

that in the future, if you've been in a nursing home for a year, you end up with a situation where you can no longer be removed from that nursing home and placed out on the streets because you've gone from being a private pay to a Medicaid patient, if that nursing home has less than 10 percent of their beds Medicaid beds so that we have some protection for these people so they're not homeless. Senator Higgins, your concern is the same as Senator Withem and mine. This is Senator Withem's bill and he has been the leader on it, but we tried to make sure it was all workable and the one problem we found with the bill is that there are contracts signed by these people and these are valid contracts and you have to recognize them and they don't have this protection in there and the change in statute has to be ahead of that next contract so that we don't violate the contract. There is a constitutional problem here. So if we didn't adopt this amendment it is very likely the nursing homes could go to court and enjoin this act and completely throw it out. So by not adopting this amendment we could jeopardize our intent and our purpose here with this legislation and that's why Senator Withem reluctantly agreed to it and why I am sponsoring it because I want to see the bill passed and I want to see it work and I don't want to see it thrown out in the courts and that's simply what we're after. So I would appreciate your vote for this amendment.

SPEAKER NICHOL: You've heard the closing on the Wesely amendment. All those in favor vote aye, opposed nay. We're voting on the adoption of the Wesely amendment. Need a little help. Record, Mr. Clerk, please.

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

SPEAKER NICHOL: The amendment is adopted.

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

SPEAKER NICHOL: Okay, now we're back on the bill. Senator Higgins, did you wish to speak on the bill, your light is on? Okay. Senator Wesely. Okay, Senator Hall, did you wish to move?

SENATOR HALL: Mr. President, I move that LB 782 be advanced from Select File to E & R for engrossing.

SPEAKER NICHOL: You've heard the motion. All those in favor