

January 4, 1990

LB 939-968
LR 234

And that is not a valid, logical position. I don't think it is a reasonable legislative position and in order not to drag out the discussion on this resolution, that will be all I have to say except to reemphasize that I intend to vote against this resolution and I'll vote against others of similar stripe.

PRESIDENT: Senator Hannibal, would you like to close...Senator Lynch, your light came on. Senator Hannibal, would you like to close, please.

SENATOR HANNIBAL: Thank you, Mr. President. Senator Chambers, I also have many thoughts running through my head, but I will exercise some constraint as well. I appreciate you pointing up some facts about the issue of what days are Nebraska citizens days and which days are days for all the people that we are elected to serve, and I agree with you wholeheartedly. Senator Smith, I'm not sure I really needed that much support saying that this resolution wasn't near as bad as some of them that we have, but I guess I'll take a vote whenever I can get it. Yes, it is true that each day that we meet in session, as a matter of fact, each day that we serve in the Legislature, is for all the citizens in Nebraska. That is my philosophy as well. However, I would suggest that we have many days that are proclaimed to be special for certain kinds of occasions and, in fact, certain individuals and that to say that because this all day should be for Nebraska citizens and not have a day that we proclaim as a special recognition would be tantamount in my estimation to saying that we shouldn't have a veterans' day because that implies that every other day is not a day that should be recognized for veterans and their service to us or any number of things that we do have. I believe that this is a gesture of recognition that we are here because of the citizens and we are here to serve the citizens and it's not near as bad a resolution as some of them we've passed and I would urge its adoption.

PRESIDENT: The question is the adoption of the resolution. All in favor vote aye, opposed nay. Record, please.

CLERK: 15 ayes, 4 nays, Mr. President, on adoption of LR 234.

PRESIDENT: The resolution is adopted. We'll go on to number six, introduction of new bills.

CLERK: Mr. President, new bills. (Read by title for the first time, LBs 939-968. See pages 138-45 of the Legislative

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LB 881-957, 997-1010
LR 229

If I may, Mr. President, I have a Reference Report referring LBs 881-957, and LR 229. (See pages 175-77 of the Legislative Journal.) And, Mr. President, new bills. (Read LBs 997-1010 by title for the first time. See pages 177-80 of the Legislative Journal.) Mr. President, that's all that I have at this time.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you. Proceeding to the next item on...from the Rules Committee. Chairman Lynch.

SENATOR LYNCH: Mr. President, members, the next one is number nine identified on your list. It specifies that a motion to suspend the rules is not divisible. The reason for this, without reading it all but putting it hopefully in laymen's terms so we can understand it, is that when a motion to suspend the rules is attempted it's intended to accomplish only one thing. You don't suspend the rules to accomplish three, four, five or six different things. But, if the amendment that would accomplish one thing would, for example, suspend Rule 1, Section 2, Rule 2, Section 3, Rule 3, Section 4, because it's necessary to do that to identify those sections of the rules that serve that single purpose, you cannot divide the question and take any one of those three rule changes independently. I think, Mr. President and members, that explains the purpose and intent of this rule change and would suggest that we support it.

SPEAKER BARRETT: Thank you, Senator Lynch. Discussion on the proposal...proposed change number nine? Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, let me tell you what the real purpose of this rule change is. There have been attempts at various times to suspend the rules so that there can be no debate or discussion or amendment on bills, and I have indicated that I would divide that question. So the purpose of the rule is to prevent that from happening. So however many things are put into a rule suspension will have to be taken as a package. In some instances you may have a situation where people will think and believe that you should be able to suspend the rules for the purpose of taking a vote without any additional debate, amendment and so forth. And maybe that is all right. Naturally, I'm opposed to it because

SENATOR SCHELLPEPER: Mr. Speaker and members, thank you. I think that Senator Wesely probably explained the bill fairly well what it is. I passed out a sheet that also explains what the bill does. I think you all are aware that on October 1 the federal government are coming out with some new regulations, and this will just let the Health Department...would allow some waivers if they think that they need it in the rural areas. This does not say that they have to, but they can allow waivers in rural areas, if there is a nursing shortage, which we have in Nebraska at the present time. We are not backing up on their education, we are not backing up on what they have to have in the nursing homes at the present time. We're just saying that, if they cannot find nurses to staff the nursing homes 24 hours a day, that they can use part-time or have them on-call 24 hours a day, but they don't have to be there 24 hours a day. So I think it's a way to help, to keep our nursing homes in rural Nebraska open and operating without...and still meeting the federal guidelines. I'd be glad to answer any questions, thank you.

SPEAKER BARRETT: Thank you. Mr. Clerk, you have an amendment on the desk?

CLERK: Mr. President, Senator Coordsen would move to amend the bill. (Coordsen amendment is printed on pages 862-64 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. Speaker, members of the body. My amendment is a bill that I introduced this session, LB 948, to also address a problem that has come about in the nursing home industry by OBRA '89. And in that particular Omnibus Budget Reconciliation Act they changed the nomenclature for...or the title of the person who could sign the Medicare/Medicaid forms and those sorts of work in a nursing home from a social service designee to a social worker. And that triggered our state Social Worker Certification Act. I have passed out a copy of the amendment. I would share with you that it will be my intent to adjust our current social worker certification laws to make them more understandable, to ensure that the Department of Health's implementing regulations are written in such a way that the social worker statutes will be enforceable, and that the people who are in 120 bed and larger nursing homes are going to be put out of a job by October 1, 1990, will not be put out of a job. Would also share with you that LB 948 was held in Health

and Human Services Committee with the understanding that I would be given the opportunity to present that on 1080 as an amendment. LB 1080 came up a little quicker than what we had anticipated. This amendment was put together this morning so I could forewarn you of what is going to be coming up on Select File. Senator Wesely, myself and several other interested parties are going to be meeting on the exact wording of this amendment, and we will be introducing it again on Select File. So, Mr. Clerk, at this time I would ask that this amendment be withdrawn.

SPEAKER BARRETT: Thank you, it is withdrawn.

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

SPEAKER BARRETT: Thank you. We are back to a discussion on the bill itself. Senator Wesely.

SENATOR WESELY: Thanks. Real briefly, Mr. Speaker. I appreciate, Senator Coordsen, your withdrawing of that amendment. I agree that we have a problem with the legislation and need to take a look at it. The committee did actually hold and then eventually kill LB 948 with the idea of working with you on this, and we will meet in the next few days to deal with that. In addition, I do commend Senator Schellpeper, again, for this legislation. It's important to rural Nebraska to deal with this problem. And I want to make it very clear to individuals that these standards, these changes are federally mandated, they are not from the Legislature. We get calls, on occasion, from people upset, and we must refer them to the fact that this is federal, not a state problem. But we will try, on the state level as best we can, to deal with it. So I do commend both Senator Schellpeper and Senator Coordsen and look forward to the bill moving forward and dealing with some of these other issues as well.

SPEAKER BARRETT: Thank you. Any other discussion on the advancement of the bill? If not, Senator Schellpeper, would you like to close?

SENATOR SCHELLPEPER: Thank you, Mr. Speaker and members. I think that since there aren't any questions, I would just move for the advancement to E & R of LB 1080. Thank you.

SPEAKER BARRETT: Thank you. Shall LB 1080 be advanced to E & R

February 23, 1990 LB 313, 664, 666, 757, 869, 925, 948
949, 956, 980A, 1068, 1089, 1111-1113, 1132
1162, 1222, 1233

motor vehicles, motor vehicle driver program by 30,000 for Fiscal Year 1990-1991. With that, I would ask your adoption.

PRESIDENT: Thank you. Any further discussion? If not, 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 980A.

PRESIDENT: LB 980A is advanced. Something for the record, Mr. Clerk, please.

CLERK: Mr. President, thank you. Senator Wesely has amendments to LB 1113 to be printed; Senator Hall to LB 313. Health and Human Services Committee reports the following: LB 1222 to General File with amendments and LB 664, LB 666, LB 757, LB 948, LB 1068, LB 1089, LB 1111, LB 1112, LB 1132, LB 1162, LB 869, LB 925, LB 949 and LB 1233, all of those reported indefinitely postponed. Signed by Senator Wesely as Chair of the committee, Mr. President. That's all that I have at this time. (See pages 968-74 of the Legislative Journal.)

PRESIDENT: We'll move on to LB 956, please.

CLERK: Mr. President, 956 is on Select File. The first order of business are adoption of the...or consideration, I should say, of Enrollment and Review amendments.

PRESIDENT: Senator Landis, can you handle that, please?

SENATOR LANDIS: I move the adoption of the E & R amendments.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. They are adopted.

CLERK: Mr. President, the first amendment I have to the bill is by Senator Conway. Senator, this is your amendment that is on page 569 of the Journal.

PRESIDENT: Senator Conway, please. Do you wish to have it withdrawn? It is withdrawn.

CLERK: Mr. President, the next amendment I have to the bill is by Senator Wesely and Schmit. I have a note on here, Senator,

SENATOR COORDSEN: Is this the first one?

CLERK: This...well, 2765, I understand you want to withdraw, Senator.

SENATOR COORDSEN: Right. Right.

CLERK: Is that right? Okay. Then, Senator...

SENATOR COORDSEN: Okay, 2800 is the amendment.

CLERK: Right.

SENATOR COORDSEN: AM2800 is a negotiated-out version of what was LB 948 which addressed a problem that had been brought about in the nursing home industry because of a change of terminology in federal regulations in the OBRA '89 in which some people who worked in nursing homes and had a responsibility for social service activities in those homes were faced by...with a real possibility of losing their jobs because of a change of the terminology of that job. The Association of Social Workers had some problems with the original bill as how it might impact all of those people who are either a certified master social worker or certified social workers. I had introduced this amendment on General File and then pulled it and we had a meeting of the affected parties in Senator Wesely's office with the nursing home industry and the social workers in place. Amendment 2800 then is a provision in the nursing home industry that would provide that those people that are currently employed in positions that are required to be called social workers would be able to be grandfathered in if they had been engaged in the actual practice of social work at least 20 hours per week for three of the past seven years prior to the effective date of this act. It has a final date for grandfathering of October 1, 1991 and it has another provision that those who have a degree in social work from a nonapproved course or a related field and have actually been engaged in the practice of social work in a nursing home for at least 1,000 hours may also apply by October 1, 1991 for certification as a social worker. This bill relates only to those people who are currently employed in nursing homes in those types of activities. Little bit of history that when the original nursing home...or the original social worker legislation was passed, these people felt that they were excluded from the certifying process because of the

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LB 948, 949, 1080

but anyway the feeling was that we needed to focus in on that problem and not open it up beyond that. And I think Senator Coordsen's amendment is right on target, should help the nursing home industry, not hurt the social workers, not hurt the intent of that original legislation and deal with a pretty important problem. I'm very pleased with this compromise. I hope you will vote for it.

SPEAKER BARRETT: Thank you. Senator Schellpeper.

SENATOR SCHELLPEPER: Thank you, Mr. Speaker, and members, I, too, rise to support Senator Coordsen. I want the body also to know that this is not LB 948 or LB 949. There was a lot of letters that we all received on those bills. This is a compromise version that was worked out and I think it's been worked out with all of the parties involved, so this is not LB 948. So I do support the amendment. Thank you.

SPEAKER BARRETT: Any other discussion on the amendment? Senator Coordsen, for a closing statement.

SENATOR COORDSEN: Just to move the adoption of the amendment.

SPEAKER BARRETT: Thank you. The question is the adoption of the Coordsen amendment to LB 1080. All in favor vote aye, opposed nay. Record.

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

SPEAKER BARRETT: The Coordsen amendment is adopted.

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

SPEAKER BARRETT: Thank you. We're back to the matter of advancing LB 1080. Any discussion? Seeing none, Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1080, as amended, be advanced to E & R for Engrossing.

SPEAKER BARRETT: Thank you. Any discussion? If not, those in favor of the motion to advance 1080 to E & R Engrossing say aye. Opposed no. Ayes have it. Motion carried. The bill is advanced. To the A bill, Mr. Clerk.