator Wesely. Senator Wesely, the two bills

that we passed last year, LB 419 and LB 518, they also had an A bill or a fiscal note.

SENATOR WESELY: Um-huh.

SENATOR HEFNER: Okay. Now this A bill, LB 362A, is that an additional to those that we passed last year?

SENATOR WESELY: Yes.

SENATOR HEFNER: Okay. And then would you explain a little bit the A bill versus the fiscal note that we have on LB 362A? How much of that, what percentage of that will be federal, and what percentage will be state?

SENATOR WESELY: Oh, okay, yeah because this is tied into match, if you look at the fiscal note, it shows \$1.5 million figure of General Fund money, but then a \$2.3 million figure of federal money. Under the match formula that we have, this is a...the child care and the health coverage is all under Medicaid, so there is a match formula. For every 40 cents we put in, they put in 60 cents, that's kind of the strategy. I was talking earlier about the budget that the Governor has is different than this A bill, and we've got to work with Senator Warner in rectifying all of that because of...all those bills got passed late last year and when the budget was developed we weren't real sure about what was going on. We didn't know, for instance, about Senator Smith's question, about the 60,000, we weren't sure about that until recently. So we're still trying to evolve on that. I think we've got a handle on it now, but that is the reason I'm telling you that we need to work out some of these cost figures.

SENATOR HEFNER: Okay. One more question. Do we know for sure that those federal funds are there? And, if they are not, will the state have to come up with that additional money?

SENATOR WESELY: Oh, no, this is under the...they'll be there because this is a Medicaid program, it's an entitlement and they have to pay.

SENATOR HEFNER: Okay, thank you.

SENATOR LABEDZ: Senator Pirsch, on the advancement of LB 362A.

SENATOR PIRSCH: Thank you. I do have a question for Senator Wesely also, if he will yield.

SENATOR WESELY: Sure, absolutely.

SENATOR PIRSCH: Senator Wesely, what is the difference between what the Governor put in her budget and what this calls for? Do you have a ball park figure?

SENATOR WESELY: I do have a memo on that. It would probably add more confusion than enlightenment at this point. It is...and Senator Warner could answer that question as well. But what we've been trying to do is work with the fiscal office and the Governor's office and the Appropriations Committee and the Health Committee to figure out what we've got to do, and how we pay for it, and what it's all going to cost. And I guess the bottom line answer at this point is we're still looking. But...

SENATOR PIRSCH: In other words, the Governor put in what figure for this program or for these programs?

SENATOR WESELY: The Governor's figure was, well, what I've got on this sheet indicates 948,000 for 1990, and 1,461,000 in 1991.

SENATOR PIRSCH: So that would be a part of this 1.6 million...

SENATOR WESELY: Right.

SENATOR PIRSCH: ...that we're looking at.

SENATOR WESELY: See, what happened was after she put that in then we discovered there were more things there than we'd realized. So we have to go beyond that.

SENATOR PIRSCH: Okay.

SENATOR WESELY: See?

SENATOR PIRSCH: Right.

SENATOR WESELY: So it wasn't any mistake on her part or our part, it's just we're still looking at those bills and finding things that are going to cost us money.

SENATOR PIRSCH: Well, I must say that these are two programs

that I think are valuable for the state.

SENATOR WESELY: Yeah.

SENATOR PIRSCH: And even at the 1.5 million I would support this, because I believe in that program to extend that child care and also to give some advantage to those elderly who have saved and worked up assets only to see them all disintegrate when one spouse goes in a nursing home. I do just want to remind the body, though, as Senator Scofield did some days ago, that all of these are adding up.

SENATOR WESELY: Um-huh.

SENATOR PIRSCH: And that this will continue forever and ever and be a continual increase in our budget. So I hope you all are adding up your 1.5 millions as you go and considering that when we are considering big ticket, new program, continuing programs. Thank you.

SENATOR LABEDZ: Senator Warner, on the advancement of LB 362A.

SENATOR WARNER: Mr. President, members of the Legislature, all I wanted to say at this point is that Senator Wesely essentially responded and asked...to questions that, obviously, these numbers are going to be adjusted at some point before the legislation is enacted and the full impact of the federal requirements are clearly identified. I would expect that we would, either in the form of an amendment, or at least in discussion of a bill, will identify any parts of this bill that are in excess of the minimum federal requirements and/or in excess of the current law, or both, as far as Nebraska law is concerned, so that you will be able to separate out, as a matter of policy, those things that you want to do because we're mandated by the federal legislation and those that you may want to do because it's desirable and optional to do. The dollar impact, I suspect, is not going to be all that significant as far as the overall cost. But, at some point, that discussion needs to be provided to you. And once those numbers are finalized more precise than I think they are at the moment, that can be offered. But the bulk of this needs to be done, should be advanced, and there will, obviously, be some refinement a little later on and at that point it should be framed for you as to what is optional, what is not optional. But I, again, want to reemphasize the dollar difference is not going to be

tremendously different.

SENATOR LABEDZ: Thank you, Senator Warner. Before we go to the next speaker, I'm delighted to announce there are 16 students with their teachers from the Lexington Public Schools. They are guests of Senator Barrett. Would you please rise and be recognized by the Legislature. Senator Smith, on the advancement of LB 362A.

SENATOR SMITH: Thank you, Madam President. I hope that the members of the body are listening to this discussion, and I don't think very many are. Senator Wesely, I think that what I'm going to do is offer an amendment on Select File. You know how I feel about this issue, you know that I was very supportive of it to a point. I guess the point where I, I guess, draw the line is when we're asking, and if people will look at their pink slip here, which is the fiscal note, down in the second part of the bill which deals with allowing the spouse of a nursing home client, who is covered by Medicaid, to retain half of the couple's assets and you go through that part of it down there, which is the second part of the bill. Look down below where you're talking here about, for instance, the amount of money that we're going to allow that spouse, that community spouse, if you want to call them that, the one that is remaining in the home, to retain as a monthly income from their so-called...income from their Social Security, for instance, the money they can have, which would be up to...by 1992 will be almost \$1,000 a month for one person living in the home. And also we're increasing the amount that they're allowed as the value of the home for their share to \$60,000. And then, in addition to that, we are going beyond the federal minimum requirement of other assets that they could have to the amount of \$25,000. And that is not bad in itself, but for many people in the State of Nebraska who are being asked to support that other spouse in a nursing home that is a good income. That is more than many young families with children, if they're trying to raise and prepare for the future, have at their disposal. And so I guess I'm saying at this point in time I want to do what we can to help people, but not to the point where they're better off by their help than those people that are supporting them. And so I would ask that we look at what we did last year, and this is why this is this way, because of what we did on the one side. I would like us to then look at what we did and reamend this bill some way so that...not this bill but the bill itself, which then would lower the amount of other assets that

they could retain down to the minimum, which is twelve-five rather than the 25,000. So, with that, we are in compliance with federal and yet we're not letting those people become relatively well to do, while someone else is taking care of the spouse, and those other someone else's that are taking care of the spouse are not as well off as those that we're supporting. So, Don, I just want to tell you ahead that that's what I think I'll probably be doing on Select. The other thing is I want to ask you a question. Someone asked, I think it was Senator Pirsch, regarding will the funds be there on the assets part of the LB. And I'm asking you if I did amend that bill, if I didn't amend the bill down to the twelve-five, would federal support be there in the amount, or are we going to be asked to pick up the difference in the state then? We would be asked to do that on our own, wouldn't we, so that the extra money we're talking about here, the difference in what they're mandating and what we have said we would do...

SENATOR WESELY: Oh, no, no.

SENATOR SMITH: ...we would be picking that difference up, wouldn't we?

SENATOR WESELY: No.

SENATOR SMITH: The feds will pick that up?

SENATOR WESELY: Yeah, well, but it's part of the...under the Medicaid program we have some flexibility under that. So, it's...

SENATOR SMITH: In other words, because our law is more than what they're saying as a minimum, double, actually, what they're saying as a minimum, that they will pay that difference?

SENATOR WESELY: No, it's just...it's part of the spend-down is all.

SENATOR SMITH: They'll reimburse...the feds will reimburse that...in other words, I guess maybe it's not the feds, it's that they'll spend down faster and they'll be on welfare faster because of the higher level that we allow. In other words, their assets still could be at their share, 25,000, and then the other spouse goes on welfare.

SENATOR WESELY: Right, so...

SENATOR SMITH: In addition to their home, and in addition to their income that they are also going to have. And I think everyone needs to be aware of that, they do have an income and it's a pretty good income for one person, if they have their home and if they have those other assets. For an elderly person, who has usually everything...

SENATOR LABEDZ: One minute, Senator Smith.

SENATOR SMITH: ...pretty well paid for, they have their Medicaid, they have their Medicare, so in many ways their health needs are being covered also, and I want to make it very clear because I'm always supportive of elderly concerns. But I don't support helping someone on welfare, if that's what you want to call it, because it is for the spouse, and we all know who pays for those costs, it's the other taxpayers, to the point where they're better off than the ones that are supporting them. So that is my argument on that issue. I will support this, but I will bring an amendment on Select. And I don't know how much support I'll get, but I do think that that is an issue that we should look at. Thank you.

SENATOR LABEDZ: Thank you, Senator Smith. Senator Warner, on the advancement of 362A.

SENATOR WARNER: I just wanted to make one other comment so that the body does not assume that the only cost of the federal legislation is contained in this bill. This reflects where state law was in conflict, and governed what the state had to do to be in compliance and, as I indicated, it does go beyond somewhat in a couple of areas. But you should also understand that we're not talking about 1.5 million total impact of the federal legislation, it's more in the nature of like 11 or 12 million would be the General Fund impact in total. But most of those other costs do not require statutory change to be in compliance. It simply is a budget matter that you will have to appropriate that amount of funds and some of that is in institutions, some of it is in Health Department, some of it is in Social Services. But, in any event, the...what you need to keep in mind is there is a major impact coming down that we have to comply with but, at some point, because the issues are being treated in several different ways, we will have to put it all together so you understand very clearly where your options are

and where your options do not lie and that the total cost of the full program will be before you. But, at this point, it's proper to move the bill because parts of this there is no question. We were having a bill drafted that stayed with just the absolute minimum things that could be done. But there is no reason, I suspect, that it couldn't be done through this bill, so you could consider it. But, in any event, I guess the bottom line I'm trying to say is there is a lot more to this whole act than just what we're dealing with today that we will be dealing with, but the other major costs do not have any statutory requirement. It's just a matter of how much of the money that you have to put in.

SENATOR LABEDZ: Thank you, Senator Warner. Is there any further discussion on the advancement of LB 362A? Evidently not. Senator Wesely, would you like to close on the advancement?

SENATOR WESELY: Yes, thank you. And I've tried to explain the issue as much as I can, and, obviously, many questions remain. But for Senator Smith's benefit and for Senator Warner's, the one and only difference between the mandates and this legislation is the minimums involved, the 12,000 versus the 25,000. I've tried to make that as clear as I can. The reason the 25,000 is in there is because last year the bill we passed said half of your assets up to 25,000. But, unfortunately, many people interpreted that to mean you could keep \$25,000. So, frankly, since the bill passed last year I kept getting calls from colleagues who said they had somebody in their district who had this situation come up and they thought they could keep 25,000. Why aren't they able to keep 25,000? And so Senator Withem and I, as we drafted the bill, thought that it seemed like maybe people weren't sure about the intent involved, so we put it at 25,000 as what you could keep, half your assets or 25,000, whichever is, I guess, less. So we ended up with that attitude. I don't have any problem with lowering it down to 12,000, frankly, that's the minimum and that's kind of what the original bill did. But we were trying to recognize that we had some colleagues that had a problem with some people, and that is why it's in the form that it is. I don't think you'll find the 12 or \$25,000 issue to really be that costly. I think we have to identify and pull that out, and Senator Warner is going to do that. But, obviously, that is a point of discussion and the one and only question that we have to resolve in this issue. Otherwise we've got to move forward, and I'd ask that the bill

be advanced.

SENATOR LABEDZ: Thank you, Senator Wesely. Senator Wesely was closing on LB 362A. All those in favor vote aye, opposed nay. Have you all voted? Please vote. Have you all voted? Please vote. Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 362A.

SENATOR LABEDZ: LB 362A is advanced. Mr. Clerk, LB 489.

CLERK: LB 489, Madam President, was a bill that was introduced by Senator Wesely. (Read title.) The bill was introduced on January 17, referred to the Health Committee for hearing, advanced to General File. I have no amendments to the bill.

SENATOR LABEDZ: Senator Wesely. LB 489.

SENATOR WESELY: Thank you, Madam President. LB 489 is a bill brought to me and then brought to the Health and Human Services Committee by the Dental Board of Examiners. They had a situation where individuals failed the oral exam by the board and they feel that it's in the best interest of the practice of dentistry to have those types of individuals go back and take the practicum...practical exam that is applied by the central and regional dental testing service before they go back once again to apply for a license. It's felt that once they failed the oral exam they need to take the other exam again, and that is all the bill does. So, with that, I'd ask for advancement of the bill.

SENATOR LABEDZ: Any discussion on the advancement of LB 489? Senator Wesely, there are no lights on, would you like to close?

SENATOR WESELY: No, I just move for advancement.

SENATOR LABEDZ: Senator Wesely has moved for the advancement of LB 489. All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Please vote. We are voting on the advancement of LB 489. Will the senators please return to their seats and vote. Have you all voted? We are voting on the advancement of LB 489. Senator Wesely.

SENATOR WESELY: I guess I have to ask for a call of the house.

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County senators supported it and some of them opposed it. So it was very difficult for me, being 150 miles from Douglas County, to know exactly what to do and this is why I held out for the amendment that it be brought up to a vote, both whether they would allow Douglas County to purchase Ak-Sar-Ben, and also if Douglas County had to issue bonds to do this, it would have to be brought up to a vote of Douglas County voters. So I just...and I'm going to support Senator Labedz in withdrawing this now.

PRESIDENT: Thank you. Senator Labedz, would this be your closing, Senator Labedz?

SENATOR LABEDZ: Yes.

PRESIDENT: All right.

SENATOR LABEDZ: Thank you, Mr. President. I failed to also thank the senators of the Ag Committee that supported the bill in the committee hearing and every time they had an exec session and I do appreciate that fact. And Senator Hefner is right, it did allow a vote of the people as the committee amended the bill and perhaps it may come back again. In fact, I know it will and I appreciate the fact that Senator Johnson has offered the county board an interim study on the issue, and as I say again, I appreciate the fact, the support that I got and the co-sponsors also of LB 365. I urge the affirmative vote on the withdrawal of LB 365.

PRESIDENT: Thank you. The question is, shall LB 365 be withdrawn? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 33 ayes, 0 nays, Mr. President, on the motion to withdraw LB 365.

PRESIDENT: LB 365 is withdrawn. Would you like to read in some things, Mr. Clerk, please?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 320 and recommend that same be placed on Select File with E & R amendments attached, LB 326 Select File E & R amendments, LB 334 Select File with E & R, LB 354 Select File, LB 354A Select File, LB 362 Select File, LB 362A Select File, LB 489

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LB 362A, 362

SENATOR SMITH: All I would say in closing is that I hope people will support the amendment, and I will just echo something that I heard Senator Warner say to Senator Wesely. He said why don't we just save the money instead of thinking of other ways to spend it.

SPEAKER BARRETT: Thank you. The question before the body is the adoption of the Smith amendment to LB 362. Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Smith's amendment.

SPEAKER BARRETT: The amendment is adopted. Anything else on the bill, Mr. Clerk?

CLERK: I have nothing further on the bill, Mr. President.

SPEAKER BARRETT: Senator Lindsay, please, would you care to advance the bill?

SENATOR LINDSAY: Mr. President, I move that LB 362 as amended be advanced to E & R for Engrossing.

SPEAKER BARRETT: You have heard the motion posed by Senator Lindsay to advance LB 362 to E & R for Engrossing as amended. Those in favor say aye. Opposed no. The ayes have it. The motion carried. The bill is advanced. To the A bill, LB 362A.

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

SENATOR WESELY: Thank you, Mr. Speaker, members. With the adoption of the Smith amendment on the last bill, we need to reduce the A bill by the six hundred and some thousand that I mentioned. So this amendment would reduce that General Fund and other appropriate adjustments in the funding of the bill. I would move for the adoption of the amendment.

SPEAKER BARRETT: Thank you. Is there discussion on the motion to advance the A bill? Seeing none. Those in favor of that motion, say aye. Excuse me, on the amendment, excuse me, vote aye. Those opposed to the adoption of the amendment vote no. Record, please.

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

SPEAKER BARRETT: The amendment is adopted.

CLERK: I have nothing further on the bill, Mr. President.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 362A as amended be advanced to E & R for Engrossing.

SPEAKER BARRETT: Shall LB 362A be advanced? Those in favor say aye. Opposed no. Carried. The bill is advanced. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 92, and LB 92A. Mr. Clerk, LB 489.

CLERK: Mr. President, on LB 489, I have E & R amendments pending, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 489 be adopted.

SPEAKER BARRETT: Shall the E & R amendments to LB 489 be adopted? Those in favor say aye. Opposed no. Carried. They are adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 489 as amended be advanced.

SPEAKER BARRETT: Shall LB 489 as amended be advanced? Those in favor say aye. Opposed no. Carried. The bill is advanced. Next bill.

CLERK: Mr. President, the next bill is LB 318. I have E & R amendments pending, Senator. E & R amendments, Mr. President.

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LB 87, 318, 340, 362, 362A, 390, 440
489, 541, 545A, 563, 587, 605, 661
687, 728, 793, 809
LR 16, 44, 45

SPEAKER BARRETT: With your permission, perhaps the Clerk could read some items in before we take a vote, Senator Goodrich? Thank you.

ASSISTANT CLERK: Mr. President, your Committee on Business and Labor, whose Chairperson is Senator Coordsen, reports LB 541 to General File with amendments; LB 605, indefinitely postponed. Committee on Enrollment and Review reports LB 318 as correctly Engrossed; LB 362, LB 362A, LB 440, LB 489. (See pages 993-97 of the Legislative Journal.)

New resolutions. (Read brief descriptions of LR 44 and LR 45 for first time. See pages 997-98 of the Legislative Journal.)

I have a notice of committee hearing from the Business and Labor Committee on gubernatorial appointments. Your Committee on Revenue, whose Chairperson is Senator Hall, reports LB 793 to General File; LB 390, indefinitely postponed; LB 563, indefinitely postponed; LB 661, indefinitely postponed; LB 687, indefinitely postponed; LB 728 and LR 16CA, indefinitely postponed. (See page 998 of the Legislative Journal.)

I have amendments to LB 587 from Senator Schmit to be printed; and from Senator Pirsch to LB 87. New A bill, LB 545A, from Senator Baack. (Read by title for the first time. See page 999 of the Legislative Journal.)

Amendments to be printed to LB 340 from Senator Chambers. Unanimous consent request from Senator Pirsch to add her name as a co-sponsor of LB 809, and an announcement from Senator Rod Johnson that the Agriculture Committee will meet in a brief Executive Session under the north balcony, immediately following adjournment today. That's all that I have, Mr. President. (See page 1000 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. You've heard the motion to adjourn offered by Senator Goodrich. Those in favor say aye. Opposed no. Ayes have it, motion carried. We are adjourned until tomorrow morning.

Proofed by:

Marilyn Zank
Marilyn Zank

about the possible uninsurability for those kinds of damages, and while we have some sympathy for the parents at this point, I'm not sure we want to venture into that until we have more information, but the department has been directed to study that issue and document the kinds of claims so we can get some idea of what might be coming before us. There is new money in the program to do...to expand the community grant program to develop local services for children and families. There is an \$80,000 amount in for the coming fiscal year and that doubles that amount the following year. There is a related issue that will appear under the center on children, families and law, additional \$200,000 each year for training, and I believe at this point that's probably one of the primary needs that we've identified in the state. There is also funding in here for what is known as FAMIS, the Family Assistance Management Information System. That's a computer system that is necessary for determining eligibility for public assistance, specifically ADC. We do get 90 percent federal funding for the money that we put into that, so the \$320,000 figure that's put into that in the second year will generate \$2.8 million in federal funds. Continuation funding for 21 public assistance programs. Examples of that would be ADC, Title XX, medically handicapped, children's programs and child welfare. The only reduction you'll see in that area could be accounted for by a decline currently in the ADC caseload. One of the big amounts, of course, is increase in Medicaid. You're probably all aware that not only are there more people eligible, but expanded federal requirements is continuing to make the Medicaid program more and more expensive so this is probably the biggest ticket item in there, \$14.5 million in the coming year and 23 million the following year. OBRA funding, OBRA is, of course, again a federal action that the states need to comply in which requires additional nurse's aide training, more nursing coverage and more inspection activities in nursing homes. Again, an expensive activity mandated by the federal government, 2.5, almost \$2.6 million the coming year, 5.5 million the year after that. Another federal initiative, the Family Support Act which extends day care to 12 months for working mothers who are getting off of ADC and going out in the work force, a \$320,000 impact the coming year, 336 the following year. I might add that there is additional funding coming along in LB 362A. That bill simply conforms our statutes to federal requirements on day care. Again, I have some information that I would expect further and bigger impacts on state government from the Family Support Act even than what we are now seeing. Catastrophic Coverage Act,

right, it's just we need to do this, I think. So I would move to return the bill and take care of this problem.

PRESIDENT: Thank you. The question is, shall the bill be returned? All those in favor vote aye, opposed nay. Need a little help, ladies and gentlemen, please. Thank you. Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on the motion to return the bill.

PRESIDENT: The bill is returned. Senator Wesely.

SENATOR WESELY: Okay, again, Mr. President, this takes care of the emergency assistance problem with the state taking over administration as well as the funding. The counties would be saved \$250,000. The state would have to pick that up but I don't see any other alternative. So I would move the adoption of the amendment.

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

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

PRESIDENT: The Wesely amendment is adopted. Senator Wesely, would you like to readvance the bill?

SENATOR WESELY: I move to return to readvance the bill, please.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. Anything further on the bill, Mr. Clerk?

CLERK: No, Mr. President, but I understand because of that action the A bill needs to be addressed. Consequently, Senator Wesely would move to return LB 362A for a specific amendment. (The Wesely amendment appears on page 2588 of the Legislative Journal.)

PRESIDENT: All right, 362A then. Senator Wesely.

SENATOR WESELY: Thank you. This would fund then the amendment

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LB 362A, 781

we just adopted and take care of the emergency assistance problem. I would move to return the bill for that amendment.

PRESIDENT: Okay. The question is shall the bill be returned? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

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

PRESIDENT: The bill is returned. Senator Wesely.

SENATOR WESELY: I move the amendment.

PRESIDENT: You have heard the motion to accept the amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the Select File amendment.

PRESIDENT: The amendment is adopted. Senator Wesely, on the readvancement.

SENATOR WESELY: Yeah, I would move to readvance the bill.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. Anything further on that bill, Mr. Clerk?

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

PRESIDENT: Okay. We will move on to LB 781, please.

CLERK: Mr. President, on 781, Senator Smith would move to return the bill for a specific amendment. Senator, I believe you distributed copies of your amendment.

SENATOR SMITH: Yes.

PRESIDENT: Okay, Senator Smith, please.

SENATOR SMITH: Thank you, Mr. Chairman. Members of the body, this amendment will replace the original version of LB 781, which you remember is the bill the committee, the General

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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

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LB 357, 357A, 362A, 362

CLERK: (Record vote read. See page 2699 of the Legislative Journal.) 33 ayes, 14 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 357 passes. LB 357AE.

CLERK: (Read LB 357A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 357A with the emergency clause attached pass? All in favor vote aye, opposed nay. Have you all voted? Please record. Correction, 33 votes are necessary. I'm sorry. Have you all voted? Record, please.

CLERK: (Record vote read. See page 2700 of the Legislative Journal.) 34 ayes, 13 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 357AE passes. LB 362.

CLERK: (Read LB 362 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 362 pass? Those in favor vote aye, opposed nay. Record, please.

CLERK: (Record vote read. See page 2701 of the Legislative Journal.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 362 passes. LB 362A.

ASSISTANT CLERK: (Read LB 362A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 362A pass? Those in favor vote aye, opposed nay. Have you all voted? Record.

ASSISTANT CLERK: (Record vote read. See page 2702 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President.

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LB 75, 89, 89A, 147, 177, 177A, 272A
311, 362A, 377, 487, 487A
LR 224, 225, 226

SPEAKER BARRETT: LB 362A passes. LB 377.

ASSISTANT CLERK: (Read LB 377 on Final reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 377 become law? Those in favor vote aye, opposed nay. Have you all voted? Please record.

ASSISTANT CLERK: (Record vote read. See pages 2702-03 of the Legislative Journal.) The vote is: 48 ayes, 0 nays, 1 present and not voting, Mr. President.

SPEAKER BARRETT: LB 377 passes. Matters for the record, Mr. Clerk.

CLERK: Mr. President, your Enrolling Clerk has presented to the Governor bills read...some of the bills read on Final Reading this morning. (See page 2703 regarding LB 147, LB 487, LB 487A, LB 75, LB 89, LB 89A, LB 177 and LB 177A.)

Mr. President, LB 311 is reported correctly enrolled.

Mr. President, new resolutions. LB 224 by Senator Conway. (Read brief description of LR 224 as found on pages 2703-04 of the Legislative Journal.) LR 225 by Senator...by the Appropriations Committee. (Read brief description of LR 225 as found on pages 2704-06 of the Legislative Journal.) That will be laid over, Mr. President. LR 226 offered by Senators Pirsch, Beck, Hannibal, Ashford, Chizek, Hall, Labedz, Lynch, Abboud and Chambers. (Read brief description of LR 226 as found on pages 2706-07 of the Legislative Journal.) That, as well, will be laid over. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Directing your attention now to the agenda to LB 272AE which we moved over earlier in the day. Mr. Clerk.

CLERK: Mr. President, I have a motion to bracket LB 272A until May 24. That is offered by Senator Landis.

SPEAKER BARRETT: Senator Landis, please.

SENATOR LANDIS: Thank you, Mr. Speaker, members of the Legislature, this is the American Savings, State Securities,

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LB 272A, 311, 355, 355A, 357, 357A, 362
362A, 377

where others have not a lack of priority or a responsibility for this issue, but a higher priority elsewhere which is endangered if this bill passes. In a Legislature of Timmy Hall's I'd run this bill in a minute, but that's not the situation today and, frankly, I need to live to fight another day and that's why I make this motion. I move to bracket 272 (sic) until next year.

SPEAKER BARRETT: Thank you. You've heard the motion to bracket the bill until January 3 of 1990. Those in favor of the bracketing motion vote yes, those opposed vote no. Have you all voted? Please record.

ASSISTANT CLERK: 25 ayes, 21 nays to bracket the bill until January 3, 1990, Mr. President.

SPEAKER BARRETT: The bracketing motion is adopted. The bill is bracketed. While the Legislature is in session and capable of transacting business, I propose and I do sign LB 355 and LB 355A, LB 357 and LB 357A, LB 362 and LB 362A, LB 311 and LB 377. (See page 2707 of the Legislative Journal.) Anything for the record, Mr. Clerk?

ASSISTANT CLERK: I have nothing for the record, Mr. President.

SPEAKER BARRETT: Senator Hefner, please.

SENATOR HEFNER: Mr. President, I move that we recess till one-thirty.

SPEAKER BARRETT: You've heard the motion to recess until one-thirty. All in favor say aye. Opposed no. Ayes have it, we are recessed until one-thirty.

RECESS

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated.) ...balcony, Senator Wehrbein has some guests. We have 40 fourth graders from Nebraska City, and their teachers. Would you folks please stand so we may welcome you to the Legislature? All of you students, please stand. Thank you for visiting us today. If you would start making your way to your seats, please, we would begin