

SENATOR CULLAN: Mr. President, members of the Legislature, I would move for the adoption of the committee amendment. At this time I'd also say that Senator Higgins will be proposing amendments to the committee amendments. I visited with most of the members of the Health and Welfare Committee and we would be supportive of her amendments. The basic thrust of the committee amendments and Senator Higgins' amendments I think just put them in a little bit better form. The basic thrust of the committee amendments is to solve a problem so far as assets of individuals are concerned who are on welfare, aged, blind or disabled, who want to set aside enough money to make sure that they can be buried. So what the committee and Senator Higgins came up with is to establish an irrevocable trust. They could put as much money as is necessary to bury them into this irrevocable trust and that trust would have to be used to bury them and for that purpose and for that purpose alone. Senator Higgins... That does solve the problem as far as assets are concerned and it would ensure that individuals could put enough money away so that they can be buried and provide for their own funeral expenses. I would move for the adoption of the committee amendments but first I would urge you to support Senator Higgins' amendments to the committee amendments.

SPEAKER MARVEL: Senator Higgins.

CLERK: Mr. President, Senator Higgins' amendment is found on page 456 of the Legislative Journal.

SPEAKER MARVEL: The Chair recognizes Senator Higgins.

SENATOR HIGGINS: Mr. President, Senators, the proposed amendment to LB 314 allows low income elderly people to place up to \$3,000 into an irrevocable trust and it will be used solely to pay their expenses for burial. This amendment is necessary to assure that the funds set aside for funeral costs are not considered an available asset of a potential public assistance candidate. Under current regulations if a person can reach this fund for personal use then it is considered a liquid asset and must be used in determining their eligibility for financial or medical assistance such as supplemental security income or Medicaid. So basically this amendment will allow up to \$3,000 in assets to be placed in an irrevocable trust for burial purposes only. It will permit income from the trust to be designated also as irrevocable and it allows the depositor, usually the potential decedent to change morticians after due notice to the previously designated one. This is intended to permit the depositor to shift from one mortician to another in case a potential decedent should move, let's say from Omaha to Scottsbluff.