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Floor Debate  
February 25, 2014

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[LB359A LB359 LB503 LB505 LB690 LB693 LB699 LB719 LB746 LB749 LB755 LB775  
LB817 LB825 LB828 LB833 LB845 LB865 LB867 LB908 LB923 LB933 LB937 LB946  
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LR422]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-second day of the One Hundred Third Legislature, Second Session. Our chaplain for today is Pastor Arin Hess of the Community Bible Church in Norfolk, Nebraska, Senator Scheer's district. Please rise.

PASTOR HESS: (Prayer offered.)

SENATOR GLOOR: Thank you, Pastor Hess. I call to order the thirty-second day of the One Hundred Third Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

ASSISTANT CLERK: There's a quorum present, Mr. President.

SENATOR GLOOR: Thank you, Mr. Clerk. Are there any corrections for the Journal?

ASSISTANT CLERK: I have no corrections this morning.

SENATOR GLOOR: Thank you. Are there any messages, reports, or announcements?

ASSISTANT CLERK: There are, Mr. President. Your Committee on Revenue reports LB1092 to General File; Judiciary reports LB503, LB693, LB908, and LB1001 all to General File with committee amendments. Your Committee on Enrollment and Review reports LB755, LB749, and LB983 to Select File. I have a confirmation report from the Judiciary Committee. Amendment to be printed for Senator Cook to LB359. I have communications from the Department of Health and Human Services regarding appointments to the Nebraska Stem Cell Research Advisory Committee, and that's all that I have, Mr. President. (Legislative Journal pages 629-636.) [LB1092 LB503 LB693 LB908 LB1001 LB755 LB749 LB983 LB359]

SENATOR GLOOR: Thank you, Mr. Clerk. We now turn to the first item on our agenda. Mr. Clerk.

ASSISTANT CLERK: Mr. President, the first item on this morning's agenda is from the Nebraska Retirement Systems Committee for Dennis Leonard to the Public Employees Retirement Board. (Legislative Journal page 610.)

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SENATOR GLOOR: Senator Nordquist, as Chairman of the committee, you're recognized to open on your confirmation report.

SENATOR NORDQUIST: Thank you, Mr. President and members. The Nebraska Retirement Systems held a confirmation hearing on February 18 for Dennis Leonard. Mr. Leonard was appointed by the Governor to serve the remaining year of the former State Patrol representative's term on the Public Employees Retirement Board. The board oversees the administration of all the state retirement plans. Mr. Leonard has served as a member of the State Patrol for twenty-seven years in a number of capacities. In addition, he has been on the Employment Review Board since 2007, and is a former area representative and western vice president for the State Troopers Association of Nebraska. The Retirement Committee unanimously voted to move Mr. Leonard's appointment to the Legislature for confirmation and I would ask for your support. Thank you.

SENATOR GLOOR: Thank you, Senator Nordquist. Are there senators wishing to be recognized? Seeing none. Senator Nordquist, you're recognized to close. Senator Nordquist waives. Members, the question before us this morning is the adoption of the report offered by the Retirement Committee. All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk.

ASSISTANT CLERK: (Record vote, Legislative Journal pages 636-637.) 34 ayes, 0 nays on the adoption of the report, Mr. President.

SENATOR GLOOR: The report is adopted. Mr. Clerk.

ASSISTANT CLERK: Mr. President, there is a second report from the Nebraska Retirement Systems regarding the appointment of Gail Werner-Robertson to the Nebraska Investment Council. (Legislative Journal page 611.)

SENATOR GLOOR: Senator Nordquist, you're recognized to open on your report.

SENATOR NORDQUIST: Thank you, Mr. President and members. The Nebraska Retirement Systems Committee held a confirmation hearing on February 18 for the appointment of Gail Werner-Robertson. Ms. Werner-Robertson has been reappointed by the Governor to serve a third term on the Nebraska Investment Council. The Investment Council manages the investment of 30 different entities for the state, including our pension funds and endowment funds. She received a law degree from Creighton University with a tax and finance major in 1984, and has worked in the field of investments for over 25 years. Ms. Werner-Robertson is currently the owner and CEO of an investment company and continues to bring serious real world business and investment experience to the Nebraska Investment Council and is well-qualified to make decisions regarding the investments of public funds. The Retirement Committee

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unanimously voted to move this appointment to the Legislature and I ask for your support. Thank you.

SENATOR GLOOR: Thank you, Senator Nordquist. Are there senators wishing to be recognized on this report? Seeing none. Senator Nordquist waives closing. The question before us is the adoption of the report offered by the Retirement Systems Committee. All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk.

ASSISTANT CLERK: (Record vote, Legislative Journal page 637.) 31 ayes, 0 nays on the adoption of the report, Mr. President.

SENATOR GLOOR: The report is adopted. (Visitors introduced.) Continuing with the agenda, Mr. Clerk.

ASSISTANT CLERK: Mr. President, the first item on this morning's agenda is LB690 introduced by Senator Bolz. The bill was considered yesterday. (Read title.) When the bill was considered yesterday, amendments were offered by the Health and Human Services Committee. Those amendments were under consideration when we adjourned yesterday morning. (AM1681, Legislative Journal page 502.) [LB690]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Bolz, would you give the body a brief review of your bill, please. [LB690]

SENATOR BOLZ: Certainly. LB690 does two things. First, it requires application to the Balancing Incentive Payments Program which is a federal incentive program to incentivize streamlining efficiency and move to home and community-based care for our aging population. It also creates the Aging Nebraskans Task Force. [LB690]

SENATOR GLOOR: Thank you, Senator Bolz. Senator Campbell, would you give the body a brief review of the committee amendments to LB690. [LB690]

SENATOR CAMPBELL: Thank you, Mr. President and members of the Legislature. The committee amendment actually provides what the Speaker talked yesterday as the separation of powers between the different branches and allows the legislative members of the task force to be voting members, but ex officio members would be the chief executive of the Department of Health and Human Services and the Chief Justice of the Supreme Court or their designees. And the amendment also provides that the task force terminates on June 30 of 2016 unless the Legislature extends it. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Campbell. Members, you've heard a review of LB690 and AM1681 from the Health and Human Services Committee. We now return to

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floor debate. Senator Kintner, you're recognized. [LB690]

SENATOR KINTNER: Well, thank you, Mr. President. I've been trying to unpeel this onion of a bill and figure what's in it. And it's quite the complicated bill. Senator Bolz, would you yield to some questions? [LB690]

SENATOR GLOOR: Senator Bolz, would you yield? [LB690]

SENATOR BOLZ: Certainly. [LB690]

SENATOR KINTNER: The task...we're putting together what? It's like a task force, is that correct? Am I using the right terminology? [LB690]

SENATOR BOLZ: That's right. [LB690]

SENATOR KINTNER: And the purpose of the task force is to do what? [LB690]

SENATOR BOLZ: The long-term planning committee identified aging services as an area for us to do further research and they identified areas of work force development, case management services, and family support as areas in which we need to continue working. There are several other areas related to managing the change in our aging population such as transportation services. The task force would identify top priorities and provide policy recommendations. [LB690]

SENATOR KINTNER: And then what happens once the task force identifies all the stuff? [LB690]

SENATOR BOLZ: They will make recommendations to the body. Some of those recommendations might just be improving current policies. It might be protecting the rights of senior citizens as they manage their assets as they age. It could be a variety of things. At the end of the day we know that our aging population is booming and we should plan for it. [LB690]

SENATOR KINTNER: Yeah, note your questions. I'm just trying to dig in here. When I look at the fiscal note, I see \$46 million in two years. If we have a task force that's going to make recommendations, and it's going, you know, kind of chart a course forward, why are we spending \$46 million before we have the recommendations of the task force? [LB690]

SENATOR BOLZ: That's a fair question. They're actually two separate pieces, so the task force is looking toward the future. The fiscal note references incentive dollars that are available only until the end of this year, and it's a federal incentive program called the Balancing Incentive Payments Program. Basically the federal government has

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recognized that it's in the federal and state's best interest to move people into less costly home and community-based care. And so they're incentivizing states to change their systems in order to promote that type of care. [LB690]

SENATOR KINTNER: As I look through, according to what DHHS says, we need a program coordinator, a staff assistant, a program specialist, and a program analyst. All that's about \$400,000 in the first year. And with the amount of money we're spending, it's about \$46 million over two years, this appears to be we're creating a gigantic new program. And I can't believe we're going to come back in year three and not spend some major money. Am I missing anything? [LB690]

SENATOR BOLZ: I'm afraid you are, and I can see why you want to talk about the fiscal note. We're not creating any new program. Rather, we're organizing our current initiatives better and more strategically. So the incentive monies are related to creating a few best practices in the way that we currently manage the services for our aging population, including standardized assessments, smarter case management, and something called conflict-free case management, which just means the person selling you the service can't be the person who is counseling you about the service. At the end of the day, the goal of the Balancing Incentive Payments Program is to move more people, the goal is 50 percent of our aging population, into home and community-based care. The cost of home and community-based care over about a year is around \$2,100. The cost of nursing home care is \$56,000. [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR BOLZ: So the point of incentivizing this move to home and community-based care from the feds is to save us money in the long run. [LB690]

SENATOR KINTNER: Thank you, Senator Bolz. I think we're on the same page in that we want the same thing. We want to keep people out of nursing homes, we want to try to keep people in their homes as long as possible. And I think that's something we all want because we save money. I'm not yet convinced that this is the right way to do it in spending this massive, massive amount of money. I mean, \$46 million is a massive amount of money for our state if this is the right way to do it. So I'll probably have a few more questions. I'm going to listen like heck and we'll see where the debate takes us. Thank you, Senator Bolz. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Kintner and Senator Bolz. Members in the queue and wishing to be recognized are: Hadley, Mello, Nelson, Krist, and Bloomfield. Senator Hadley, you're recognized. [LB690]

SENATOR HADLEY: Mr. President and members of the body. Would Senator Bolz yield to a question or two? [LB690]

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SENATOR GLOOR: Senator Bolz, would you yield? [LB690]

SENATOR BOLZ: Certainly. [LB690]

SENATOR HADLEY: Senator Bolz, I apologize, I had to leave 15 minutes early yesterday. I just have a couple questions. It's my understanding right now as far as Medicaid is concerned that the largest single cost is helping people in nursing homes. Is that a fair statement? [LB690]

SENATOR BOLZ: That's absolutely a fair statement. [LB690]

SENATOR HADLEY: And this is a cost that's going up yearly? [LB690]

SENATOR BOLZ: Yes, sir. [LB690]

SENATOR HADLEY: So your bill is basically to try and help us cut, as a state, cut those costs if we can keep people in their homes longer? [LB690]

SENATOR BOLZ: Absolutely. You're right on track. [LB690]

SENATOR HADLEY: Well, it seems to me that that's a worthwhile goal. I have to say, you know, I have trouble understanding fiscal notes. I don't quite get with them real quick enough, but it was quite...I thought it was very...quite complicated, the fiscal note, on the pink copy, and I appreciate what you're showing on LB690. And forgive me if this question was answered yesterday, what are our chances of getting this grant? [LB690]

SENATOR BOLZ: Oh, that's a good question. It's a noncompetitive grant. So as long as we fill out the application appropriately, these are guaranteed dollars. [LB690]

SENATOR HADLEY: These are guaranteed dollars. And just as a ballpark figure, for every dollar we put into the program, what can we expect from the federal government to match? [LB690]

SENATOR BOLZ: It's a four-to-one incentive and that's a combination of incentive funds and matching dollars. [LB690]

SENATOR HADLEY: Okay. So really it's a worthwhile goal. Would it be fair to say that the federal government has the same goal in mind that we do to try and cut down on costs of helping people in nursing homes? [LB690]

SENATOR BOLZ: Absolutely. [LB690]

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SENATOR HADLEY: Okay. With that, I realize it has a fiscal note that's going to have to be worked with, with all the fiscal notes we are, but I do believe keeping people in their own home is a positive thing not only for their own health, but the health of the state of Nebraska from a financial standpoint, and the health of the federal government from a financial standpoint. So thank you, Senator Bolz, and thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Hadley and Senator Bolz. Senator Mello, you're recognized. [LB690]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. I appreciate Senator Hadley's questions and comments because I rise to talk a little bit about that fiscal note that you see on LB690. And it's my understanding the Fiscal Office is meeting with both Senator Bolz and other interested parties, including the department, later this week to fine-tune that fiscal note because it does have a little bit of confusion in regards to what the actual dollar amount is. And there's some confusion both on the legislative branches and...in regards to what is the actual General Fund cost in part, because right now, and Senator Bolz is going to be looking at this she informed me between General and Select if we advance LB690, the cost savings that are associated with directing seniors and those who are disabled away from nursing homes and keeping them in their home. Colleagues, we've heard for a number of years the issue of entitlement reform being a signature issue in Washington, D.C. And I want to make sure Senator Bolz gets the credit of starting that conversation here within the state as it corresponds with Medicaid, particularly the aged and disabled population, which incorporates roughly about 65 percent of all Medicaid spending. I'll repeat that. Sixty-five percent of all Medicaid spending is for the aged and disabled in which LB690 is starting us on the path of trying to move us away from more costly care in nursing homes and long-term care facilities to more case management so that seniors and those who are disabled can stay in their homes. This...it's unique. I know I've heard members on the floor say, how can we ever honestly talk to people and say we've got to spend money to save money. The reality is the way the Medicaid system is structured that without LB690, without this grant, we're just going to continue to spend more money on nursing homes because it's an entitlement program that we have to provide that care to seniors who qualify. So unless we want to tell senior citizens, no longer will we take care of your healthcare needs, and we're not going to put you in nursing homes, and we're going to wish you luck down the road, LB690 is a path that we've got to consider. And it's the first of many paths, colleagues, that we will have to consider as a body not just in the next two years, the next four and six years, as our state has to grapple ultimately on our own entitlement reform journey. That we're going to have to find ways to find better cost-effective treatment for those in Medicaid knowing the largest cost drivers are those who are aged and disabled. And Senator Bolz has brought us what I think is probably the most innovative approach so far that we've discussed in the last two years in how to do that. Now Senator Bolz has informed me, as I mentioned before, there's some changes she's looking at her bill to help try to find a way in talking with the

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Fiscal Office and with the Department of Health and Human Services to see how we can capture those actualized savings by diverting seniors and those who are disabled away from nursing home care and keeping them in their own home. That's something that she's going to work on between now and Select if the body moves this bill forward. And that's a needed component, because I can understand Senator Kintner's skepticism. But research after research after research, study after study, state after state who has done this kind of model, has shown savings. That keeping seniors in their home, whether through Medicaid or through a private pay provider, saves the state a considerable amount of money in the long term. So with that, hopefully, that answers some of the questions, maybe calm some of the concerns right now. The bigger point is, Senator Bolz and the Fiscal Office and the department are going to meet to go over this fiscal note with a more fine-tooth approach because right now, yes, it does appropriate \$8.3 million over the next two years and it generates \$27 million in federal funds. The question that... [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR MELLO: ...there's a couple of questions that still remain in regards to where those savings that would come by applying for this grant, where those savings go. Do they stay within the Medicaid program, or do they cover the \$8.3 million cost it requires the state to put forward to draw down those federal funds? That is the biggest question that still is trying to be answered between the Fiscal Office, the Department of Health and Human Services, and Senator Bolz's office. But for the most part, I applaud Senator Bolz for bringing this bill forward, for starting the first honest conversation we're going to have to have in regards to entitlement reform when it comes to Medicaid as our own state as we start to grapple with the change in demographics in our state. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Mello. Senator Nelson, you're recognized. [LB690]

SENATOR NELSON: Thank you, Mr. President, members of the body. I have both comments and questions for Senator Bolz if she will respond. [LB690]

SENATOR GLOOR: Senator Bolz, would you yield? [LB690]

SENATOR BOLZ: Yes. [LB690]

SENATOR NELSON: Senator Bolz, I do not participate in Facebook so I was probably the last person to know that you are engaged and probably the last person to congratulate you by this time. [LB690]

SENATOR BOLZ: Thank you. Thank you, Senator. [LB690]



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SENATOR NELSON: I assume that you're engaged to the gentleman that I know. Is that right? [LB690]

SENATOR BOLZ: That's right, Brendon Polt is my fiancée. [LB690]

SENATOR NELSON: Brendon Polt, all right, fine. And so somebody is going to have to move, aren't they? (Laughter) [LB690]

SENATOR BOLZ: We should all move to District 29. You're all welcome. [LB690]

SENATOR NELSON: My initial question having read over LB690 is, what does the Supreme Court have to do with this? Why is the Supreme Court Justice, or his designee, a part of the task force? What's the thought behind that? [LB690]

SENATOR BOLZ: Oh, certainly. Very good question. As our senior population ages, we're going to have additional questions and additional needs for people who can manage assets into the future, who can manage conservatorships and guardianships and other kinds of responsibilities. And certainly Senator Coash's excellent bill about the Office of Public Guardianship will contribute to that conversation, but we also may need to have conversations about how to support family members and make sure that senior citizens' rights and assets are protected as they age. [LB690]

SENATOR NELSON: Well, very good. We already have the Supreme Court Commission on Guardianships and Conservatorships and I don't know how long that's going to continue in existence, but if we do pass the public guardian bill, it would seem to me that they're there just like the Ombudsman and other people that can be part of this ought to suffice. And do we really need to involve the Supreme Court for that one single question or area? I just pose this question. I don't know where the Chief Justice is on this, but I know he has a lot of things on his plate. I won't pursue that any further. That's just something that I wanted to talk about...or I wanted to mention at this time. I thank you for this chart that you passed out today. I guess my main question is the case management costs and what that means. Are we talking about \$2.5 million the first year and \$5.2 million the second year simply for counseling and direction, or is some of that money going to subsidize seniors helping them get into assisted living? I want you to know that I recognize the importance of this and I worked last year as far as getting additional money for adult day care because the costs or the reimbursements were very, very low. That's a drop in the bucket there compared to what we're citing here as far as the amount of money. So could you elaborate on this and answer my question in that regard? [LB690]

SENATOR BOLZ: Certainly. Very good question. When we think about case management we also think about what seniors need along with managing a case. So

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the first thing someone might need when they have a health concern or maybe they are initially diagnosed with early onset Alzheimer's, they need someone to help them walk it through...walk through the process. So that's what the case manager does is help them understand what's available in terms of respite, in terms of home-based medical care, in terms of financial planning. So in addition to the case management, we're also talking about making sure that those senior citizens can access those home and community-based services... [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR BOLZ: ...like home-based medical care, respite, chore services, if that's what keeps them in their home and out of nursing home care. Does that answer your question, Senator? [LB690]

SENATOR NELSON: Well, that answers my question, but when I look at the matching funds 8.9 in addition to what we're paying out of General Funds, are we going to have ten thousand case managers? That is quite a cost. [LB690]

SENATOR BOLZ: Very good. Okay. So it's a little bit detailed, but let me walk you through the fiscal note. The first chunk of money that we'll receive is matching funds for case management. The second chunk of money that we'll receive is an enhanced FMAP or an enhanced Medicaid matching dollars of 2 percent. So that's the incentive. Then the fiscal note also assumes that that 2 percent, that 2 percent of the federal matching dollars that we're currently using for home and community-based services, will be plowed back into the home and community-based care system. [LB690]

SENATOR GLOOR: Time, Senators. [LB690]

SENATOR NELSON: Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Nelson and Senator Bolz. Senator Krist, you're recognized. [LB690]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. And will Senator Bolz yield to a question? [LB690]

SENATOR GLOOR: Senator Bolz. [LB690]

SENATOR BOLZ: Certainly. [LB690]

SENATOR KRIST: Senator Bolz, could you just continue with your explanation to Senator Nelson, please? [LB690]

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SENATOR BOLZ: Absolutely. So the third piece of the puzzle is that the fiscal note assumes that the 2 percent worth of federal matching funds that we would have allocated anyway, gets put back into the system. So that's why the benefit is so exceptionally positive. And at the end of the day, I'll reinforce that the reason the federal government is being so generous here is that they recognize that in the long term investing in home and community-based care, and moving more and more of our aging services caseload into home and community-based care, is worth the investment. [LB690]

SENATOR KRIST: Thank you, Senator Bolz. And, Senator Nelson, I'm going to yield you the balance of my time in just one second so you can continue your question. I will say very simply, and I only wanted to be up on the mike for just a minute anyway, we're not looking at aging people and creating a larger group of our aged citizens. We're not looking at a database that's going to get bigger or spending more money. What we're trying to do is keep more people at home. If you have 100 people who are going to go to a nursing home, you're going to spend a lot of money for them to be there, somewhere between \$13,000 and \$15,000 a month, easily. That same kind of money can be spent in the home in a much more frugal manner. So the database that we're talking about, the finite set of the aged that will be helped here, we're going to move them over to the less costly care and keep them at home. This is truly a culture change, a real culture change. And, Senator Bolz, thank you for bringing it forward. It will take some time so that we all absorb that concept, but this really changes our culture, and I would yield the balance of my time to Senator Nelson. [LB690]

SENATOR GLOOR: Senator Nelson, 2 minutes 51 seconds. [LB690]

SENATOR NELSON: Thank you, Senator Krist. We are in total agreement on the importance and the necessity of keeping people in their homes. My question is this then, with the task force, we want a report by the 14th of December, something like that. That's not very much time for them to get things together. Why is it that we can't get the report or give the...give that group a little longer time to develop plans and see where we need to go and then, perhaps, apply for a grant and funds that will help us further with the conclusions that they come up with? Yes, would you respond, please. Yeah, I'm sorry. [LB690]

SENATOR GLOOR: Senator Bolz. [LB690]

SENATOR BOLZ: Thank you, Senator Nelson. Great questions. So the first reason that we can't wait is that the Balancing Incentive Payment Program ends this year. Colleagues, this is now or never. If we don't apply this year, we will leave 27...\$36 million on the table. So part of the hurry is that the program ends. The second piece of the puzzle, Senator Nelson, is that the task force is not necessarily providing recommendations regarding these new incentive dollars. These new incentive dollars

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already have a place to go. They have a place to go in terms of the care management and the home and community-based services. It's more about shifting the caseload and the programs that we already have, shifting people into home and community-based care. It's not necessarily creating anything new. Rather, it's making sure that people have access to the home and community-based care side first. Does that help clarify, Senator Nelson? [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR NELSON: It does help. I'm sorry. [LB690]

SENATOR GLOOR: One minute, Senator. [LB690]

SENATOR NELSON: Okay, thank you. Thank you. So I come back to, how did we arrive at the cost? The figures I cited before for fiscal year '15 and fiscal year '16, what is that based on? [LB690]

SENATOR BOLZ: I believe you're referring to the case management piece, and that... [LB690]

SENATOR NELSON: Yes. [LB690]

SENATOR BOLZ: ...the biggest expenditure from our General Funds is to provide additional case management to seniors that are aging out in the community now. Let me give you a little bit of a scenario, if I may. If you have someone, say an elderly couple who has been married for 50 years and the wife begins to exhibit signs of early onset Alzheimer's. That couple might try to make it on their own for a while until a crisis occurs. When that crisis occurs, the wife is likely to end up in nursing home care. That's a reasonable scenario. With case management... [LB690]

SENATOR GLOOR: Time, Senators. Time, Senators. Thank you, Senator Nelson, Senator Bolz. Senators in the queue: Bloomfield, Schumacher, Campbell, Bolz, Scheer, Christensen, and others. Senator Bloomfield, you're recognized. [LB690]

SENATOR BLOOMFIELD: Thank you, Mr. President. Good morning, colleagues. I have a couple of questions for Senator Bolz, if she would answer. [LB690]

SENATOR GLOOR: Senator Bolz, would you yield? [LB690]

SENATOR BOLZ: Of course. [LB690]

SENATOR BLOOMFIELD: Thank you, Senator Bolz. Where does Nebraska Area Agency on Aging fit into this whole thing? Are we stepping on their toes if we do this, or

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are we helping them, or just where do they fit in? [LB690]

SENATOR BOLZ: Oh, very good question. We are very much working in partnership with the Area Agencies on the Aging. In fact they came in and supported this piece of legislation. They are experts at case management. They know how to identify when an individual has reached a stage of dementia that needs to move into care. They know who the home and community-based care people in the local communities are. They're absolutely our partner in this work. [LB690]

SENATOR BLOOMFIELD: Okay. Thank you. I guess the convoluted fiscal note has me as confused as it does everybody else, but we are looking at picking up \$40 million from the federal government that's already \$17 trillion in debt. I have a little issue there too. [LB690]

SENATOR BOLZ: I understand your concern and I absolutely see where you're coming from. Here's how I see it, Senator Bloomfield. This is \$3 billion that has been allocated to the Balancing Incentive Payments Program. It has already been appropriated. That's a done deal. If we don't apply, 17 other states will get that money. We can either come to the table and get our fair share or let it flow out to New Hampshire and Illinois and Iowa and Georgia and all of the other states who have already applied for this money. They have said at this program that they will continue to spend out the \$3 billion regardless. It will either come to us or it won't. [LB690]

SENATOR BLOOMFIELD: This sounds a lot like the same argument I heard on Medicaid expansion last year, but thank you. [LB690]

SENATOR GLOOR: Thank you, Senator Bloomfield. Senator Schumacher, you're recognized. [LB690]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. I'm still trying to understand what we're doing here and what we're getting for \$45 million. I understand that we've got a big mess on the horizon with baby boomers who have not saved enough for their retirement, whether that was their fault or the system's fault, who knows, and probably it's irrelevant anyway. And it's probably better to keep them in their homes than it is to get them off into nursing homes. And it's probably better to establish some type of an infrastructure for doing that, and probably the sooner we get about that business, the better it is. But then I pick up the bill. And if you go through the bill, page 1 says, we're going to apply for a grant to develop a system. Well, does that give us anything? Not in that paragraph. And then we're going to get a report. Well, we've got all kinds of reports, but what does that do for us? And then we're going to create a task force to develop a plan. Well, still haven't gotten very much. Then this task force is going to have all kinds of people on it. Okay. That takes us all the way to page 4, because page 3 just tells us what the people look like. Page 4 says the task force will

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work with administrators of nursing homes and those kind of establishments to establish collaboration for an informed decision. And it says it will create a statewide strategic plan for a lot of things. So, Senator Bolz, would you yield to a question? [LB690]

SENATOR GLOOR: Senator Bolz, would you yield? [LB690]

SENATOR BOLZ: Absolutely. [LB690]

SENATOR SCHUMACHER: Was that a pretty fair summary of what the bill says? [LB690]

SENATOR BOLZ: I think there's more to the story, if I'm able to share it with you. [LB690]

SENATOR SCHUMACHER: Okay. [LB690]

SENATOR BOLZ: What is not necessary to be written into the text of the bill is that by applying for this grant program, we have to meet the requirements of this grant program. The requirements of the grant program include several things. In simple terms, it streamlines eligibility processes, standardized assessments, conflict-free case management. That gets at the first piece: making our system more comprehensive, streamlined, and unified. And the second piece is that by applying for these grant dollars and by accepting the money, we agree to work towards the goal of moving at least half of our aging population into home and community-based care. Right now, we're doing pretty well. We're at 42 percent of our aging services, population is in home and community-based care. [LB690]

SENATOR SCHUMACHER: Okay. Senator Bolz, I think I've got that part of the answer. Now let's continue on that discussion. So we got...we blow through \$45 million here, \$17 (million) of our money, \$16 (million) of the feds' money, and does any of that money actually pay for any services yet, or is this just planning? [LB690]

SENATOR BOLZ: Absolutely, it pays for services. The enhanced FMAP is our federal Medicaid matching dollars so it's getting plowed straight back into our existing Medicaid program. [LB690]

SENATOR SCHUMACHER: So we're getting...some of this \$25 million is supplementing our Medicaid? [LB690]

SENATOR BOLZ: Absolutely. [LB690]

SENATOR SCHUMACHER: And does this money dry up in two years? [LB690]

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SENATOR BOLZ: The incentive dollars do dry up, but there will be ongoing matching dollars for our case management work. [LB690]

SENATOR SCHUMACHER: Is that still the four-to-one ratio that you talked about? [LB690]

SENATOR BOLZ: No, the four-to-one ratio is this short-term incentive program while we're doing the work of shifting our caseload from nursing home care... [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR BOLZ: ...away from nursing home care to home and community-based care. [LB690]

SENATOR SCHUMACHER: So is this one of those programs where we buy into it and then we end up having to pay for most of the fuel to keep the train running? [LB690]

SENATOR BOLZ: No, Senator, we've already bought into it. We already do provide services for the aging population in Medicaid and we already do provide home and community-based care services. This is about making these programs work better for us and for our constituents by incentivizing and moving over to home and community-based care. [LB690]

SENATOR SCHUMACHER: Thank you, Senator Bolz. I'm still extremely confused as to whether that...what we're getting for \$45 million, and I'm going to intently listen to the debate. Hopefully, I will become enlightened. [LB690]

SENATOR GLOOR: Thank you, Senator Schumacher and Senator Bolz. (Visitors introduced.) Returning to debate, Senator Campbell, you're recognized. [LB690]

SENATOR CAMPBELL: Thank you, Mr. President and members of the Legislature. I'm going to spend a little time talking about the importance of the bill as it may relate to the task force and bringing in the money that would begin to look comprehensively. You know, I'm one of those people that when I hear the expression, aging baby boomer, I never take umbrage about the fact that I am a baby boomer, but I do take umbrage sometimes when I hear that I'm aging. (Laughter) We have taken steps in the state of Nebraska to begin dealing with the aging population. And Senator Harms talked about the State Planning Committee and the importance of the brief that was presented and we also had a report which I'm going to refer to in a minute. For many people there's confusion about, well, if these are aging people, why doesn't Medicare pay for this? Why is it Medicaid? It's an important distinction that Medicare will pay for the health problem. So an aging person in the state who needs to be hospitalized, that cost is picked up to a great extent by Medicare. But when the person has to return to a

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long-term care facility perhaps, then that's where the Medicaid costs begin to kick in, in a very simple way. What we have tried to do in the state of Nebraska is put into place certain pieces to begin moving to what Senator Bolz wants to see, and that is where we reverse the percentage of those who are in long-term care versus those that are home. And we have had some problems across the state dealing with that. And I do want to give real credit to the Department of Health and Human Services because one of those greatest problems was transportation. And we have put in a broker system in the state. Doesn't always...has some kinks, but it helps connect grandma to being able to get transportation to visit the doctor or get groceries when she's there. The second thing that we have tried to do is we have tried to look at the costs of the care. And Senator Nelson brought a great bill, and he has talked about that bill, to deal with paying for day services. We are also paying much more attention to the idea that many states across this country are beginning to look at managed care in the long-term industry. Senator Krist has a bill that we're going to hopefully see on the agenda that would hold Nebraska in place on managed care for long-term care facilities so that we have a better idea from the task force, and Senator Bolz's proposal here, about how we ought to proceed. We know that we do need to look at managed care in this area. And I appreciate Senator Krist bringing that bill forward. I want to mention a particular aspect of the State Planning Committee's discussion on long-term care of the aging population. And that is, what do we do for the parents of folks in the state who are intellectually challenged and who may be living at home with them and the parents are aging?  
[LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR CAMPBELL: Thank you, Mr. President. These are individual steps that we're trying to address. What Senator Bolz's bill does is allow us to begin tying some of those steps together and intensify the use of case management in talking to individual people in the state. This is a unique opportunity to begin tying a lot of efforts together. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Campbell. Senator Bolz, you're recognized.  
[LB690]

SENATOR BOLZ: Colleagues, I just wanted to share a couple of notes about the fiscal note. I know we've gotten several conversations this morning and first, I want to draw your attention to the simplified handout that I shared this morning. And second, I want to try to draw a picture for you of what the point is. And part of the point, colleagues, is saving money. In 1991, we implemented something called the Care Management Program, which is basically the Area Agencies on the Aging, that important work that our Area Agencies on the Aging do. When we first implemented that program, the inflation adjusted growth for our Medicaid spending for people over 65 was 22 percent. After the implementation of that program, we have worked our way down and today our



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inflation adjusted growth is actually negative .9 percent. The point of the story, colleagues, is that by innovating and by providing additional services to our senior citizens, we will save money. And that's the part of the fiscal note that is maybe hidden. You're questioning why the federal government would give us so much money and what they're asking us to do. They're asking us to do what we're already doing, better, so that we can save our state and our federal government more money in the long run. So at the end of the day, colleagues, this is certainly a bill about taking care of our aging population, taking care of my parents and my grandparents, and your parents and your grandparents, but it is also about slowing the growth in our Medicaid spending over time. Thank you, colleagues and Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Bolz. Senator Scheer, you're recognized. [LB690]

SENATOR SCHEER: Thank you, Mr. President. What we're discussing today, I've gone on a couple tours of some folks that are utilizing this process that are able to stay in their own domicile with the help of others, and it does work quite well. But I do have a few questions that really came up during the discussion this morning, and I want to apologize in advance to Senator Bolz because I had some constituents here, so this may have been discussed so I may be rehashing something. But if you'd yield to a couple of questions, I'd appreciate it. [LB690]

SENATOR GLOOR: Senator Bolz. [LB690]

SENATOR BOLZ: Certainly. [LB690]

SENATOR SCHEER: My understanding, if I am correct, the four-to-one match that has been talked about, that is just a two-year incentive. After that the funding goes back to whatever the norm is, whatever we're doing right now in relationship to Medicaid reimbursement for that. Is that a correct assessment? [LB690]

SENATOR BOLZ: That's right. [LB690]

SENATOR SCHEER: And you're trying...or the federal government, I guess, is trying to get the percentage of people that are in that age bracket from 42 percent living in their home up to 50 percent. Is that a correct statement? [LB690]

SENATOR BOLZ: That's exactly right. [LB690]

SENATOR SCHEER: And the savings comes because if they're in a nursing care facility it may be \$3,000-5,000 a month and at least the lady that I went and visited in November in Norfolk, I think her total cost of services was somewhere in the neighborhood of \$1,400-1,600, I believe. So there would...substantial savings. So the

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big dollars is just help us to rework the system so that we get more to participate at home. And I thank you, Senator Bolz. But my concern...the one concern that does come up and no one, I don't believe, has discussed this, as the federal government wants to move this 42 percent to 50, what happens when we truly don't have the ability to move the needle that much? I hate to have elderly folks that are either afraid or truly unable to live in either their apartment or their home, and because the federal government mandates that we have to get that number up to 50 that if they're at all reasonable that we take...I don't want to call it the choice, but the safety mechanism out of that to where we are now literally forcing them to stay in their own domicile when they really would feel more comfortable being in a facility. How do you respond to that, Senator? [LB690]

SENATOR BOLZ: It's a good question, Senator Scheer. There are two answers to that question. The first is, there is no penalty if we do not reach our 50 percent mark. Again, there is no penalty. So if it is, in fact, that only 48 percent of our population can reasonably stay in their homes, as long as we're making adequate progress and doing what we said we're going to do, the federal government will reimburse. The second answer to that question is that it's likely that even more than 50 percent of our aging population can stay in their homes at least for a period of time. Even if it's for a couple of months, that still equals a cost savings. So I appreciate your concern and I hope I've addressed it. [LB690]

SENATOR SCHEER: You have. And I guess the other concern that goes along with this and you and I have discussed this off the mike as well earlier in the week... [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR SCHEER: Thank you, Mr. President. The other problem that may exist out there from a state basis is truly facilities because the woman that I visited in Norfolk was at a senior living facility, but she was immobile. And every one of those units, and there 50 or 100 of them out there, all had two steps going up to the facility, to the room. And so as we start trying to look at trying to keep people in their homes, a lot of them will have steps and so forth and as they become less mobile, I just don't want to isolate the older population in a home and take away all socialization from them simply because they don't have the mobility that they once had and because of their health factors are unable to get in and out of either their home or wherever they're living. So just an aside to what the bill plans. [LB690]

SENATOR GLOOR: Time, Senator. [LB690]

SENATOR SCHEER: Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Scheer and Senator Bolz. Senators in the queue: Christensen, Brasch, Hansen, Nelson, Chambers, and Bloomfield. Senator

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Christensen, you're recognized. [LB690]

SENATOR CHRISTENSEN: Thank you, Mr. President. I'd just like to visit with you a little bit on if this is fully the right approach you want to go. My dad has Alzheimer's bad. We have been keeping him at home. We've been paying for it ourselves. We were keeping him someone around for 12 to 14 hours a day, \$10 an hour, costing us \$120 to \$140, and in the summer, actually it's costing us \$160 a day because more daylight, he was up more. Being Alzheimer's they don't have to sleep a lot. We did not have night care. But we put him in the home about three weeks ago at \$170 a day, that's day and night care. And in the summer it's saving us \$10 a day to have 24-hour care compared to having 16-hour care. It's not necessarily cheaper to have them at home, folks. And we don't have the expertise that we had when we were...that we have now in the home. And so every situation is different. And, yeah, we're paying for our own and we still are in the home. We can afford it and we're doing it. But just to set up a plan just to...people are going to use it if you set it up. If you set it up, people are going to find a way to use the program. I've had some people talk to me already off the mike, don't you get frustrated when people give their assets away or they give them away so they can qualify for a program? I said, I absolutely do. The more programs you create, the more they're going to find a way to use it. You know, I love my dad and I'd take care of him at my own expense if I had to. He's capable of taking care...he's not capable of taking care of himself, but financially he can take care of himself. And we're talking about a man with a 6th-grade education, extremely successful individual. And you know what, since he went to the home, the last two to three months he was at home he never knew who I was. I walked in...he went in on a Tuesday, three weeks ago, I walked in on Friday, coming home from the Legislature. I come walking in and he said, Mark's here. He hadn't known me in three months. I went in on Valentine's Day, being a Friday. I ate with him. They let one family member come in. I come walking in, sat down by him, he says, you're Mark. First two visits after being there, he's turned himself around. He knows people again. I'm shocked. We interviewed rest homes to see where we wanted to go. We looked at Gothenburg because my sister is there. We looked at Arapahoe because my brother is there. We looked at all kinds of Alzheimer's units as well as just common rest homes. And the way Arapahoe handles it, where we put him, is I love their system. They know when an Alzheimer's person is going to walk around. He's got a little button on him, a little key chain... [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR CHRISTENSEN: ...that locks the door as he approaches it. Otherwise, it's open. It is just an awesome system the way it's set up. And the fact that he has improved so much, I'm going to challenge you about this bill. I had a number of nursing homes say, if you just let us have him, he'll improve. I said, you're nuts. I was wrong. He's knowing me. And we got 24-hour care for the same price we were getting 16-hour care. So you've got to remember, it's about the individual, individual case. And also

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remember you make a system, people will figure out how to beat it. And that's why the cost of these gets higher than expected as more people use them. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Christensen. Senator Brasch, you're recognized. Senator Hansen, you're recognized. [LB690]

SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. I, too, have some questions about this bill and the fiscal note and hopefully the fiscal note will get rewritten into a little better form, but that's fine. The sheet that Senator Bolz did send out this morning is helpful and it does say at least what the General Fund expenses are going to be to the state. And they are considerable and the amount of \$45 million is certainly sizeable too. Had someone tell me just yesterday that 70 is the new 50. And I looked at him and I said, no, it's not. (Laugh) Seventy is 70 and it doesn't matter what good of shape you're in or what your abilities are. I think that we...as I approach that age, just a couple years from now, I look back and I see a lot of my contemporaries that never took out an IRA, never really planned for retirement, but some did. And so there are people out there in the baby boomer age that took pretty good care of their finances, but some certainly didn't. The question I would have for Senator Bolz if...would she yield, please? [LB690]

SENATOR GLOOR: Senator Bolz, would you yield? [LB690]

SENATOR BOLZ: Of course. [LB690]

SENATOR HANSEN: Thank you, Senator Bolz. On page...I think it starts on page 2 and 3 of the green copy, it lists the members of this nine-member board. And the first one, I'm sure, was the Department of HHS, second one is Chief Justice, Chairperson of the Health and Human Services Committee, member of Appropriations. The remaining four members are chosen from a long list of possibilities. And I know that the Area on Aging is in there. My question would be the...and I think someone has already asked it about the Area on Aging and what their situation is in this whole complex. I know our Area on Aging lady in North Platte is doing a great job with very limited funds, and I would like to know the outlook of what they're going to be expected to do since they're doing it now. And that's what...I just don't want to see the reinventing the wheel type of thing with this big board, and then would you respond to that about the Area on Aging? [LB690]

SENATOR BOLZ: Your question as I understand it is, what role would the Area Agency on Aging play and what would their expectations be? And the answer to that question is that they would continue to play the role that they're already playing by helping to navigate the system with families who have aging loved ones. And so this additional funding for case management would only help the Area Agencies on the Aging achieve their mission of supporting our senior citizens. Does that answer your question, Senator

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Hansen? [LB690]

SENATOR HANSEN: Yeah, it does, but it still...I can't find that in the bill. I can't find that in the bill where it says, you know, the Area on Aging are going to be one of the primary case manager units. [LB690]

SENATOR BOLZ: I see where you're coming from and the reason it's not in the bill is that partly because that's already the status quo. This funding would go to make sure that all the people who are eligible for case management get it and that we're catching people before they enter higher levels of care. So the case management dollars would work very nicely with what the Area Agencies on the Aging are already doing. [LB690]

SENATOR HANSEN: Since that is in that large group on page 3, line 10 through 20... [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR HANSEN: ...so there's ten lines of people there that are going to be coming to the Legislature during the hearing process, or somehow contacting them...contacting the Exec Board on becoming a member, of one of the four members. Is this whole list going to be looking for money? [LB690]

SENATOR BOLZ: (Laugh) Well, let me say two things quickly. We did not want to make specific choices about task members. Should we invite the nonprofit nursing home association or the nursing home association that includes everybody? Should we include this advocacy organization or that advocacy organization? We're leaving that up to the members of the task force to choose those community members. And all of those folks have different roles, different responsibilities, and different goals within the aging services field. The whole purpose is that they would be able to provide feedback and insight and input. [LB690]

SENATOR HANSEN: Going back a couple of sentences there, you said that the task force is going to choose what? [LB690]

SENATOR BOLZ: They will choose which community representatives participate. [LB690]

SENATOR HANSEN: So it may not be Area on Aging? [LB690]

SENATOR BOLZ: It's likely that someone from the Area Agency on Aging would participate, but if not, certainly there will be opportunities for feedback and input. [LB690]

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SENATOR HANSEN: Okay. I just... [LB690]

SENATOR GLOOR: Time, Senators. [LB690]

SENATOR HANSEN: Thank you. [LB690]

SENATOR GLOOR: Thank you, Senator Hansen and Senator Bolz. Senator Nelson, you're recognized. [LB690]

SENATOR NELSON: Thank you, Mr. President and members of the body. I had to be out of the Chamber for a while so I hope these questions are not redundant, but would you respond to a few more questions? [LB690]

SENATOR GLOOR: Senator Bolz, would you yield? [LB690]

SENATOR BOLZ: Oh, of course. [LB690]

SENATOR NELSON: I...thank you, Senator Bolz. I got an interesting e-mail from a potential provider in the area of home healthcare or aid. Given the figures of the costs, we've probably talked about that, but there's also a chart on here about the BIPP requirements. And our existing process right now, they're requiring a designated single entry point. Right now we have AAAs, the Area Agency on Aging, and the Agency Disability Resource Center. Those are two different organizations, are they? [LB690]

SENATOR BOLZ: That's correct. [LB690]

SENATOR NELSON: And are they doing the same thing? Would they be combined and is this all through the Department of Health and Human Services? [LB690]

SENATOR BOLZ: That is correct. It is all through the Department of Health and Human Services. There are eight Area Agencies on the Aging that serve eight different regions across the state. And the Resource Center is centralized so it's one resource center that serves the whole state. They do coordinate. [LB690]

SENATOR NELSON: All right. So then, my understanding with these additional federal funds that are coming in, those are going to go into the budget of the Department of Health and Human Services and will be of further assistance to us there to carry out these existing programs. [LB690]

SENATOR BOLZ: That's exactly right. Some of the biggest pieces of the incentive are an enhanced federal match for our Medicaid programs. [LB690]

SENATOR NELSON: And after two years then, and I think this question has been

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asked, this program drops off and we're on our own, are we? [LB690]

SENATOR BOLZ: The incentive money drops off, but this is all about reorganizing and improving our existing programs and services. So it's not that the program goes away, it's that we go back to our standard, status quo, current 2014 way of funding those services. [LB690]

SENATOR NELSON: All right. I think that pretty well answers my questions. Thank you very much, Senator Bolz. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Nelson. Senator Chambers, you're recognized. [LB690]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, on occasion when I'd be advocating for a group or an individual, often when the rights of women would be at stake, I would point out that one of the most difficult situations to contend with is when you're in a room, you're the subject of the discussion, and people talk about you as though you're not there. Black people have been waiters and in other capacities where they are treated like invisible people, and things are said about them that are very hurtful, but it's like the people sitting there view them as a piece of furniture. Now I'm in that position in a sense today, not where I'm being insulted, but I'm being discussed today. I am aged. I'm old. I don't want to be called a senior citizen. As I pointed before, you don't talk about senior man river. The "Bibble," as "Parson" knows I refer to as the book that he cherishes, points out that there's no new thing under the sun. The French are credited with having stated, the more things change, the more they remain the same. I will put those two things together and tell you all that there's a song which is appropriate for this discussion. It's called "Old Folks at Home." See, old folks are something other than just old. We've been here a long time. We have seen a lot. We have been through a lot. We understand a lot, we remember a lot, but some of us are treated in such a way that we feel that we've gone full circle: where children are seen but not heard, old folks are seen but not heard. Old folks are discussed as objects. All of us have a very good chance of winding up in a situation where we won't have complete control of our faculties. We will not ever be fortunate enough, as Senator Christensen's father was, to go into a fog, then emerge from it, even if sporadically, intermittently, even if only for one brief shining moment again, and say, that is my child, I recognize my child. If people when dealing with subjects like this could look first at the underlying issue, I'm not saying money is not important, but in determining the value to be placed on something or someone, we must first evaluate, analyze, and come to a total understanding to the extent that we can of what it is that we're talking about. Then we can start assigning amounts of money. What is feasible? What in a political set of circumstances can be done? The fact that not everything can be done is no argument for saying that nothing should be done. I often jest about the fact that everybody in this Chamber, save perhaps one other person... [LB690]

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SENATOR GLOOR: One minute. [LB690]

SENATOR CHAMBERS: ...is a child under me. I can refer to all of the men as "sonny" and I'm so much older, none can take offense at that, or "junior." I won't ever refer to a woman, even a young girl, as "gal." People don't realize that that's a demeaning term. It's not always meant to be when people utter it. But at my age and before I reached this advanced stage in life, I was very sensitive to how people react to the labels placed on them. Words can be uplifting, they have a power. Words also in the form of labels can kill because they are labeled for the purpose of dismissing. I have not seen from this discussion that we older people are being dismissed, but I'm the authority here. I am exhibit A. If you were a scientist you'd have an opportunity to talk to a Tyrannosaurus Rex... [LB690]

SENATOR GLOOR: Time, Senator. [LB690]

SENATOR CHAMBERS: ...and you would let it pass by. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Chambers. Members in the queue: Bloomfield, Davis, Kintner, Scheer, Schumacher, and Harms. Senator Davis, you're recognized. I'm sorry. I'm sorry, Senator Davis, it's Senator Bloomfield. [LB690]

SENATOR BLOOMFIELD: Thank you, Mr. President. I guess the order doesn't matter all that much. I'd like to ask Senator Bolz a couple questions again, if I could. [LB690]

SENATOR GLOOR: Senator Bolz, would... [LB690]

SENATOR BOLZ: Certainly. [LB690]

SENATOR BLOOMFIELD: Thank you, Senator Bolz. Are you supportive of the committee amendment? [LB690]

SENATOR BOLZ: Yes. [LB690]

SENATOR BLOOMFIELD: Okay. Thank you. On line 8 of the committee amendment it says the executive committee of the task force shall include as voting members the Chairperson of the Health and Human Services Committee of the Legislature, a member of the Appropriations Committee, and a member of the Health and Human Services Committee of the Legislature appointed by the Exec Board. So we've got a nine-person board and only three of them get to vote. Is that correct? [LB690]

SENATOR BOLZ: So you raise a good point and we discussed it a little bit yesterday.



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On Select, I plan to make some adjustments. The original idea was that we would have a board that included both legislative members and community members. I think that needs to be adjusted after having several conversations with people in the body to include voting members who are legislative, and nonvoting members who are members of the community. So on Select File, I'd like to make that board legislative members, five legislative members that have voting authority, and the rest nonvoting. Does that help answer your question? [LB690]

SENATOR BLOOMFIELD: It does and I appreciate that. It just seemed like we were a little short there. [LB690]

SENATOR BOLZ: Yeah, very good. [LB690]

SENATOR BLOOMFIELD: So that's something you'll fix on...between now and Select. [LB690]

SENATOR BOLZ: And specifically I plan to add a member of the long-term Planning Committee from this legislative body. [LB690]

SENATOR BLOOMFIELD: Okay. Thank you. Mr. President, I'd yield the remainder of my time to Senator Kintner, if he could use it. [LB690]

SENATOR GLOOR: Senator Kintner, 2 minutes 45 seconds. [LB690]

SENATOR KINTNER: Well, thank you, Mr. President. Senator Bolz, would you yield to a few questions? [LB690]

SENATOR GLOOR: Senator Bolz. [LB690]

SENATOR BOLZ: Of course. [LB690]

SENATOR KINTNER: Okay. How many times has this bill, this concept been introduced in this body? [LB690]

SENATOR BOLZ: Senator Cook brought it prior to my time. [LB690]

SENATOR KINTNER: Okay. It talks about implementing a single entry point for Medicaid clients who are waiting to access the community-based long-term services. What does that mean? [LB690]

SENATOR BOLZ: That means that the coordinated system of the Aging Resource Center and the Area Agencies on the Aging, that network would be working together to make sure people who are seeking assistance all get the same treatment and have an

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open door. [LB690]

SENATOR KINTNER: Okay. It also creates a new standardized assessment to determine if the potential client is qualified. Is that correct? [LB690]

SENATOR BOLZ: The assessment is really a standardized way of being able to talk about what someone needs. If you have someone who is a med aide, someone who is a case manager, someone who is providing respite care, if you have a standardized assessment, they're all speaking the same language in terms of what a particular client might be facing. [LB690]

SENATOR KINTNER: And this is new one, right? This is a new standardized... [LB690]

SENATOR BOLZ: Not exactly. Efforts are needed to review the current tools that are used by the Resource Center and the Area Agency on the Aging, make sure that they're the best tool available and make sure that everybody is using them in the same way. [LB690]

SENATOR KINTNER: Do we need to provide conflict-free management to all the clients who are approved for this community-based, well, I guess, long-term services? [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR BOLZ: Yes, that's one of the best practices promoted by this initiative. And the idea is that the person who is providing you this service...the person who is counseling you about the service, shouldn't be trying to sell you the service. [LB690]

SENATOR KINTNER: You know, I think we're about out of time. I have more questions, but I'll ask them later. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Bloomfield, Kintner, and Bolz. Senator Davis, thank you for your patience. [LB690]

SENATOR DAVIS: Thank you, Mr. President. I first of all want to say I rise in support of LB690. I had introduced an interim study myself last summer to evaluate the same sort of issues because of conditions within my district. We have a great many small towns across western Nebraska and rural Nebraska where services are hard to come by and the elderly folks that live in those communities ultimately end up going to nursing homes or some sort of assisted-living program at an earlier time in their life than they would need to do if there was care available in these communities. And since a good chunk of those folks end up on Medicaid because they've gone through their assets, I think this bill in the long run is going to save the state some money. But I've heard some questions asked on the floor, and I wonder if Senator Bolz would yield to a few

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questions. [LB690]

SENATOR GLOOR: Senator Bolz. [LB690]

SENATOR BOLZ: Of course. [LB690]

SENATOR DAVIS: Senator Bolz, you've heard a question about is this a new program and a new funding. Can you kind of talk about that a little bit? [LB690]

SENATOR BOLZ: A good question. This is not necessarily new programming. This is doing what we're already doing better. So all of these Area Agencies on the Aging, our home and community-based care system, if we were more organized, more unified in promoting home and community-based care more we would be, as you say, saving money in the long run. [LB690]

SENATOR DAVIS: So how scattershot are we at this point? Do you have any idea on that? [LB690]

SENATOR BOLZ: It's a good question. I think the biggest concern is that we're not all using the same assessments. We need to make sure we're on the same page with that. And I think we're perhaps not capturing all of the people who could be prevented from entering nursing home care, just as the scenario you lay out in your comments earlier, by engaging more of those community members and preventing that early, too early entry. That's one of the gaps that we're missing. [LB690]

SENATOR DAVIS: My mother was in a nursing home for three and a half years and we went through around \$300,000 in that time frame. So it's very costly if that's your personal money, but if it's also the state money that's going into that, then that adds another element to it. And I would say this. I have seen individuals who were in nursing homes and I think on Medicaid that I really didn't think needed to be there. So I think sort of a statewide evaluation process would be really helpful. Senator Christensen made some references to his father's situation. I wonder if you have any comments on that. [LB690]

SENATOR BOLZ: Well, thank you for the opportunity. Of course, first, Senator Christensen, our heart goes out to your family. It sounds like your dad is well loved and well taken care of. But to be fair, to be accurate, home-based care in most scenarios truly is a significantly less-expensive option. Adult day care is \$65 a day; assisted living or, sorry, assisted living, in comparison, is \$115 a day. A home healthcare aide is about \$152 a day, whereas skilled nursing facility care is \$230 a day. So when we look at the numbers, we can see that perhaps providing a home health aide, as long as an individual is capable of staying home, can save us significant money over the long run. [LB690]

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SENATOR DAVIS: And, Senator Bolz, once these plans are put in place, we will have people that maybe will maybe have two or three patients or four patients in a day. They're not going to all require 8 hours or 16 hours. [LB690]

SENATOR BOLZ: That's exactly right. You might have someone come in, in the morning to make sure that a patient takes his or her medication, makes sure that he or she is doing okay and has a clear mind to tackle their day, and then of course move on to the next client. [LB690]

SENATOR DAVIS: And then just to finish up I'd just like to say, and I think anybody who's gone on the door-to-door campaign mode can speak to this a little bit,... [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR DAVIS: ...but you end up knocking on some doors and the people that answer the door, you're really not sure if they should be there by themselves. And I can think of one particular individual in Alliance, when the woman opened the door and she had two different shoes on and was extremely thin, and I was extremely concerned about her. She had no one in that community that could look out for her so there was nobody who was aware of the triggers that were coming. And I finally contacted someone. I said, you know, the woman next door I think really needs some care. I see this as a vehicle to get beyond that. Would you like to address that in the time remaining? [LB690]

SENATOR BOLZ: I think you've addressed it very well, Senator Davis. That's exactly right. My personal experience reflects yours. I volunteer as a Meals on Wheels delivery person sometimes on Saturdays and what the difference of someone staying in their home and needing to move to a higher level of care can be something just as simple as the right person knocking on the door... [LB690]

SENATOR GLOOR: Time, Senators. [LB690]

SENATOR BOLZ: ...and checking in. [LB690]

SENATOR DAVIS: Thank you. [LB690]

SENATOR GLOOR: Thank you, Senator Davis, Senator Bolz. Senator Kintner, you are recognized. [LB690]

SENATOR KINTNER: (Microphone malfunction)...Mr. President. Senator Bolz, will you yield to some questions? [LB690]

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SENATOR GLOOR: Senator Bolz, would you yield? [LB690]

SENATOR BOLZ: Of course. [LB690]

SENATOR KINTNER: All right. Can we...well, first of all, we get this money. Can we use it to reduce the cost of our existing services? [LB690]

SENATOR BOLZ: That's exactly what it does. It provides an enhanced match for our existing Medicaid services. [LB690]

SENATOR KINTNER: Well, I am holding the testimony on this bill from 2012, and I'll give you a quote out of this. It says: First, the enhanced match must be spent to add a new service or increase the existing services. It cannot be used to reduce Nebraska's cost of existing services. That's a quote from the testimony from HHS, our state HHS. [LB690]

SENATOR BOLZ: So what they're trying to get at there is that we can't decrease our eligibility. We can't say we're going to change the rules for the people who currently access these services and say, you can't get in the door anymore. We have to maintain our existing level of services. [LB690]

SENATOR KINTNER: And I don't like to play gotcha on that, but I just want to make sure that we're clear what we're doing here. [LB690]

SENATOR BOLZ: We are receiving an enhanced match for our existing Medicaid services, so it is in fact providing bonus points, if you will, bonus dollars, if you will, for participating in this effort to streamline and incentivize home and community-based care. [LB690]

SENATOR KINTNER: Now after the money goes away, will we still have an expectation of additional services and structure changes that we're going to need to finance? [LB690]

SENATOR BOLZ: A good question. So one of the things that we expect in this bill is that the long-term dollars we'll pull in will be about \$28 million. Those dollars are a deep incentive, and we may see additional dollars needed in the future to the tune of about \$5.8 million to continue the case management for the folks that we have promoted home and community-based care to. And that's where, I think, the trick comes in or the challenge comes in, is because we have to recognize that spending the \$5.8 million over the long term to promote home and community-based care really will save us money. So if you think about the use of spending \$5.8 million, it will take us at least five years to make up for the costs that we're...for the dollars that we're getting from the BIPP Program, so that's five years right there. And then moving forward, we're saving

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money. [LB690]

SENATOR KINTNER: What part, if any, of this match can we use to pay for the state's administrative expenses that we're going to need to implement this program? [LB690]

SENATOR BOLZ: It's a 50 percent match, so you can see administratively, if you look at the columns, the General and the federal. If you look, for example, the DHHS program coordinator, General Funds is \$23,000; federal funds is an exact match of \$23,000. [LB690]

SENATOR KINTNER: According to the testimony in 2012, I'm going to read it to you: The enhanced match cannot be used to pay for any of the state's administrative expenses in implementing the program, and it cannot be used to pay for the costs associated with the required case management or the single entry point or the assessment. Now have the rules changed, the federal government rules changed or how? You know, that's what the testimony was in 2012. Where...can you square it up for me? [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR BOLZ: I can't necessarily speak to the 2012 testimony of which I was no part. I was not a member of the body in 2012. But what I can speak to is that as a Nebraska State Senator, the approach that I use is to trust our legislative fiscal notes and I'm reading the matching dollars that our legislative fiscal note articulates in this note. I am not the person who crafts the fiscal note. The Fiscal Office does that. And if that's what they say, if that's what they believe to be true, I trust in their work. [LB690]

SENATOR KINTNER: Thank you, Senator Bolz. You've been great. I don't think the program has changed any. I think it's the same program it was two years ago, and that it's about to run out. That's why there's a rush here to get the free federal money that's still out there off that "money tree," the free government money out there. And I'm always worried about that money. [LB690]

SENATOR GLOOR: Time, Senator. [LB690]

SENATOR KINTNER: Thank you very much. [LB690]

SENATOR GLOOR: Thank you, Senator Kintner and Senator Bolz. Senator Scheer, you're recognized. [LB690]

SENATOR SCHEER: Thank you, Mr. President. And would Senator Bolz answer a few questions that I inadvertently missed my first time around? [LB690]

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SENATOR GLOOR: Senator Bolz. [LB690]

SENATOR BOLZ: Of course. [LB690]

SENATOR SCHEER: Thank you, Senator Bolz. One sort of piggybacks off of Senator Kintner's comment when I think he was asking what type of long-term obligation that we were going to put ourselves in, and you mentioned a figure of \$5.8 million. Is that an annual amount or is that just a long-term amount? [LB690]

SENATOR BOLZ: That is the amount that is projected to be costs for ongoing case management. But again, and I apologize if I sound like a broken record, the idea of spending more money in home and community-based case management is a great one because it saves people from entering more expensive nursing home care. [LB690]

SENATOR SCHEER: Absolutely. But my question then, is the \$5.8 million above our current levels that we're expending now? [LB690]

SENATOR BOLZ: They are projecting that above the current levels that we are spending on case management now. [LB690]

SENATOR SCHEER: Okay. And secondly, you had mentioned on our earlier conversation that there is a 2 percent incentive on the Medicaid funding... [LB690]

SENATOR BOLZ: Uh-huh. [LB690]

SENATOR SCHEER: ...and I'm not as good on the Medicaid portion of this. [LB690]

SENATOR BOLZ: Uh-huh. [LB690]

SENATOR SCHEER: So is that of the total Medicaid dollars that we're talking about or is it just of the Medicaid dollars... [LB690]

SENATOR BOLZ: Uh-huh. Sure. [LB690]

SENATOR SCHEER: ...specifically to this program? Can you elaborate a little bit on that? [LB690]

SENATOR BOLZ: Right. That is the Medicaid dollars that are specifically for our aging population. We certainly get Medicaid for the Children's Health Insurance Program, for example. But it is an enhanced match for our Medicaid for aging folks. And forgive me if you already know it, but the FMAP is a percentage. We pay a certain percentage and the federal government pays a certain percentage. Rather than the federal government paying 56 percent in the next year, they would pay 58 percent, so more bang for our

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buck. [LB690]

SENATOR SCHEER: Okay. Thank you. And one other item that...and I apologize because I had not discussed it, but is there...the intent is to try to get folks to stay in their own facilities. Where does Medicaid or the state make the determination that that is no longer feasible? Is it a dollar amount or how do they make the determination at what point in time that, as Senator Davis had talked about, perhaps somebody really shouldn't be on their own? So...and it may not be germane to the dollars amount,... [LB690]

SENATOR BOLZ: Sure. [LB690]

SENATOR SCHEER: ...but I'm just curious if you have an idea how that determination is made when... [LB690]

SENATOR BOLZ: Yeah. Sure. [LB690]

SENATOR SCHEER: ...people are actually encouraged to leave their home,... [LB690]

SENATOR BOLZ: Sure. [LB690]

SENATOR SCHEER: ...because this is sort of the opposite. We're trying to encourage them to stay. [LB690]

SENATOR BOLZ: It's a combination of factors. It might be a decision by family members that it's time. It might be a crisis scenario in which an individual with dementia gets lost or confused. It might be an assessment by a case manager that that individual's health or mental health has reached a point in which it's no longer safe for them to maintain living on their own. So it's a combination of factors but certainly family and geriatric experts come together to make those decisions. [LB690]

SENATOR SCHEER: And just out of curiosity on that same line then, are those decisions made...if somebody really didn't agree with that, I'm assuming those are appealable so that at some point...I mean at some point in time a decision is a decision, but... [LB690]

SENATOR BOLZ: Uh-huh. [LB690]

SENATOR SCHEER: ...these aren't unilateral-type decisions, are they? [LB690]

SENATOR BOLZ: No, certainly not. And I don't think that there is any scenario in which the Department of Health and Human Services is mandating... [LB690]



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SENATOR GLOOR: One minute. [LB690]

SENATOR BOLZ: ...such a change. Perhaps in the case of an Adult Protective Services scenario, but I think that that's a little bit more organic, if you will. [LB690]

SENATOR SCHEER: Okay. Thank you, Senator Bolz. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Scheer and Senator Bolz. Senator Schumacher, you're recognized. [LB690]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I'd like to thank Senator Bolz for this chart that she provided us with this morning. It seems to make a whole lot more sense than the very convoluted fiscal note we have to try to struggle with. But in looking at that, it looks like the State Treasurer over the next two years is going to write checks for \$17 million, and somebody in Washington is going to write checks for \$26 million. And I am still struggling with what exactly do we get for that money. It seems like \$45 million for a plan is a lot of money. Senator Bolz, will you yield to a question? [LB690]

SENATOR GLOOR: Senator Bolz, would you yield? [LB690]

SENATOR BOLZ: Certainly. [LB690]

SENATOR SCHUMACHER: Okay. Now over the next two years, will some of that \$45 million go to pay for something we would otherwise have to pay over these next two years? Are we...will some of that money go to pay a bill we would otherwise have to pay? [LB690]

SENATOR BOLZ: Yes. So we have a pool of money that goes to pay our Medicaid bills for our aging population. We will receive 2 percent more from the federal government over the period of this incentive program, which does equate to, in simple terms, more dollars for work we are already doing. [LB690]

SENATOR SCHUMACHER: If you know, and I realize with these things it's very hard to know, but if you know, how much of that \$45 million is going...will offset how much of what we'd have to pay anyway? I mean not in percentages of this or that but, you know, will \$15 million of it go to pay what we'd otherwise have to pay anyway? [LB690]

SENATOR BOLZ: Okay. So there are two ways in which this incentive program will help us pay what we might be paying anyway. One is through an enhanced match and one is through freed-up General Funds who would be...that would be put back into the program. So in fiscal year '15, the fiscal note states that the enhanced match, the 2

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percent bonus dollars, will be \$3 million, and in fiscal year '16 they will be \$6 million. In addition to that, we'll have a federal match for General Funds that will be freed up because we have gotten this 2 percent match, and we'll put that money straight back into caring for our senior citizens and also get a match for those freed-up dollars. I know, I know, Senator Schumacher, that it sounds great and it is great, because the long-term financial benefit of saving money is that much worth it to the federal government. [LB690]

SENATOR SCHUMACHER: Thank you, Senator Bolz. But if I add up on the bonus match \$3 million this year, \$6 million next, I get \$9 million. We didn't get a bottom line on the other money, but we're still behind by \$36 million for this study. What are...in order to get this grant, what are we promising we're going to do more than two years down the road that we're locking ourselves into? What are we telling the feds, look, you give us this money now, we will promise you we will do this down the road, we'll spend this much down the road? [LB690]

SENATOR BOLZ: It's a good question. Two things: One is that we'll make our system work better. We'll promise to do a standardized assessment, streamline eligibility, and conflict-free case management. So the system as a whole will do what they're doing better. The other piece... [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR BOLZ: ...is moving a percentage of our total aging population who need some form of help. We're moving a percentage of folks from institutional care to home and community-based care. Right... [LB690]

SENATOR SCHUMACHER: Are we promising to do that? Is that what we're promising? [LB690]

SENATOR BOLZ: Sort of. [LB690]

SENATOR SCHUMACHER: Okay. [LB690]

SENATOR BOLZ: We are saying that we will work towards a 50/50 break, half in home and community-based care, half in institutional care. [LB690]

SENATOR SCHUMACHER: Thank you. [LB690]

SENATOR BOLZ: If we don't achieve that, there is no penalty. [LB690]

SENATOR SCHUMACHER: Thank you, Senator Bolz. Gosh, I hate to have to pass a bill in order to find out what's in it or have to spend the money to find out what I'm

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getting for sure, but I'm still listening on this one. It's a good concept but I'm not sure the connection between this money and implementation of the concept is the best thing we can be doing yet. Thank you. [LB690]

SENATOR GLOOR: Thank you, Senator Schumacher and Senator Bolz. Senator Harms, you're recognized. [LB690]

SENATOR HARMS: Thank you, Mr. President, colleagues. I continue to support this legislation and the amendment. When we focused into this, as I was talking yesterday on the mike, in the long-range planning committee, it's pretty revealing that the issue that we have that's coming is huge. And if we're ever going to start to put together a structure that starts to address the issue of the elderly, now is the time to do that. We don't make good decisions in the middle of a crisis. If we push this off and we don't start to address the issue, the crisis will be on us quicker than what we think. And many of us will not be on this floor when the major crisis does hit with all the elderly moving across and become, you know, 80 years old or 75 years old. This bill starts to set that stages...the stage that I think we need to have. What LB690 does, just to review for you as I see it, it develops a comprehensive coordinated system of home and community healthcare for long-term care services. That's critical for us, colleagues. And what it does, when you put this together, it will lower the cost through improved systems, performance, and efficiency. It will create tools to help consumers with care planning and assessment. And it will improve the quality, measurements, and oversight--the very things that we need to have, the very things that are important to be able to address this issue. Senator Bolz has taken this issue on. Let me just give you some figures again as we discovered this in the Planning Committee and we started to focus in on it. And when we went down to our policy brief, as I pointed out yesterday, when you do a policy brief on the numbers, it gets down into the research and down to the numbers to find out really what's going on. Let's just look at 2020, because 2020 is not very far away for us. You will have 42,889 people who are 85 years and older; 92,867 people who are 75 to 84; and you'll have 188,941 people who are 65 to 74 years old. To put it differently then, that's in 2020 you'll have 324,697 people who are 65 years and older. And as you go further and in the projections, it gets higher and higher and higher. And the issue here is, how are we going to take care of the elderly? What type of program are we going to have established for the elderly? Well, originally we went into the nursing homes, and then we've moved from there to assisted living and that was...has been the fastest growing category for addressing the elderly. And what we have discovered is that it doesn't work very well, that it doesn't provide the appropriate services for the elderly. We don't have people who can diagnose the dementia. We don't have people in this particular program that can care, give care assistance for people daily. We know that the best way to save money in this program, the best way to help the elderly so they can get the services will be simply what Senator Bolz is attempting to do here, and that's simply to provide home and community-based services. Colleagues, just remember that the number is going to get higher and higher and we need to start

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providing... [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR HARMS: Thank you, Mr. President,...we need to start providing the assistance now. Don't wait. The numbers are not going to go away. They're going to get higher. They're going to get larger. And when you get in rural America, where I live, it even becomes more complicated for us. What are we going to do with the elderly, in just healthcare alone, that don't want to go to a nursing home? What are we going to do with the people when they need to get their medicine or they need to go to the grocery store and address transportation issues for the elderly? What the elderly needs is someone to care about them, someone to show some love about them, and to make sure that we are providing the appropriate services for the people who made this state great. This is not the time to walk away from the elderly. This is not the time to put our back...turn our backs on people who are aging gracefully. [LB690]

SENATOR GLOOR: Time, Senator. [LB690]

SENATOR HARMS: Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Harms. Senator McCoy, you're recognized. [LB690]

SENATOR McCOY: Thank you, Mr. President. Good morning. I rise with some concerns and some questions on the amendment and the underlying bill for a variety of reasons. I've tried to focus on the discussion as best as I could between yesterday and this morning, and will continue to do so. And first I'd like to mention that I very much applaud the goal in mind, I think, of this bill, and I think you've heard Senator Harms talk passionately about this. I had the opportunity to serve for two years with him on the Planning Committee and the value of keeping our elderly, especially in our aging population in Nebraska, in their homes, as we all know, provides a large measure of dignity and self-respect to our citizens, especially our aging citizens, and I think there's a high value to that. I think we all know that we probably tend to heal better at home and in a familiar environment, and that probably goes for the young and the elderly, for all of us. But I have some concerns over this bill because we often talk about unintended consequences in the Legislature. I know that was a buzzword and a phrase that I felt like I became familiar with pretty fast when I got here six years ago. And one of the unintended consequences that I think hasn't been discussed that I think I'd be remiss if I didn't mention, didn't rise to talk about this morning, is that last week federal HHS Secretary Kathleen Sebelius spoke at a conference in Orlando and at that conference she announced that she is cutting home healthcare funds the maximum amount allowed by law. Well, you can imagine the swift response from those in the industry. As a matter of fact, if any of you were to look and research this, whether it was the Association of

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Mature American Citizens or others, immediately talked about how disastrous that this will be for those in the home healthcare environment, in the industry, and for the Americans and the Nebraskans that benefit from this. You know, the cuts that Secretary Sebelius is talking about potentially affect a half a million home healthcare workers across America. I'd like to know how that fits under this bill. I'd also like to know, since we're at the tail end of this grant period, how much of this \$3 billion is left, is remaining. I understand it's a noncompetitive grant, that if we fill the application out right, according to Senator Bolz, that we get the funds. But how much of these funds are left? I also know, as I've looked through the [BalancingIncentiveProgram.org](http://BalancingIncentiveProgram.org) and other Web sites that talk about the intricacies of this program, that if we don't meet every step of the benchmarks, every one of the benchmarks under this program, we don't receive \$1 of this grant money, not one \$1. And that can be determined after the fact, is my understanding. We're talking about spending a pretty big chunk of money here, not just what is General Funds but those federal funds that I know we all know... [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR McCOY: ...they may be matching federal funds but they are our tax dollars, lest we all forget. I just think we ought to enter into this very carefully--good idea, worthwhile goal. Number one, are we going to achieve what we're after and, number two, what are the unintended consequences? I think they could be pretty serious and bears, I think, a further examination of the ramifications of this bill if we're to advance it. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator McCoy. Senator Bloomfield...Senators in the queue: Bloomfield, Hansen, Wallman, Kintner, and others. Senator Bloomfield, this is your third time. [LB690]

SENATOR BLOOMFIELD: Thank you, Mr. President. I'd like to ask Senator Bolz a question again, if I could. [LB690]

SENATOR GLOOR: Senator Bolz, would you yield? [LB690]

SENATOR BOLZ: Of course. [LB690]

SENATOR BLOOMFIELD: Thank you, Senator Bolz. I was off the floor for just a little bit, and when I came back in I think I may have heard you answering my question to Senator Scheer, but I didn't catch it. [LB690]

SENATOR BOLZ: Okay. [LB690]

SENATOR BLOOMFIELD: Who decides finally when it's time for someone to move from the home into the nursing facility? Is the family still allowed to do that or does the long

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arm of the government come in and take it? [LB690]

SENATOR BOLZ: Oh, of course, the family, the individual, they decide. The case manager may be able to provide helpful insight in terms of the individual's status. This isn't about requiring or mandating certain individuals to stay at home or to move into institutionalized care. Rather, it's trying to, in the aggregate, help the people, who are capable of staying at home, stay there as long as possible. [LB690]

SENATOR BLOOMFIELD: But when we say "as long as possible," that scares me just a little bit because I'm rapidly entering this bracket, if I'm not already there. But... [LB690]

SENATOR BOLZ: Perhaps "as long as they should choose to" is a better way to state it. [LB690]

SENATOR BLOOMFIELD: Yeah. I just don't the government telling me when I and my children have decided it's time for me to go somewhere that, oh, you can't go yet, you can still stay home and take care of yourself if we come in and look at you twice a day. [LB690]

SENATOR BOLZ: That's not the intent of the bill. Certainly everyone's personal decision, as well as their health and safety and family input, is all taken into consideration. [LB690]

SENATOR BLOOMFIELD: I'm aware it's not the intent of the bill, but is it possibly the act of the bill? [LB690]

SENATOR BOLZ: If an individual is...can pay for nursing home care and wants to go to nursing home care, no one is going to stop them. If they're eligible for Medicaid and they want to enter nursing home care and they are eligible for that service, that's an entitlement. So I don't see any circumstance in which someone who proactively wants to enter an institution could not do so. [LB690]

SENATOR BLOOMFIELD: Okay. Thank you. Mr. President, I'd yield the remainder of my time to Senator Schumacher, if he could use it. [LB690]

SENATOR GLOOR: Senator Schumacher, 2 minutes 40 seconds. [LB690]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Senator Bolz, you indicated off the mike that there was a difference between this grant and this task force. Could you explain how they are related and whether or not this money is kind of being confused across the two? [LB690]

SENATOR GLOOR: Senator Bolz. [LB690]

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SENATOR BOLZ: Of course. So the distinction is that the grant incentive program is an initiative that we would participate in with the federal government and meet certain requirements in order to receive incentive payments. The task force is an add-on, if you will. It says that once we've undergone this agreement to promote home and community-based care to take advantage of these funds to streamline our system, there's still more work to do and that work is outlined in our long-term planning committee's report saying that we need to build our work force, we need to protect the financial and legal interests of the aging population. So maybe a different way to put it would be that we apply for the incentive programs, we work with the federal government, we do our part to pull down the dollars. And then the task force takes us on the next step down the road. [LB690]

SENATOR SCHUMACHER: Could we get the grant money and then deal with spending money on the task force later? [LB690]

SENATOR BOLZ: The two don't have to go hand in hand. We believe that they should go hand in hand, because if we intend to have a long-term vision of promoting home and community-based care... [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR BOLZ: ...we need to make sure that the foundation for that care is built through building our work force, ensuring that certain standards are met, etcetera. But, certainly, we could take the two pieces separately. I don't recommend that because I think they are very complementary. [LB690]

SENATOR SCHUMACHER: So if we were to just say, let's forget about the task force now, let's just go for the federal money, how much would that reduce what we have to spend here? [LB690]

SENATOR BOLZ: By a few hundred thousand dollars, and after the amendment probably even less than that because the only expenditure for the task force is a little bit of staffing from the Department of Health and Human Services. [LB690]

SENATOR SCHUMACHER: So then the bulk of the \$45 million has nothing to do with this study or task force. [LB690]

SENATOR BOLZ: That's correct. [LB690]

SENATOR SCHUMACHER: And--I know I'm running out of time here, maybe get a chance to ask it later--where does the rest of the \$45 million go? [LB690]

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SENATOR GLOOR: Time, Senator. [LB690]

SENATOR SCHUMACHER: Thank you. [LB690]

SENATOR GLOOR: Thank you, Senator Schumacher and Senator Bolz. Senator Hansen, you're recognized. [LB690]

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. Yesterday I printed off the amendments that we're...the amendment that we're talking about, and then I failed to put those back in the green copy. So I do have some questions, Senator Bolz, about the amendment, if she would yield. [LB690]

SENATOR GLOOR: Senator Bolz, would you yield? [LB690]

SENATOR BOLZ: Certainly. [LB690]

SENATOR HANSEN: Thank you, Senator Bolz. The amendment starts, on line 4, "page 2, line 8, strike 'September 1' and insert 'July 31,'" which makes this a little more...a little quicker, more aggressive I guess. Was there any other reason for setting it as July 31? [LB690]

SENATOR BOLZ: It was simply a drafting error. The amendment reflects the accurate application date. [LB690]

SENATOR HANSEN: It was always intended to be July 31? [LB690]

SENATOR BOLZ: Yeah, it's simply a drafting error. My apologies. [LB690]

SENATOR HANSEN: Okay. Then on the...going down the amendment number 3, strike on page 2, line 21, through page 3, line 9, and insert the following new subsections: The Executive Committee is...I'm pretty sure I read this correct, the HHS legislative committee Chair, someone from the Appropriations, and then someone from the HHS Committee that's appointed by the Exec Board, and then those are the voting members. Those are the only voting members, is that correct? [LB690]

SENATOR BOLZ: As the amendment is written. After some consultation from folks on the floor, I plan to amend on Select File to add more legislative voting members and make the community members nonvoting. [LB690]

SENATOR HANSEN: And then the...line 15, (b), it tells the ones that are nonvoting. Are those going to continue to be nonvoting, the head of the Department of HHS and the Chief Justice or his designee? Are those still going to retain...be retained as nonvoting? [LB690]



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SENATOR BOLZ: That's correct. My intention is to have the legislative members only be voting members. [LB690]

SENATOR HANSEN: Okay. That's a little bothersome too. But thank you, Senator Bolz. Last year at this time we were talking about a committee of...ended up 14 of the Tax Modernization Committee and we got background, we've got...went out and did five hearings across the state, and we concluded in December that we should do more study. This, I would say that that's not going to happen because it's a much smaller board. It's designed in the amendment to have two people from HHS Committee, one from Appropriations are the only ones that could vote on the Executive Committee. We all know that things get done in the Executive Committee and then rubber stamped by the full board. I know the...let's see, I lost my place. But I know the...there's still a big, long list there of people you want to work with, and those continue on, and the Area on Aging, I hate to keep going back to that one. But I, you know, if they were fully funded to the point where they need to be, I'm not sure the rest of these need that much funding. I think this should all rotate around the Area on Aging, and I really believe that. They're in place and this much study or this study,... [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR HANSEN: ...this much money going into a study I think is pretty excessive. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Hansen, Senator Bolz. Senator Wallman, you're recognized. [LB690]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. In the Year 2525, how can man survive? I'm an aging person and so I've dealt with this mental health issue. If you go to a different state, like Illinois or Iowa, if you want to get a power of attorney, you have to look up a judge or a county official. It's not very easy to declare a loved one incompetent and that happens to some of us when you have relatives far away. So this has nothing to do with that, but I'm for this amendment and also for the bill. And when we reinvest in our elder citizenry and also the people that take care of them, we're taking care of our local communities. And these are people, some of them have been stalwarts in business, in farming as they were younger, and nobody, hardly nobody wants to go to a nursing home, me included. So I want to thank Senator Bolz for bringing this out. And some of us have health insurance to take care of this; some of us don't. And so that's all there is. Thanks, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Wallman. Senator Kintner, you're recognized, and this is your third time, Senator. [LB690]

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SENATOR KINTNER: Well, thank you, Mr. President. You know, when we're going to spend \$46 million, we need to have this debate. We don't need to rush into this. We need to talk about it and we need to treat this money like it's our own. Holy cow, when I spend \$150 I spend quite a bit of time thinking about it and looking at it and trying to figure am I getting the best buy, can I get better somewhere else. So if we're going to spend \$46 million, we ought to be talking about this. And we're doing exactly the right thing. We're doing the people's work here. I think this is what this body should be doing. Senator Bolz, will you yield to some questions? [LB690]

SENATOR GLOOR: Senator Bolz, would you yield? [LB690]

SENATOR BOLZ: Of course. [LB690]

SENATOR KINTNER: You know, this thing is complicated as all get out. I'm trying to burrow in and figure it out. Tell me about what services right now does the state offer and with home and community-based services for seniors. [LB690]

SENATOR BOLZ: There are all kinds of services that are available. Some are private pay, some are paid in part by families and in part by the state, and some are paid by the state. So if you wanted to hire someone from, say, Home Instead, you could pay that private pay. If you needed respite care, you might be able to receive some respite care from the Department of Health and Human Services. If you wanted to receive Meals on Wheels, for example, you might get a subsidy from Meals on Wheels. So there's just a great variety. [LB690]

SENATOR KINTNER: Well, let me ask this then. Would it be more useful if we had programs that actually managed the clients who are in need of long-term care to try to keep them healthier longer? Is that going to be part of this thing you think or...? [LB690]

SENATOR BOLZ: Case management already exists. This would help more people who could benefit from case management, in order to stay in their homes, to receive it. [LB690]

SENATOR KINTNER: What are we deficient at right now in terms of care for people? What do we not do well? [LB690]

SENATOR BOLZ: I think we're doing a lot of things really, really well. The biggest challenge we have is making sure that individuals who are capable of staying in their homes with additional assistance from a medication aide or a little bit of respite care are, in fact, able to do so. Case management will help them access those resources and help them stay home. [LB690]

SENATOR KINTNER: How is our case management right now? Is it good, fair, lacking,

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not enough of it? [LB690]

SENATOR BOLZ: I think our case management is wonderful. I think we have really wonderful, caring people. I know a few of those folks right here in Lincoln who bend over backwards to do everything they can to help the seniors that they're working with. At the same time, I've received a communication from constituents, one very recently in fact, who had a medical episode, wanted to return home, had family support and a will to do so, but, lacking access to the right home-based medical care, was forced to stay in an institution. [LB690]

SENATOR KINTNER: Now how does this give us the right home-based programs? And that's kind of what I think Senator Schumacher was kind of trying to get to that when he ran out of time. But how does this program do that? [LB690]

SENATOR BOLZ: The program mostly is focused on the people, making sure that people have the way to access... [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR BOLZ: ...those correct services and programs. So if a case manager is able to direct someone to adult day care rather than an institution, that's a win-win for the individual and for our savings account. [LB690]

SENATOR KINTNER: Will we absolutely have more case managers then, because we'll have more cases, right, with more...doing more services? [LB690]

SENATOR BOLZ: More funding will be needed for case management, yes. [LB690]

SENATOR KINTNER: Do you know what it costs for a case manager? [LB690]

SENATOR BOLZ: I know that the cost of home and community-based care for an individual for a month is about \$193, so \$193 or less. [LB690]

SENATOR KINTNER: Thank you very much, Senator Bolz. And by the way, you've been doing a great job answering these questions. We've been throwing a lot of tough stuff at you. But if we're going to spend \$46 million, we've got to ask these questions. Thank you very much. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Kintner and Senator Bolz. Senator Coash, you're recognized. [LB690]

SENATOR COASH: Thank you, Mr. President. Good morning, members. Would Senator Bolz yield to a question? [LB690]

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SENATOR GLOOR: Senator Bolz, would you yield? [LB690]

SENATOR BOLZ: Certainly. [LB690]

SENATOR COASH: Thank you, Senator Bolz. My question is this. Without this bill, could HHS apply for this grant on their own? [LB690]

SENATOR BOLZ: They could, yes. [LB690]

SENATOR COASH: Have you been given any indication as to why they haven't? What...have they just not had the resources to do it, they just don't think it's a good idea? What's your feeling on that? [LB690]

SENATOR BOLZ: I wouldn't...I wouldn't speak for the Department of Health and Human Services, but my understanding is that they were a little bit reticent to invest the dollars in the out years in case management. I think the policy decision in front of the body is whether or not that home and community-based care case management is worth it to us to save money in the long run. [LB690]

SENATOR COASH: That's our policy decision. The HHS makes their policy decision, but they've determined at this point this is not a priority for them, even though they are able to do it? [LB690]

SENATOR BOLZ: They did come in neutral on the bill, so they do not necessarily oppose this strategy. [LB690]

SENATOR COASH: Okay. Thank you. My next question for you, and it's appropriate that you're on the Appropriations Committee, does the Area Offices of Aging (sic), do they get some General Funds from the state? [LB690]

SENATOR BOLZ: They do. [LB690]

SENATOR COASH: They do? What's generally been the trend of this Legislature's appropriation to those offices? Are we giving them barely enough to get by? Are they...I mean talk to me about how we've funded them, from your experience. [LB690]

SENATOR BOLZ: Certainly. We actually fell behind in recent years. The Area Agency on the Aging funds are tied to a federal formula. That federal formula is connected to population, number of vulnerable seniors in the state, and several other factors. Because of our demographic changes related to the 2010 census, the smaller Area Agencies on the Aging--Blue Valley, Western Nebraska, etcetera--were in the red. So we haven't kept up with the Area Agency on the Aging. [LB690]

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SENATOR COASH: Where's the...if you know, and if you don't that's...I put you on the spot here. Where's the current appropriation, like in the preliminary budget, for these areas sit? [LB690]

SENATOR BOLZ: I don't have that off the top of my head, Senator. [LB690]

SENATOR COASH: That's fine. I can ask Senator Mello as well. That's all the questions I have for you. I want to change gears a little bit, though, and I know other members have talked about this. Colleagues, to be honest with you, I'm getting a little bit task force weary. I've served on a couple of task forces in my time here. We had two big task forces carry over from our session last year: one on taxes--I know Senator Hansen talked about that; and then a big task force on water. And my question is, I don't even know if it's a concern but it's something I'm looking after, is, where is the role of the committees going if every time we have an issue we feel like we have to get together a task force? I certainly understand the need to bring in stakeholders, but in my time here I've not found a challenge in getting people to come to the table even in a formal way, whether it's through an interim hearing or just saying, hey, we're going to talk about some things and we know that you have an interest in this and I'd like to get your input on this. And so I found, personally, success in pulling people together when I thought that was needed. And if I wanted to be more formal, I think we have an interim hearing or an interim study process. But I...the last two task forces that we... [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR COASH: Thank you, Mr. President. The last two task forces that this body has authorized have been pretty big, and we'll see what comes out of them. But I'm struggling with the idea of task forces because as I look at the responsibility of this body and the emphasis that we continue to place, because of our unique one-house system, on the committee structure, I'm concerned that we are losing, for lack of a better term, committee power and the committees', individual committees', prerogative to exercise finding expertise in areas that are of interest to them, formulating policy decisions. And I'm going to continue to listen, but I'm wondering if we're heading down a road that we ought to reconsider with these task forces. And this isn't about...this is a comment on these task forces in general, not necessarily just the one that Senator Bolz is proposing. [LB690]

SENATOR GLOOR: Time, Senator. [LB690]

SENATOR COASH: Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Coash. Senator Brasch, you're recognized. [LB690]

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SENATOR BRASCH: Thank you, Mr. President. And thank you, colleagues. I will echo what Senator Coash just said without even speaking to him prior to this. My concern and constituents have expressed the concern on the needs and the expenditures for the task forces alone; that we have town hall meetings, we have interim studies, there are many avenues that people do let us know what their priorities are. And we work with them legislatively here. And what brought me to that point was I went to the...I'm very supportive of being at home. I believe, you know, older citizens, it's wonderful to be in a home where you can get up in the middle of the night and go to the refrigerator and you're comfortable. You're familiar with the surroundings. That in itself is truly a good thing if a person is able to do that. Making the determination of can they do that or not is a very difficult one and one the family needs to make. And so I pulled up the Web site on Health and Human Services, on the Department of (sic) Aging. Their mission statement tag line is, "To promote the Dignity, Independence, and Freedom of Choice for Older Nebraskans." That's on the State Unit on Aging. On the home page, they say that, "The Aging Network in Nebraska is made up of individuals and organizations in the public and private sectors." It's funded by the Older Americans Act, the Nebraska Community Aging Services Act, and the Nebraska Department of Human Services. The State Unit on Aging has broader responsibilities for addressing the concerns of older Nebraskans. And as you go through their page, they have several different tabs that you can go to. And it...when you look at what type of services they have, here they have an advisory committee. There is the Aging and Disability Resource Center. There is Care Management. There's a service for Elder Rights Program and Legal Services. There is a program for Home and Community-Based Services, for Long-Term Care Ombudsman Program, National Family Caregiver Support Program, Nebraska Senior Medicare Patrol, a senior Nutrition Program, Senior Care Options, Senior care Companions, Senior Employment, senior Transportation Assistance. And related programs and services include: Adult Protective Services, Community Action Program, the Homestead Tax Exemption, housing programs, income support, insurance programs, Money Follows the Person Project, reverse mortgage, and utilities assistance. We have a very good, solid network and I believe that there is time, attention, and ongoing dialogue for our seniors. My concern at this point, we have many programs, but for those who do stay at home we are getting phone calls in our office about the cost of propane. They're staying at home on a limited income and cannot afford the skyrocketing cost of heating their homes. That is a concern. That is an urgent need to address. What program will cover those needs? That is real. Funding a task force... [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR BRASCH: ...looking at expanding what we have here, could be looking for certain sectors of it. It is good to stay at home. It is good to have family involved. It is a good thing to have your community involved and outreach for them. But do we need a task force to oversee this when we have many, many areas of services, government

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oversight? And hopefully we aren't adding more regulations as we add another layer of government to this program. Thank you, Speaker, and thank you, colleagues. [LB690]

SENATOR GLOOR: Thank you, Senator Brasch. Senator Garrett, you're recognized. [LB690]

SENATOR GARRETT: Thank you, Mr. President. Thank you, Senator Bolz, for bringing this bill. However, I, too, am befuddled by the fiscal note and I'm reminded of an old saying about going broke saving money. We talked about the savings that we would achieve with keeping elderly folks in their home versus going to a nursing home but really see no numbers on that, about how we're going to achieve those savings. But we're going to spend all this additional money to keep people in their home. So that is very confusing to me. I'd love to see an analysis of where it is, exactly, we'd be saving that money. Senator Christensen got up and mentioned how it was less expensive for them with...for their special-needs child to be in full-time care versus the at-home care that they were getting, and I think that's kind of an example as well. And this is kind of a twisted way to look at this, but the nursing home industry does provide a valuable service to us as well and, you know, what would be the effects on the them for...in keeping more people in their homes? I was also struck by something Senator Davis said about when he was doing his door-to-door campaigning and an elderly lady who answered the door with two different shoes on and was...looked emaciated and very thin. You know, being at home isn't all it's cut out to be sometimes. Sure, it's good for some folks who are capable of staying home, but there's a lot of benefits as well in being in a social environment in a nursing home where you're interacting with others and there are people there to take care of you. So that's a very important thing I think we need to consider as well. Yesterday the Secretary of Defense announced huge budget cuts for the Department of Defense and cuts in the military. We have this huge deficit. You know, we talk about there's these millions of federal dollars out there for us to take like it's other people's money. This is our money. Entitlements are out of control. We have this huge deficit and we just...we're going to add to that deficit by, I hate to use this term but, hogs feeding at the trough. You know, just because that money is out there doesn't mean that we need to be part of increasing this huge deficit. So I, unfortunately, I feel in my heart for elderly folks and those in need, but this fiscal note just scares me. And again, I don't think we should go broke saving money, trying to save money. And I yield the rest of my time to Senator Kintner. [LB690]

SENATOR GLOOR: Senator Kintner, 2 minutes 22 seconds. [LB690]

SENATOR KINTNER: Well, I've got a question for Senator Bolz, if she will yield. [LB690]

SENATOR GLOOR: Senator Bolz, would you yield to a question from Senator Kintner? [LB690]

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SENATOR BOLZ: Certainly. [LB690]

SENATOR KINTNER: Oh, thank you for yielding, by the way. The BIPP Program, we're going to...that's where we're applying. Tell me about that program. Is that Balancing Incentive Program, is that what it is? [LB690]

SENATOR BOLZ: That's right. They're incentivizing states to rebalance their population of senior citizens and to put more...a 50/50 balance between home and community-based care and institutional care. [LB690]

SENATOR KINTNER: What's the track record of this program? [LB690]

SENATOR BOLZ: Seventeen states have currently applied for the program. They are working towards the goals established in their applications. They're establishing standardized assessments and streamlined eligibility. And they are working towards that goal of 50 percent home and community-based care, and 50 percent institutional care, though one caveat there. It depends on where you started from. So there are two tiers of application in this program. If you only had, say, 24 percent of your population in home and community-based care, 50 percent isn't a reasonable goal. So there's a... [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR BOLZ: ...second tier that other states would qualify for but Nebraska does not. All of the states so far have received payments on time and have had good success with the Balancing Incentive Payment Program. [LB690]

SENATOR KINTNER: Thank you, Senator Bolz. You know, every time I see these government initials, it just...you know, it's a BIPP Program and, you know, these initials just roll off of the lips of people that spend government money. And, you know, I just don't have a lot of faith in these things. The track record of these programs has been pretty dismal. But, you know, we'll keep looking at it and we'll see what comes. I think we're starting to get an idea of what we're talking about here. And I appreciate the dialogue and I appreciate the frank answers from Senator Bolz. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Kintner. Senator Johnson, you're recognized. [LB690]

SENATOR JOHNSON: Thank you, Mr. President. It looks like we're going to discuss this for a little bit longer and I wanted to just put in my thoughts a little bit. I've been responsible for seven members of my family as we have worked through their elderly



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years: my two parents, my wife's parents, two aunts, and an uncle. And we had mixed situations with them. My parents did not want to go to the nursing home. They did not have nursing home insurance. The three of us, the siblings, were able to provide limited home care for them and they were able to stay in their home probably until the last week of their life. My wife's parents, one had health insurance...or long-term care; one did not. Luckily, the one that had insurance ended up in the nursing home for about six years and utilized that program very well. The other one that didn't have long-term care insurance spent a week in the hospital before passing away. I'm not sure that that's a credit to our management, but that's just the way it worked out. The aunts and uncles did not have siblings to take care of them and so they relied...had to rely more on nursing home care because they did not have family members around them. So that's kind of the situation where I've been in the past. But now I'm moving into that age and I'm one of the 3 percent that has a long-term care policy. And I will be getting my statement for my annual payment in the next week, and I will be looking at it, because I've had constituents contact me and say, when they renewed their long-term care insurance policy, it was changed from a lifetime policy to a five-year policy. It would only cover for five years. If they kept the lifetime policy, it was probably more than doubled in cost. So I think that's a decision that probably we're going to have to make. So now I look at this bill and we talk about the federal spending, and it is out of control, but also hear, okay, some of that money we deserve because we pay in a lot so we should get that back. I remember Congressman Osborne, when he was in D.C., back, talking to the League of Municipalities and talking about all the money that we, as Nebraskans, leave on the table and that's our money and we should make attempts in order to bring that back. And then the question that was asked after I got in the queue was, can HHS handle this at the state level? The federal government is out of control in spending, but I'm not real sure that HHS has handled all of our funds and has the real ability to handle it properly. So maybe we need an agency out there to handle this. I'm confused at this point. I support the concept of the bill and probably will move forward with it, but I guess my question is, is LB690 a good investment of dollars that Nebraska taxpayers will put into the program in order to receive a fourfold benefit for the federal tax dollars that we've already paid in? I don't think we'll get the federal government turned around right away, but I think that's the balance we have to think through. And we have to decide which is the best program and will LB690 fulfill that need. I've worked with a Department... [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR JOHNSON: ...of Aging (sic) and I'm very supportive of the abilities they have, and I think they will work well with the new agency if we do move forward. So I'm leaning towards support of this, but I do have some concerns about the fiscal cost and our return on investment. Thank you. [LB690]

SENATOR GLOOR: Thank you, Senator Johnson. Senator Christensen, you're

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recognized. [LB690]

SENATOR CHRISTENSEN: Thank you, Mr. Speaker. Last time when I talked, I talked about how getting in the nursing home setting has improved my dad. And it's not only myself but he knows my brother now, that he didn't before, and things that way. So like I said, there's unique circumstances. But I wanted to address something else that I said. I said you got to be careful of abuse. And I'm going to give an example from 1983. Nineteen eighty-three is a year that reminds me of what we're heading into in farming--very tough times. Nineteen eighty-three my dad qualified for food stamps, and my dad did not take them even though he qualified. That's the character of the people back then. He was a farmer, he's going, and you know, after realizing, getting our taxes done, that we qualified for food stamps and being told that, it wasn't but two, three weeks later my dad went and bought a brand new tractor and baler and rented a bunch more ground. And my dad says, I can't believe I qualify for this program and yet I have the ability to go buy this, rent more ground, and go on. And I said, well, Dad, it's based off your income. And that's the type of situations, I don't care what kind of program you set up, how careful you are, somebody is going to beat it. My dad was not that way. He wouldn't do it. He's taught me that way. I'm not going to beat the system. But there's a lot of people nowadays, they're looking for a free handout. And so anything that we set up will be utilized, and it will probably be utilized to a larger extent than you're thinking about. That's the concern I have anytime we're looking at developing a new program. Any type of thing that we got, there's going to be somebody beat the system. I don't care if it's in water, I don't care if it's in nursing home, trying to keep them at home, if it's Medicaid expansion, what it is, somebody is going to try to beat that system. It is a known fact that people try to give away assets, do things to qualify for programs, so anything that we do is going to be set up so that opportunity comes. And so I realize we're supposed to get maybe a more update, easier to read fiscal note, but I do get concerned that it is going to be as bad as it appears to me, greater than \$30 million...or, yeah, greater than \$30 million when you look at fed and state, because just the way people are today. They don't have the ethics of, like, my dad, that's 90 years old. It breaks my heart to think that that's the way people are. They would rather use a government program than they would to take care of their family. And it's sad when you get to reflecting upon where we're at today in America, in Nebraska, in the way people would rather give their... [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR CHRISTENSEN: Thank you, Mr. President,...give their assets away than take care of themselves. I'm not saying everyone is doing it, but a number are. I hear about cases, people complaining, how did they get on that program; they have X, Y, and Z. But that's what we have done as a body or our predecessors have done. They set up programs. It's why people use corporations. That's why people do different things, so they can save their assets instead of utilize them, instead of having the

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character of, you know what, God gave me the ability to make money and take care of myself. That's the philosophy of my dad's generation and the philosophy that would treat people right in this nation if they would just grab ahold of that. And they'd be blessed for doing it. You feel better about yourself. [LB690]

SENATOR GLOOR: Time, Senator. [LB690]

SENATOR CHRISTENSEN: Thank you. [LB690]

SENATOR GLOOR: Thank you, Senator Christensen. Chair recognizes Senator Wallman. [LB690]

SENATOR WALLMAN: Question. [LB690]

SENATOR GLOOR: Question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Senator Bolz, for what purpose do you rise? Record, Mr. Clerk. [LB690]

ASSISTANT CLERK: 25 ayes, 8 nays to cease debate, Mr. President. [LB690]

SENATOR GLOOR: Debate does cease. Senator Campbell, you're recognized to close on the committee amendment. [LB690]

SENATOR CAMPBELL: Thank you, Mr. President. Colleagues, I will be very brief. This amendment certainly clarifies the separation of powers that is necessary and delineates the legislative members as voting, and the head of the department and the Chief Justice as ex officio and nonvoting. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Campbell. Members, the question is, shall the committee amendment to LB690 be adopted? All those in favor vote aye; all those opposed vote nay. Senator Bolz, for what purpose do you rise? [LB690]

SENATOR BOLZ: I'd like to request a call of the house and a vote in regular order. [LB690]

SENATOR GLOOR: Roll call vote in regular order? [LB690]

SENATOR BOLZ: A roll call vote in regular order. [LB690]

SENATOR GLOOR: There has been a request to place the house under call. All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB690]

ASSISTANT CLERK: 31 ayes, 0 nays to go under call, Mr. President. [LB690]

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SENATOR GLOOR: The house is under call. Senators, please record your presence. Those unexcused senators please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Ashford, Janssen, Mello, Watermeier, Chambers, Murante, Schilz, Carlson, and Coash, please return to the Chamber and record your presence. Senator Schilz, please return to the Chamber and record your presence. Members, the question before us is the adoption of the committee amendments to LB690. Mr. Clerk, call the roll, regular order. [LB690]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal page 638.) Vote is 40 ayes, 4 nays, Mr. President, on the adoption of committee amendments. [LB690]

SENATOR GLOOR: Committee amendments are adopted. Raise the call. Mr. Clerk for an amendment. [LB690]

ASSISTANT CLERK: Mr. President, Senator Kintner would move to amend with FA201. (Legislative Journal page 638.) [LB690]

SENATOR GLOOR: Senator Kintner, you're recognized to open on your amendment. [LB690]

SENATOR KINTNER: Well, thank you, Mr. President. Pretty simple amendment. Remember that BIPP Program we talked about? Well, that's what's going to spend all the money. It's the grant that's going to be...that's going to take the bulk of the \$46 million that we have been discussing over and over and over. What this will do, it will strike that out. The only thing that will be left in the bill is that we're going to form a task force and the task force is going to look at this and then the task force will report back and we will proceed from there. So it's a very simple amendment. It will strike out the money we're going to spend applying for this money and then we can look at it. We can do it on our time frame. Right now we're rushing. We got to get this federal money, we got to get it, we got to get it. And now we can do something on our time frame. We can do something that works for us, doesn't have to be a one size fits all from the federal government. And you know, there were two things that were said earlier by Senator Bolz. She said that, you know, this generous federal, I think it was, opportunity, very generous of the federal government. It doesn't come free. This is our money. It comes with all kind of strings. You'll do it their way or the highway. Another thing she said was we got to hurry up, we got to hurry up and grab this free money, just grab it. It's just there, just go up on that money tree and take that money. Well, you know, we know it's not free. And I think Senator Garrett said that, you know, they just announced...the federal government just announced a 21 percent reduction in troop strength. We're going to have the lowest troop strength that we've had since 1940, and that was following just, you know, within 20 years of the Kellogg-Briand Pact that we signed. You

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know, this is not money that is sitting out there that has to be spent. It's not like if we don't spend it Ohio is going to take it, or if we don't spend it Texas is going to get it. If we don't spend it, this money just doesn't get used. And I'd rather keep this money in the federal Treasury. I'd rather we spend it in Department of Defense. And it would give us time to look at this program which Senator Bolz has correctly identified as a future problem. And I think there's not a person in here that doesn't agree that we're going to have some problems as the baby boomers age and they need more services. I just don't think that we should rush in and say, well, the federal government says we have to apply by September, and if we don't the free money goes away. Well, tell them to keep their free money, tell them to keep their regulations, and let's do this in a systematic way. Let's do it the Nebraska way. Let's do it in a way that we can study this and figure out what works for Nebraska so we can address the needs of our seniors as they age. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Kintner. Members, you've heard the opening on the floor amendment. We now move to discussion. Senators in the queue: Mello, Christensen, Dubas, Krist, and Lathrop. Senator Mello, you're recognized. [LB690]

SENATOR MELLO: Mr. President, members of the Legislature, it's not so much on Senator Kintner's amendment as more of my light was on well in advance to just reiterate and clarify statements I made earlier on General File, which is Senator Bolz, the Department of Health and Human Services, and the Legislative Fiscal Office will be meeting on Friday to go over this fiscal note in a more definitive manner, because there is a significant piece of this fiscal note that's not incorporated, which is the savings that is known by moving people from a case management home-based care away from people who would normally...aged and disabled Nebraskans who would go through the current nursing home approach. So I know there's been some concern raised in regards to the General Fund dollar amount. The federal funds is something that obviously is the...part of the main reason we want to try to move forward with reforming our entitlement program is to be able to draw down more federal funds to help put more funding in case management to steer Nebraskans towards less-costly treatment and less-costly medical care. So if there is the concern that the \$2.8 million impact it would have on this current biennial budget is a concern, Senator Bolz, if we move LB690 to Select File, there will be an updated fiscal note one way or another in the sense of either accounting for that savings or not accounting for that savings. That's something that Senator Bolz, the Fiscal Office, and the Department of Health and Human Services will continue to go through, and we'll have that conversation on Friday. That's the first point. The second point is there's been issues raised on the floor generally in regards to whether or not this is a concern for, I think Senator McCoy used the words, "unintended consequences." Colleagues, the unintended consequence of not trying to reform our entitlement program is that we will have an unsustainable spending long term as our demographics in Nebraska changes. The Planning Committee document is perhaps one of the best documents I've seen in the Legislature in my six years here which

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shows the impending baby boom demographic change that will occur in our state. Senator Bolz is trying to get ahead of that baby boom curve with the understanding that the most costly medical care through Medicaid is through non-home-based services. It's putting those who are aged and disabled into nursing homes. And the longer we can keep Nebraskans living in their home, providing them the healthcare they need in their home, it saves us millions of dollars every year and tens of millions of dollars in the long run. That is the unintended consequence, colleagues, by us not trying to reform our entitlement programs is that we will not be able to, I would say, in the short term and the long term adequately address the graying that is going on across the state with more and more Nebraskans getting older and ultimately qualifying for Medicaid, whether they're aged or they're disabled. Senator Bolz's approach is trying to stem what we know will be a growing tide of people who qualify and trying to keep them in their homes at a very minimal cost in comparison to expensive healthcare costs in nursing homes. Now we know we need to have nursing homes too. That's not a slight at all in the sense that that's an approach that we know medically is necessary for Nebraskans who have certain kinds of healthcare medical needs. But what LB690 is trying to do... [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR MELLO: ...is trying to shift, shift the approach, shift the focus to home-based healthcare, long-term home-based healthcare, away from the costly immediate need to put people in nursing homes on a moment's notice. This is an approach that is long overdue. It's the first step of, I think, many approaches that we'll see in the next two to four years to address a changing demographic in Nebraska. That is not an unintended consequence. That is the reality. Demographics are changing and we need to be able to change with them, and LB690, I believe, is a positive step for us to try to change and address those demographics. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Mello. Senator Christensen, you are next in the queue. [LB690]

SENATOR CHRISTENSEN: Thank you, Mr. President. I haven't had a chance to look over this amendment and missed his introduction, but I'm going to speak on the bill some more. Again, folks, I want you to think about what I have said of the illustration with my dad. He's improved since he's been in the home. And if you think about sometimes when they're kept in the home, they're almost too isolated. And even though we felt like as a family we were doing the best thing for my dad keeping him home, he actually was regressing faster because he's come back since he's went in the home. And so I want you to think about on this bill, it isn't always the best scenario. We done the loving thing of keeping him home and that's where we wanted him as long as we could. And as you get into this, I share the same concerns I did the last time I spoke of how large are we going to make this before we're done, because I gave the example how my dad could have qualified for food stamps. He could have qualified for other

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programs. And yet he had the ability to go on and purchase additional things for his farming operation, expand his operation, and rent more ground and go on. And that is something that I don't think is protected in here. Maybe I've missed it. And that's...my concern is we've got a totally out of control money-spending machine in Washington. I know I've been told, well, it's federal dollars that are going to be spent anyway. Do we have no accountability, no ethics as individuals no more? We don't care if it's federal dollars, just spent them. We don't care if they're state dollars. The biggest thing that we fight anymore in America, it's how tax dollars are spent because they're not yours. You don't look at them with the same scrutiny you would if they were yours. I don't know if you've ever seen the chart that says if you're going out to buy a present for somebody and you're spending your money to give to someone you love, you care about the quality of the present and you care about the cost of the present. But as soon as it's going to someone else, you care what it cost but not the quality. And when it's government dollars, you don't care what it costs, you don't care about the quality. And it really shows what happens when it's tax dollars, because it's third-person spending so you don't care what it cost, you don't care about the quality. I know you're trying to set up a very good program here to allow people to be able to stay home. And it should be cheaper, but I gave you the example of my dad. It isn't. We was spending up to \$160 a day to keep him at home; \$170 a day in nursing home and my dad improved. [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR CHRISTENSEN: Thank you, Mr. President. It's something I think we've got to be real careful about, how these dollars are spent and what it's going to do and is it really the best. Because I've just got firsthand experience that we probably didn't move my dad to the home quick enough. I was shocked the first time in. Come walking in the hall and he goes, Mark is here. He walked in, there was a picture of my mother that passed away 16 years ago on the door and he says, that's Anne, she's not here anymore. He didn't even know who his wife was previous when he was still at home seeing the same picture. So I think we got to be careful about just always setting up a program thinking we're going to save money keeping them out because it's not always the best principle, the best direction to go. [LB690]

SENATOR GLOOR: Time, Senator. [LB690]

SENATOR CHRISTENSEN: Thank you. [LB690]

SENATOR GLOOR: Thank you, Senator Christensen. Senator Dubas, you're recognized. [LB690]

SENATOR DUBAS: Mr. President, there was a comment made earlier this morning on the floor that I really hope the body heard. It was an exchange between Senator Hadley and Senator Bolz where Senator Hadley was talking about the percentage of our

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budget, of our Medicaid budget, that goes to the care for the elderly. And I believe if I'm remembering right it was about 70 percent. So we're talking about a significant portion of a budget that through this bill we're trying to get a better handle on, we're trying to spend those dollars in a more efficient and a more effective manner as far as helping the elderly in getting the types of treatment that...types of care that they need. So that's a point of information that I really think needs to be highlighted and needs to be kept at the forefront of this discussion because I believe this is what Senator Bolz is trying to achieve in taking these dollars and making them work harder and better for us. I believe LB690 and the approach that she's taking is a very fiscally responsible approach in trying to, again, understand what's the most appropriate types of care that we need out there and how do we make these dollars work better and harder for us. It's been talked a lot this morning about people who have gamed the system. There are always people at every level of financial means that will game a system. There will always be those people who will see what they can do to get something for nothing. So does that mean that because someone might get something that they don't deserve we shouldn't do anything? Does that mean we shouldn't put any of these programs in place because someone might get something that they don't deserve? I have sat through so many hearings and I'm not even on the Health Committee. I've sat through hearings on ACCESS and I've sat through the hearings that...when we dealt with the privatization of child welfare, where I have heard parent after parent after parent after parent come in and talk about holding multiple jobs, doing all kinds of things to make their budget work so that they can take care of their family, but yet still if they didn't have food stamps, if they didn't have extra care to help them, you know, if they have a disabled child or a child...a special needs child, how they would not be able to take care of their children and their family. We have so many hardworking families out there who are doing everything that we're supposed to do, who are working the jobs and playing by the rules but who still struggle and who still can't make those ends meet. And if we didn't have programs like we're talking about today, where would they be and what would that cost be not only to that family individually but to us as a state and to us as a society? So I think we're taking up a pretty wide stroke here with the paintbrush and we're putting everybody into a category of abusing these programs when I think in essence it's probably a pretty small number. And wouldn't we be better served if we put checks and balances in place so that we can catch those small numbers of people who are abusing the system at whatever level in whatever program we're talking about and weeding them out and making sure that the people who really do deserve these services are getting them? I think we're kind of looking the wrong way. We do a lot of things in this body where we accept federal dollars. I just, as the Chair of the Transportation Committee, we just talked about a big bill the other day where if we wanted to continue to accept over \$27 million in federal funds, we had to jump through some hoops to do it. We had to come into compliance with federal regulations. There were some things in there that I was feeling a little iffy about. But, you know, if we didn't do it we were going to lose those federal dollars. So do we have a litmus test? Is there a test about...

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SENATOR GLOOR: One minute. [LB690]

SENATOR DUBAS: ...what are the good federal dollars and what are the bad federal dollars? What are the dollars that we think we should leave on the table and what are the dollars that are okay for us to take? I'm just very concerned about some of the conversation that we're having here this morning, and let's just go back to the premise behind LB690 which I think is a very good one, I think is a very fiscally sound one. It's what is it that we need to do to make sure that we are spending the dollars that are available, federal state dollars that are available in the best way so that we're serving our citizens who are our taxpayers and who are in need of these services. And I thank Senator Bolz for her leadership on this issue. [LB690]

SENATOR GLOOR: Thank you, Senator Dubas. Senator Krist, you're recognized. [LB690]

SENATOR KRIST: Thank you, Mr. President. Good morning, again, colleagues, and good morning, Nebraska. I stand in strong, strong opposition of FA201 and in strong favor of LB690. LR22 is a study that was put out of both Banking and Insurance jointly with our HHS Committee. It is a study to look at the future of healthcare in Nebraska. It went on all last year. LR422 was just kicked out of our committee. It will continue that work. And for Senator Kintner and others who believe that this is spending tax dollars inappropriately, I want to bring it to your attention that every person who came in who was professionally connected with anything that was medical in this state I asked the same question: Can we stand alone as a state and provide care for our citizens? Now in between now and tomorrow, because we're probably going to go to lunch right after this, you go call your hospital administrator, you call the people that you know that you trust in the medical community and you find out. And the answer you're going to get is the same one I got in committee. We cannot exist alone as an island. We need the federal dollars to come in because we send that money to D.C. and we bring it back to provide for our citizens and our state. I am not, as someone suggested in a late night session last year, going to take the chick in the water and the pot away from everybody just to make a point. The point is we cannot exist alone. And it's fortuitous that I would follow Senator Dubas who would say, what federal dollars do you want to take, because we, as a state, this administration, has taken \$69 million to facilitate a computer programming feedback portion for ACA. We took \$69 million of those federal funds. Should we have taken those? Those of you who were here in 2009 when we had to cut, cut, cut, and we ended up with about \$200 million in our savings and we existed over the next few years, you know why we had \$200 million in our savings? Because we took \$600 million of what people will call Obama money. Should we not have taken those dollars? My father used to say, wake up and smell the coffee. I think we need to come to grips with the fact that we have to take our tax dollars back from the federal government to do some things in this state, and it is up to us to decide what those are.

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So I would invite you to go out and ask those hospital administrators because I think they will verify we cannot do this on our own, we need to take some of those federal dollars back. It's not military versus education. It's not military versus medical. And by the way, to set the record straight, it's a 21 percent cut in the Army budget, not in the DOD budget. Go back between now and tomorrow morning and figure out what those categories of money are, what those dollars are that you're willing to take back of our tax dollars to provide for services for our folks in Nebraska. Thank you, Mr. President. [LB690 LR22 LR422]

SENATOR GLOOR: Thank you, Senator Krist. Mr. Clerk. [LB690]

ASSISTANT CLERK: Mr. President, items. Your Committee on Judiciary reports LB775 and LB828 to General File with committee amendments. Government reports LB746, LB817, LB825, LB937, LB980, LB1058, all to General File, as well as LB833, LB845, LB946, LB1048, and LB1084 to General File with committee amendments attached. Committee on Judiciary reports LB933 and LB998 to General File with committee amendments. I have a report, confirmation report from the Government, Military and Veterans Affairs Committee, actually three reports from Government. I have notice of committee hearing from the Transportation and Telecommunications Committee. Amendments to be printed: Senator Schumacher to LB867; Senator Cook to LB359A; and Senator Crawford to LB719. I have a report from the Reference Committee regarding the approval of certain referrals to the Stem Cell Research Advisory Committee. Name adds: Senator Murante to LB923; Senator Coash to LB699; Senator Pirsch to LB865; Senator Pirsch to LB1101; Senator Wallman, Krist, Avery, Kolowski, Howard, and Hadley to LB505; and Senator Ken Haar to LB505. And Senator Karpisek would ask to withdraw his name from LR399. (Legislative Journal pages 638-655.) [LB775 LB828 LB746 LB817 LB825 LB937 LB980 LB1058 LB833 LB845 LB946 LB1048 LB1084 LB933 LB998 LB867 LB359A LB719 LB923 LB699 LB865 LB1101 LB505 LR399]

And, finally, Mr. President, a priority motion. Senator Hadley would move to adjourn until Wednesday, February 26, 2014, at 9:00 a.m.

SENATOR GLOOR: Members, you've heard the motion to adjourn until tomorrow at 9:00. Those in favor say aye. Those opposed say nay. We stand adjourned.