

January 20, 1981

LB 389-433

SPEAKER MARVEL: Senator Higgins.

SENATOR HIGGINS: Mr. Chairman and Senator Chambers, I merely want to state the fact that your very presence here and the fact that we are listening to you is a contradiction of your remarks that you do not have freedom. Thank you, Mr. President.

SPEAKER MARVEL: Senator Burrows.

SENATOR BURROWS: Mr. Speaker, members of the body, I would like to request permission we lay over the resolution until the hostages are in the air.

SPEAKER MARVEL: Any objection? If not, so ordered. We will go to item #6 now, introduction of bills.

CLERK: Mr. President, new bills. (Read by title LB 389-432. See pages 271-280 of the Legislative Journal.)

SENATOR CLARK PRESIDING

SENATOR CLARK: Could I have your attention just a moment, please? The AP has reported that the American hostages will fly out of Iran in the next thirty minutes. (applause).

CLERK: (Read by title LB 433. See pages 280-281.)

SENATOR CLARK: Senator Nichol, for what purpose do you arise?

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I wanted to say something but I don't want to say it if we have urgent business to do. This will take about two or three minutes.

SENATOR CLARK: Continue, we don't have any business right now.

SENATOR NICHOL: Okay, Senator Marsh has a bill in having to do with mammals and I wanted to tell you the story of the three mammals if I may. May I do that, sir?

SENATOR CLARK: Go right ahead if it is funny.

SENATOR NICHOL: Well, I don't know about that but once upon a time there were three mammals who lived happily in Mammalary Land. There was a papa mammal that we called Pappy and mama mammal that we called Mama and baby mammal we called Babble and the reason we called baby mammal Babble was because he talked a lot and asked embarrassing questions.

LB 19, 76, 102, 103, 107, 146,
147, 200, 284, 290, 305, 306,
316, 318, 326, 338, 371, 374,
389, 398, 441, 487

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to LB 290. Have you all voted? One more time, have you all voted? Four. Have you all voted? Okay, record the vote.

CLERK: 16 ayes, 23 nays on the adoption of the DeCamp amendment.

SPEAKER MARVEL: The motion fails.

CLERK: Mr. President, a series of materials to read in: Senator Schmit would like to print amendments to LB 284. (Amendments printed separate and on file in the Clerk's office. Request No. 2118.)

I have an Attorney General's opinion addressed to Senator DeCamp regarding LB 76. (See pages 1026-1028 of the Journal.)

Senator Koch asks to be excused Monday and Tuesday of next week; Senator Fitzgerald excused next Monday.

Your committee on Public Works whose chairman is Senator Kremer reports LB 200 to General File; 326 to General File; 146 to General File with amendments; 147 as indefinitely postponed; 398 as indefinitely postponed, (Signed) Senator Kremer as Chair. (See pages 1028-1029 of the Journal.)

Your committee on Public Health reports LB 389 to General File with amendments and 107 as indefinitely postponed, (Signed) Senator Cullan. (See pages 1030-1032 of the Legislative Journal.)

Senator Chambers would like to print amendments to LB 76. (See pages 1032-1036 of the Legislative Journal.)

Senator Cullan reports LB 487 to General File with amendments, (Signed) Senator Cullan. (See pages 1036-1040.)

Education reports LB 305 to General File; 316 to General File with amendments; 318 to General File with amendments; 338 to General File with amendments; 371 to General File; 441 to General File with amendments, (Signed) Senator Koch. (See pages 1040-1042.)

Mr. President, your committee on Revenue reports LB 19, 102, 103, 306, 374 all indefinitely postponed, (Signed) Senator Carsten, Chair.

SPEAKER MARVEL: Is that it?

CLERK: Yes.

SENATOR NICHOL: We will move on to LB 389.

CLERK: Mr. President, if I may, right before that Senator Wagner would like to print amendments to LB 134; Senator Hoagland to LB 179; Senator Wagner to LB 326. (See pages 1467-1468 of the Journal.)

I have an Attorney General's opinion addressed to Senator Maresh. That will be inserted in the Journal, Mr. President.

Mr. President, LB 389 was introduced by Senator Don Wesely and Senator Loran Schmit. (Title read.) The bill was first read on January 20, referred to Public Health and Welfare for a hearing. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SENATOR NICHOL: Senator Wesely, are you going to take the bill?

SENATOR WESELY: Yes, I will handle the committee amendments, too, Mr. President. Mr. President and members of the Legislature, I will handle the committee amendments as vice chairman of the Public Health Committee. If you will look in your book you will find that they do a number of things. The primary intent was to tighten up the bill as introduced to try and clarify more specifically who could benefit from these services that would be provided under LB 389 which said some income guidelines that were more specific and would in a number of other ways provide some clarifying amendments. The attempt was again to try and tighten up the bill to deal with the question of costs involved and Senator Cullan was very influential in developing these different amendments but there are some amendments to those I think we might want to take up at this point.

CLERK: Mr. President, Senator Wesely moves to amend the committee amendments, Senators Wesely and Schmit, and the amendments are found on page 1278 of the Journal.

SENATOR NICHOL: Senator Wesely, are you going to explain your amendments to the committee amendments, please?

SENATOR WESELY: Yes, Mr. President. As I said before, the committee amendments which were drafted attempted I think specifically to deal with the question of narrowing the focus of LB 389 and I think that was appropriate but there were a number of changes that after the amendments were adopted we found to be counterproductive and not, in fact, helpful. You have on your desk a couple of handouts. One is a copy of the amendments. Those can also be found on page 1278 of the Journal. Then also I have passed out a

summary of the differences between the committee amendments and Senator Schmit's and my own amendments to those committee amendments and let me go through those very briefly. I would like to explain them in just general terms. First off, we changed the definition of disabilities in these committee amendments. The committee amendments are somewhat like the homestead exemption disability sections that we talked about earlier today. They list specific items and disabilities that would be included and as we have seen with that discussion this morning, and when you do that you get into some trouble because then you add or you subtract a specific item from that list and it is a much better, much cleaner thing to just develop a functional definition that identifies how these people are affected by their disability and the Welfare Department now uses functional disability definitions and that seems to be the pattern in other states that have a program like LB 389 would establish. So, from looking at other states and working with the Welfare Department we found that a change in the definition would be better if it would be functional rather than categorical. The second change we have is we reinsert assistance for medical assistance and architectural modifications. Now these items were deleted from the bill but we want to reinstate those and we want to reinstate those because they are not definitely going to be provided but they are an option and there are times when people will need these sort of assistance in medical and architectural changes. They are found to be necessary in other programs in other states and they would only be used if they were found to be necessary. So, our feeling is we should not delete those items at this point but, in fact, allow the Welfare Department the opportunity to include those if they find them necessary. The third change we have is inclusion of resources and determining need. The bill says that we have to look at income. We have to look at resources when we determine who is eligible. Well we say, terrific, let's look at the income of an individual and their ability to pay but when you look at resources you are looking at, for instance, Senator Schmit may have a farm and he may have a large number of resources but his income may be very small. So, we say do not include that resources because that really isn't a factor that he can call on without having to sell part of his farm. So, the thought is, just look at the income guidelines and so that is usually the way they do things in other programs and that is what we would like to change in this. The fourth change we have is the limitation on total support. We put a maximum lid of \$500,000 in any one year that could be spent. This is an indication again, that this is a pilot program to help people with a child in their home to keep that child at home and also to help those who want to work who are handicapped, to take that work and not totally lose all benefits. We also, besides identifying the fact that

there is a \$500,000 limit in the bill already, there is a limit of \$300 per family that they can receive assistance per month, and also there is a four and a half year sunset clause so that the act would automatically terminate after four and a half years. So again, the other amendment I just talked about with the \$500,000 maximum is to identify this as a pilot project and the fifth and last change deals with income limitations and what we try and do there is identify maximum gross income rather than the net income and we found--Senator Maresh was very helpful on this, coming up with an income guideline but we found that the change as proposed by the committee was too difficult to work with and the Welfare Department almost always uses gross income as an identification of ability of a family to pay on other programs. So, we go to the medium family income as gross income and use that as a guide to identify the economic ability of these families to care for their children. I think that those changes are somewhat technical and I apologize that they have to come up at this time before I have a chance to explain the bill in total but I would ask you to please support these amendments to the committee amendments and then the adoption of the committee amendments because they do make the bill much clearer and much more effective.

SENATOR NICHOL: Senator Haberman, did you want to talk to the amendments to the committee amendments? Senator Schmit, did you want to talk to the amendments to the committee amendments?

SENATOR SCHMIT: Just to say, Mr. President, that I support the amendments to the committee amendments and I ask that they be adopted and then I will speak to the bill.

SENATOR NICHOL: The question is, shall the amendments to the committee amendments be adopted. All those in favor vote aye, opposed no.

CLERK: Senator Nichol voting aye.

SENATOR NICHOL: Record please.

CLERK: 16 ayes, 2 nays, Mr. President, on adoption of the Wesely-Schmit amendment to the committee amendments.

SENATOR NICHOL: The amendments to the committee amendments are adopted. Now, Senator Wesely, did you want to take up the committee amendments themselves?

SENATOR WESELY: I would just move the adoption of the committee amendments as amended, Mr. President.

SENATOR NICHOL: Senator Haberman, did you wish to talk to the amendments to the...? Okay. The question is, shall the committee amendments be adopted. All those in favor vote aye, opposed vote nay.

CLERK: Senator Nichol voting aye.

SENATOR NICHOL: Have you all voted? Record please.

CLERK: 25 ayes, 2 nays, Mr. President, on adoption of the amended committee amendments.

SENATOR NICHOL: The committee amendments are adopted. Now, Senator Wesely, are you going to take the bill?

SENATOR WESELY: Yes, I will speak first to introduce the bill and I would like to have Senator Schmit follow me. LB 389 is the Family Assistance and Employable Handicapped Assistance Act. What we are trying to do in this bill is to do two things. Number one, when a family has a disabled child in their home particularly, and they are in a situation where a small amount of assistance from the state will help that family keep that child in their home, then we are setting up this program to provide that assistance. What we are trying to do is encourage the family to care for their disabled child in their home. This is, I think, a very worthy step to take. I think that we want to encourage families to care for their children. I think we want to keep our families together and this bill at a minimum of cost would provide that assistance. The other element of the bill deals with the employable handicapped. We have a situation in this state where the handicapped, if they take a job and earn a certain amount of income, virtually lose all the key benefits they need to survive in an independent living situation. That is to say, we have physically handicapped individuals that live in an apartment perhaps. They are trying to take care of themselves. They are receiving benefits from the state that are helping them get by and they decide, I want to support myself. I want to get a job and I want to work and I want to earn some income, and they decide to go out and get that job and they earn that income and, whoop, there goes their benefits basically. And with that they lose their ability to maintain themselves in that independent situation and so they give up their job and go back to living off the state. Well, I think we want to encourage people to work and we have seen these individuals these employable handicapped people. They want to work. They want to earn an income. They want to help support themselves. Well what this bill says is, that we want to encourage that. We want to provide that little bit of assistance that maintains them in their independent living situation and allows them to work and I think that that is a goal that we should all agree to in the State

of Nebraska. So, this bill will do two things. It will help families maintain themselves and keep together with their disabled child and, number two, it will help the handicapped work and earn income and just provide that little bit of extra assistance that they now do not receive so that they can do that. It encourages family maintenance and it encourages work. Now I think those are two elements that we can all agree to in this Legislature but the cost of the program is something that perhaps will have some people concerned. Well let's talk about that for a second. The cost of this program the first year will be about, oh, \$225,000 is estimated. Then the next year we are not certain, but we do have that cap of a \$500,000 maximum of any one year and again, this program will only go for about four years before it would be terminated. It is a pilot program. We are trying to just get it started, see how it works and if it isn't viable, then we will eliminate it in that four year period. But at the same time I am going to predict that this program is going to be successful. It is going to be well received and in the future years you are going to find that this is one of the best steps that the Legislature ever took to deal with this problem. Now why is that? It is because that the investment that we make with this bill, the \$250,000 next year and the \$500,000 perhaps the following year is going to be money well spent because it is going to keep people out of institutions that are going to cost much more to the State of Nebraska. We are going to be helping families to take care of their own children and keep them in the home at a cost of a maximum of \$300 a month for that family. That is a bargain because the family is going to be providing the assistance. They are going to be helping to take care of that child and all they need is every once in a while a little bit of help. Somebody to come in and spend the weekend with their child, so that they can go off and visit their relatives or just get away from the home every once in a while. The burden of caring for disabled children in the home is a heavy burden. It is not an easy thing to do and what we are trying to do here is to encourage those families and provide that minimum of help, just that little bit of help that will make the difference between keeping that child at home and placing that child in an institution. As far as the employable handicapped, this assistance that we would provide them is far and away an investment that will be returned many times over. These individuals will have work. They will be contributing to society. They will be paying taxes. They will be supporting themselves and again, that little bit of extra help that they need to take care of themselves in a way that they can maintain themselves in an independent living situation is so vital to those people. So, the investment of the dollars here

I think will much more than pay for itself in the very, very near future. As a matter of fact, in talking to John Knight who I worked with very closely in developing this bill, this bill, LB 389, will pay for itself almost immediately. We have looked at other states. We have looked at Minnesota primarily where John is from and we have tried to model our bill after other states in the programs they have established. We have tried to use the best from other states and come up with the best program and fit it in with Nebraska's needs and the need in Nebraska is this. We have a special program here, we have a special program there but people are falling through the cracks and they are not being helped and they can't fit in quite one place or the other place and what they are doing is they are in a desperate situation. The bill originated two years ago when I had a meeting in my district when about thirty or forty families stopped by and they came to this home and they told me of their plight and told me how they desperately wanted to keep their child at home but they fell through the cracks and they didn't have the assistance they needed. I talked to John Knight. John Knight found it is a fact that the programs that we had were so specialized, they sometimes missed the most needy cases and the most obvious best uses of our funds and so he and I sat down together and introduced a bill last year that we did not have time to deal with and then redrafted and reintroduced the bill this year. I think you could say quite frankly, the Welfare Department sees a very important need for this legislation and has supported the legislation. We have worked with Don Leuenberger in the Budget Office to try and keep the cost down, to try and make it most effective. We are trying to come up with something, as I said before, that for every dollar we put in we are going to be saving the state money in the long run and that is exactly what this bill will do. So, the origin of the bill is a one that I think makes a lot of sense for Nebraska. We have looked at other states. We have tried to develop the bill as a model bill, a pilot program to see how best we can meet this need. I think you are going to find a lot of support for this legislation across the State of Nebraska and any time I have talked to a group whether they have a disabled child or a handicapped family member, I talked to them about the concept of helping families take care of their own children and helping handicapped people get a job, why this bill is overwhelmingly supported. I think that you will find that support statewide and that the need is there and I urge your support for the legislation.

SPEAKER MARVEL PRESIDING

SEPAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, Senator Wesely, if you hadn't convinced me earlier, I think you would have with that presentation. I am a cosponsor of the bill and I have been accused I guess, of having a conflict of interest. I would tell you very frankly, I probably do. I think I have five young people in my district at the present time who are seriously handicapped and who have for one reason or another, chosen to as much as possible, stay in their own parents' homes. Those parents could have and in some instances have been encouraged not to take the responsibility for those young people but they have done so out of a sense of dedication and responsibility that far outweighs that of most of us. One person said something about the fact that some districts might not benefit from this program. I would thank God if I didn't have anyone in my district who would benefit from this program. I think it is one of those situations where the parents could abdicate the responsibility when the young person reaches that age of majority and turn that individual over to the state. That has happened in the past because of the inability of parents to take care of those children. When it happens those costs can vary anywhere from thirty to fifty thousand dollars annually and we pay for it through the Department of Welfare budget and we don't even know the specifics or the details of the cost. Many times, no matter how dedicated those people are in institutions and we have some very fine people, nonetheless you do not have the family surroundings. You do not have the family compassion or interest in the young person. I know that Senator Wesely has done a lot of work on this bill. I recognize the deep concern that all of you have for the institution of a new program. If I knew of a better solution I would be glad to offer it to you. I can tell you again that there are many people who can with a little assistance, take care of their children in their own home under this kind of a program and enable the young person to become somewhat skilled. A young person who works for me is a paraplegic that works and puts in a lot of hours for me, does an excellent job and I am very proud of him. I think that it is important for us to recognize that those people need encouragement. They need encouragement not discouragement. They need to be told they can be useful persons. They have good minds and the fact that their bodies are handicapped should not make them less than ordinary persons. I know that it is easy to forget about someone might say fifty people. What is fifty people? Not very many votes really, is it? If you want to chop it off it is not going to cost you very much. It wouldn't even cost me very much in my district. The facts are that there are going to be a lot of dollars spent in the State of Nebraska this year that you

are going to have a much more difficult time to defend than you are the amount of money you spend on this program. If anyone has any suggestions again, as to how you can improve it I know that Senator Wesely would be more than glad to visit with you. I will be the first to say it is not going to meet all of those needs. They will never meet all of those needs but I think it is a good first step. I think another most important area would be that we develop the ability of these young people to work without the handicap of losing their medical benefits that they now have under Social Security. I think we need to proceed along that line. I think eventually we can get it done. I think it is important that we work together and we understand the problem. Unless you have seen the problem first hand, know those situations intimately as I do, you are not going to be aware of the problems that face those families. I take my hat off to them. I think they have dedication far and above that of most of us. I know that there are those in this room who think it is a waste of money. I want to tell you very frankly I have ten children. They are all healthy and able to take care of themselves. I am glad to pay whatever the little bit of cost it might take to assist the families of those who are not so fortunate. I think that is a very small tax to pay. I have said it before on this floor and I say it again. I have said it in the area of welfare bills, that when the good Lord decided who was going to be receiving help and who is going to give it, I am awfully glad that I am on the side of those who are going to give that help. I think in this case we can be glad that we are in a position to do something to help a few people who desperately need that help and who will deeply appreciate it. I would ask you to support the bill and give it your wholehearted support and give Senator Wesely that support.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, Senator Wesely stated that this bill had a four and a half year sunset clause and I have to answer that by asking the question, what program of this type have we ever sunsetted? And the answer is none. Senator Wesely said that the program is only going to go for four years to see how it works. In those four years we are going to spend \$1,350,000 according to one fiscal report and \$1,460,000 according to another fiscal report and so they are telling me after we have put a \$1,460,000 into a program in four years, that has helped a maximum of either fifty or a hundred families, that we are going to drop it.

Just the opposite is true. We are going to have twice as many, four times as many, ten times as many people asking for the same aid. How can we deny some people this aid and give it to others? I think, and it is not easy for me to stand up here and oppose something when people say this is for the disabled because none of my family is disabled, but I do not believe that under the present economic conditions and probably somebody is going to stand up and say there is Haberman putting money ahead of people, that we can afford to spend \$1,460,000 in four years and then keep on the program, keep it going because we will never cut it off. You know this. And how are we going to pick the fifty families or the hundred families? It is unclear which it is. Where are they going to be picked from? How are we going to discriminate who gets the money and who does not? I think it is high time that we start thinking about and believing that it is time for the government to try now to stop being everything to everybody because it would be easier to be on the other side of this picture and ask for this money, but I can't because there is no end to it. There will be no end to it. You know this and I know this. You know that we are in a fiscal bind. You know that there are more programs up there now than we are going to be able to fund and everybody here believes that their program up there is just as important as this program. I don't think this is the time nor the place to add a new welfare program. My heart goes out to those people that Senator Schmit and Senator Wesely are talking about, however, I would have to say that they have survived up to this date and I am sure that they will continue to do so without this program. And as I say, it is not easy for me to stand up here and make these remarks but I feel they had to be spoken and I want you to think about what I said and I ask you to oppose starting a new welfare program. I ask you to oppose 389 and thank you, Mr. President.

SPEAKER MARVEL: Senator Sieck.

SENATOR SIECK: Mr. President, members of the body, I have to thank Senator Schmit and Senator Wesely for bringing this bill forward. I actually feel that they are going to save the State of Nebraska money instead of costing Nebraska money. I have an individual within my district which is near Stromsburg that was in an automobile accident and he is in a comatose condition and the parents are willing to take care of him and they have to take care of him day and night and yet we are not willing to help that parent. I feel that we should be. That is what we are here for. We are to help those that cannot help themselves and furthermore, I think we will actually save money. I believe Senator Wesely said there were about fifty of these individuals

throughout the state where families are trying to help themselves and take care of them. If everyone of these would go to an institution or to a nursing home, do you know what that would cost? Over a million dollars a year. Who would pay for it? The State of Nebraska. Here they are parents that are trying to help and we are not willing to help. I think we should be. It is a disgrace to me not to help these individuals and I feel that we should. So I really encourage you to support this amendment or this bill and I commend Senator Schmit and Senator Wesely for bringing something like this forward. Thank you.

SPEAKER MARVEL: Senator Higgins.

SENATOR HIGGINS: Mr. Speaker and Senators, I have been known as a Democrat and I have been known as a conservative Democrat and I have always campaigned throughout my district telling people, I will do anything in my power to help those who cannot help themselves but I will never lift a finger to help an able-bodied man or woman who will not work and who just wants to be at the public trough the rest of their life. I sat at this committee hearing and I listened to these people. So as one conservative speaking to the other conservatives, Republicans and Democrat conservatives in this chamber, I say it is just smart economics for us to vote for this bill and those people who are now living at home and maintaining themselves but need just a little bit of extra money each month to maintain themselves in their home, give them that extra boost rather than letting them go into a public institution where the cost to we taxpayers is probably going to be four or five times what it is. Secondly, you have to look at it from a moral standpoint. I know many people here have said, oh, these people are making more money than the ones that are working for a living. I doubt that very much. What I don't think has been brought out today is, these handicapped people, maybe they with the money we give them from the state and the money they make from private enterprise does give them eight hundred or nine hundred a month, maybe a thousand a month. But you have to take into consideration they have extra expenses that you and I do not have. They have to buy wheelchairs. Sometimes they have to be repaired. Some of them have medication bills that run as high as \$75 a month. You and I do not have that and as I questioned these people at our committee hearings and some of them did come up with seven and eight hundred dollar a month income, I asked them to tell me where their money went and when we got all through with them they ended up with about ten bucks a month to buy beer or go to a movie or something like that. Ten dollars a month left, if they

were lucky. I am saying if you are a person who cares about other people and Senator Chambers has chastised us many times for being Christians but not living like Christians. And I want to say if we don't give these people the help that they need, first of all, we are going to pay through our own pockets by returning them to institutions or not letting them be independent and second of all, from a moral standpoint, you have got to live with yourself and think about it. What if it was your child? And I say child in the sense of what if you had a twenty-five, thirty year old son or daughter that was forced to live in an institution or never be able to have a place of their own like other young men and women their age. Many of them will never know the joys of being able to be married but at least they will have something to call their own, their own home, no matter how inexpensive it is. And don't think it can't happen to one of yours because it can. So, I am saying to my conservative friends, let's vote for it and save ourselves and the taxpayers some money and I am saying to those with a conscience, let's vote for it just because we are Christians. Thank you, Senators.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. President, members, I would like to ask Senator Wesely a question if he would respond, please. Senator Wesely, you indicated in your very eloquent opening that the reason for LB 389 was to assist children and you mentioned children several times. Yet I notice in the bill that it talks about d'sabled persons and I guess a question I would have of you is, would this not also be applicable to an individual or a family that might have an elderly member of the family that broke a hip or something of that nature and was completely disabled, yet rather than go into a nursing home situation might be kept at home? Would that also be applicable to that situation?

SENATOR WESELY: This would apply to any individual that would meet the very tight disabilities definition that we have so you may have a situation where someone may contract autism or cerebral palsy or something who is a parent and has an older child who can take care of them in the home and thus would qualify so that would be applicable. And when I talked about children I should add that there isn't an age guideline but what we are talking about for instance, most of them would be under twenty-one but some of them let's say, an older man, say thirty-five or forty years old, could be retarded. Could be in need of some assistance. Can't maintain themselves in the home and then his parents who would be older would then also be able to take care of him. So we have those different distinctions.

SENATOR VICKERS: Okay, and one final question, Senator Wesely, you also mentioned that this is a pilot program and will sunset in four years and that the intention is to be able to tell whether the benefits have outweighed the costs and I assume as to the continuation of the program. Is that correct?

SENATOR WESELY: Yes.

SENATOR VICKERS: How will that be determined?

SENATOR WESELY: Well there will be an annual assessment of how many were served, who was served and in what manner they were served, the cost involved and then there is a determination at some point as to what savings there are. In Minnesota they did this with their pilot program and found tremendous benefits and then after a review, I think about two or three years after their pilot program started they expanded it because it was so successful. And so we hope the same results will occur but they will keep track of how it is working and who will benefit.

SENATOR VICKERS: Okay, thank you, Senator Wesely. I would just point out to the body and again, I think that this is a sensitive issue. When a disabled person needs help, obviously those of us that Senator Higgins points out that have a conscience, and I think the majority of us in here probably do, do feel some responsibility to address that situation and it seems to me that with the income guidelines that Senator Wesely and Senator Schmit have got in the bill would probably protect the costs as associated with this program. I would point out one problem, potential problem with the portion of the bill that says that it is going to be sunsetted or taken a look at in four years from now. As Senator Haberman pointed out, I can't think of any program that started that has been stopped with one exception that I am attempting to stop and my good friends that are bringing this bill in are two of the ones that are opposing to try to stop this program. So, I question the validity of whether or not a person is going to be able to definitively tell four years from now the cost benefit ratio and make a determination as to whether or not this program continues. I would strongly suggest that probably the program will continue regardless of the costs but at this point in time I think I will support LB 389.

SPEAKER MARVEL: Senator Remmers.

SENATOR REMMERS: Mr. Speaker and members of the Legislature, just a few brief comments. I think I have been as critical of anybody of our welfare programs where we have given too

many handouts without any serious consideration of need. In other words, anybody that we seem to think was in need we have been willing to give them help and I have been very critical of that but I think this is an approach that if we had used in all cases of need, I don't believe we would be so critical of our welfare program. I think this is a very good approach. I can't help but think it is going to save us money over the long run and I certainly think it is something we ought to give a try.

SPEAKER MARVEL: Senator Schmit, your light is on.

SENATOR SCHMIT: Mr. President, members of the Legislature, I want to thank Senator Sieck and Remmers and those others who have supported the bill. I want to reiterate again what was said earlier. If we pass this bill it is going to make a considerable amount of difference to a number of people, especially those individuals who are handicapped. If we choose not to pass the bill there is every likelihood that at one point in time the parents, families of some of these people will not be able to maintain those people in their home. As a result they shall become a charge or the responsibility of the state and as such, that cost in full shall be borne by the state. I think that all of us in this body are concerned about the expenditure of funds but as Senator Higgins pointed out, the money is going to spent. We are going to do it one way or the other and in this instance, in this instance it is going to be less costly. If you can find anywhere where you can get twenty-four hour a day nursing care for ten dollars a day, let me know. I will be glad to take advantage of it and I think that everyone in this body will. The best nursing homes in this state and the most economical must get at least two and a half to three times that and in the case of the kind of persons and patients we are talking about, the cost I am sure, would have to be even greater than that and it is not for the most part an economic benefit to those nursing homes because this kind of person requires a lot of help. But I want to point out again the young man who works for me can type forty words a minute. That is faster than some people who have come and applied for jobs in this place who have been supposedly skilled typists and he does it with one hand and I think if he had an opportunity to get around a little bit, he could be an excellent employee and hopefully we are going to find ways to utilize those people better in the future. We have an obligation to do it. We spend all kinds of money educating other people. My ten children have got hundreds of thousands of dollars of free educational benefits. My second son had the benefit of an education at West Point, a tremendous asset. I know the value of those educations. Many of these people never had the benefit even of an education and yet we are going to say, well, we can't afford the

money. I respect Senator Haberman. I agree with you, Senator Haberman, the bill will probably not sunset unless there are not going to be any more of these handicapped people. If that happens, God bless us. We will all be happy. I think that we have to recognize and we are going to say it right out here again up front, it is going to take an expenditure of money. I think Mr. Knight of the Welfare Department is not known for one who throws money around. I think that he has been a conservative person. I know the rest of the staff on the executive side is not one who is going to want to throw money around. We have been encouraged and supported in the introduction of this bill and I think the bill will in the long run result in less cost to the state than if we do not pass it. I want to say once again, I have known of individual instances where it would cost twenty-five or thirty thousand dollars annually to provide the kind of care that a person such as this might need. We are getting that for less than ten dollars a day, twenty-four hour a day care, the kind of care you can't buy and pay for, the kind of care that lets the individual know he has a family, maintains the family ties and connections. I think it is important in a day and age when family ties are sometimes driven apart I think it is important that we recognize the necessity of maintaining those ties. I ask you to support the bill. I do not apologize in any way for the cost of the bill. We can save that and I am willing to do my part to save the money in some other manner. In fact, I am preparing an amendment right now if we need it so that we can strike that \$50,000 off of 331. We will get along without that money. So I hope that you understand where I am coming from and I know you understand where Senator Wesely is coming from. It is not altogether very often that Senator Wesely and I are going to stand up together on a bill. I think that in itself is enough to cause some concern on the part of some of you but the fact that we are indicates that we did feel there was a genuine need and I ask you to support the bill.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: Boy, it looks like I have got this one all to myself. Senator Higgins, the money to pay for this is going to come from those people in your district who you have been telling us are on a fixed income and are hurting for money because we are going to have to raise the sales and income tax. The money to support this program is going to hurt the poor because we are going to have to raise the sales and income tax. We are going to hurt the low income people. Now I would say that people in this condition, possibly now are receiving Social Security funds. They are possibly receiving funds from

the federal government and Senator Schmit says ten dollars a day. The bill says \$600 a month for one person in a family. Well now if you have an elderly person in your family and you are going to pay that family \$600 a month to have him live at home, that is a bundle of money. That is \$7,200 a year and chances are he is already living at home. What is this person going to....how are they going to spend the \$600 a month? He can only eat so much and clothes and watch t.v., possibly read. So it is just not as simple as it is being explained to you. I asked Senator Wesely what happened in Minnesota. Did it sunset? No. They expanded it and that is what is going to happen here. So, they haven't showed us any tie-in of do these people receive Medicaid funds, they receive Social Security funds. Are they receiving state aid now? Are they receiving federal aid now? Nothing has been said about this and chances are I would have to say that they are. So, if you read the bill it is not \$10 a day. It is \$600 a month for a single person in a home. That was not brought out and I am bringing it out. So, as I say, it is not very comfortable standing up here and it looks like the odds are against me but I just had to say it. I had to point these things out to you and then you go ahead and vote the way you want to. Thank you, Mr. President.

SENATOR V. JOHNSON PRESIDING

SENATOR V. JOHNSON: Senator Koch.

SENATOR KOCH: I move the previous question.

SENATOR V. JOHNSON: The question has been called. Do I see five hands? I can barely see the back row but, yes, I do see five hands. All in favor of calling the question please vote green and those to the contrary vote red. The question simply is, shall debate cease. It takes twenty-five votes to stop debate.

CLERK: Senator Johnson voting aye.

SENATOR V. JOHNSON: Record.

CLERK: 26 ayes, 6 contrary, Mr. President.

SENATOR V. JOHNSON: The question has been called. Senator Wesely, do you wish to close?

SENATOR WESELY: Thank you, Mr. President Johnson, you look like a natural up there. Members of the Legislature, I really appreciate the support for this bill. I really appreciate Senator Schmit's cosponsorship. We have really worked hard on this legislation and I think we have got a good bill.

Senator Maresh is going to offer an amendment on Select File I believe we can support which would limit to \$300 per family per month and not have \$600 if you have two children or more that get this help. So, I think that is something that might ease some concerns but overall I would like to respond to, number one, Senator Haberman talked about \$600 per month to an individual with a handicap working. That is not true. It is \$300 per individual so that is the maximum they could get and when we talk about this sort of assistance it is not cheap. It is very expensive to provide this sort of minimal care that these people need. It is not inexpensive but the costs are so much lower than the alternatives. I want to call to your attention the fact that the Beatrice State Developmental Center will be costing the State of Nebraska \$31,000 per person per year starting this next fiscal year, \$31,000 per person per year. We are talking about \$3,600 per person per year which is much much cheaper. Now this is not to say a direct comparison at all. I don't want to make that point. I am just saying that this is a much lower cost alternative to some of the other alternatives that we do have at the present time and keep in mind also that this bill is very fiscally prudent because the Welfare Department must look at all existing support programs that now exist before they determine that there is no alternative way to help these people that obviously have a need and meet all the need requirements and at that point then they can use this program. So, I think that you are going to find the investment a wise one. I think that what you are going to find is that you are going to add love, family love to the care we provide to these disabled children and disabled individuals and that is a big difference to these people and may help them in ways that we don't even know about at this time and I will leave my last couple of minutes to Senator Marsh who wanted a chance to talk on the bill.

SENATOR JOHNSON: Senator Marsh.

SENATOR MARSH: Thank you, Mr. President. I think it is quite brave when he didn't know what I was going to say. I do support this proposal but he didn't ask me when he said he would give me a minute whether I supported this proposal or not. I want to tell you that this is a way to stretch the current state dollars that are available to have more services when you can help someone remain within a private home rather than needing to be placed in an institutional setting, whether that be a large institution or a small family-type but still not family, supervised home for persons with special need. This is

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an economical way to do what we need to be doing to allow someone else to work within that individual's abilities. Sometimes we need one kind of assistance and sometimes we need another but this will allow persons to be partially self-supporting and taxpayers at the same time. I urge your support for LB 389.

SENATOR V. JOHNSON: Thank you. Senator Wesely, do you have any further comments? The question is, shall LB 389 advance to E & R initial. All in favor signify by voting green, opposed vote red. Are there any others wishing to vote on the issue? Yes, it is to advance the bill, Senator Goodrich.

CLERK: Senator Johnson voting aye.

SENATOR V. JOHNSON: Record, Mr. Clerk.

CLERK: 26 ayes, 7 nays, Mr President, on the motion to advance the bill.

SENATOR V. JOHNSON: LB 389 is advanced.

CLERK: Mr. President, if I may read a couple of items. Senator Maresh would like to print amendments to LB 389. Mr. President, Senator Wiitala would like to print amendments to LB 440 and Senator Lamb to LB 318. (See pages 1471-1473 of the Legislative Journal.)

And, Mr. President, finally a new resolution. (Read LR 59.) (See page 1472 of the Journal.) That will be laid over. Mr. President. That is all that I have.

SENATOR V. JOHNSON: Thank you. Senator Steve Wiitala has two guests under the North balcony, Sharon Hotchkiss and Al Zimbleman. Where are you Mrs. Hotchkiss and Mr. Zimbleman? Thank you very much. We are glad to have you here.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Peterson, would you like to adjourn us until nine o'clock in the morning?

SENATOR H. PETERSON: Mr. Chairman, I would move that we adjourn until nine o'clock tomorrow morning.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. We are adjourned until nine o'clock tomorrow morning.

Edited by:

Marilyn Zank
Marilyn Zank

3496

April 16, 1981

LB 483, 146, 389

ASSISTANT CLERK: (Record vote read. See page 1506, Legislative Journal.) The vote is 41 ayes, 1 nay, 4 excused and not voting, 3 present and not voting, Mr. President.

PRESIDENT: LB 483 passes with the emergency clause attached. And that will conclude Final Reading for today.

CLERK: Mr. President, if I may, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 146 and recommend that same be placed on Select File; LB 389 placed on Select File with amendments; both signed by Senator Kilgarin as Chair.

PRESIDENT: The Chair would like to take this opportunity to introduce from Senator Carsten's District some 30 students, seniors and juniors from the Weeping Water Public School system, Larry Hammons, Instructor. They are in the North balcony. Would you welcome Weeping Water to the Unicameral? We are ready, Mr. Clerk, then for Select File, agenda item #6, LB 134.

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LB 213, 389

CLERK: Senator Nichol voting aye.

SENATOR NICHOL: Have you all voted? Record, please.

CLERK: 37 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR NICHOL: The bill is advanced.

CLERK: Mr. President, two announcements if I may. Senators Schmit and Wesely would like to print amendments to LB 389 and, Mr. President, Senator Warner would like to have an Executive Committee meeting of the...executive session of the Appropriations Committee upon adjournment in Room 1003. (See page 1619 of the Legislative Journal.)

SENATOR NICHOL: Senator Hirley Marsh, would you like to adjourn us until nine o'clock, April 29th please?

SENATOR MARSH: Mr. Speaker, I move that we adjourn until nine o'clock on April 29th.

SENATOR NICHOL: Thank you. All those in favor signify by saying aye, opposed nay. We are adjourned.

Pages 3992-4030 edited by: Arleen McCrory
Arleen McCrory

Pages 4031-4040 edited by: Mary A. Turner
Mary A. Turner

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LB 389, 561, 562

Harms, teacher. Would they wave to us here in the balcony. Welcome to the Nebraska Unicameral Legislature. The next bill on Final Reading then, Mr. Clerk, is LB 561.

CLERK: (Read LB 561 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 561 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on pages 1821 and 1822 of the Legislative Journal.) 45 ayes, 1 nay, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 561 passes with the emergency clause attached. Before we go to the last bill on Final Reading this morning, the Chair takes great pleasure in introducing a guest of Senator Von Minden, Pia Sibbern Sarsen, a guest from Denmark. They are under the south balcony I think. Senator Von Minden, would you have your guest step out and be recognized? Welcome to the Nebraska Legislature. The last bill on Final Reading this morning is LB 562, Mr. Clerk.

CLERK: (Read LB 562 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 562 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on pages 1822 and 1823 of the Legislative Journal.) 44 ayes, 2 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 562 passes with the emergency clause attached. And that will conclude Final Reading today. The Chair recognizes Speaker Marvel.

SPEAKER MARVEL: I want to thank the Legislature for their cooperation in moving over another hurdle and I hope we can continue this way. But you have done a fine job and I wanted to tell you so.

PRESIDENT: All right, Mr. Clerk, I suppose you have some things you would like to...you don't have anything. All right, we will go on then with the agenda item #5, Select File, commencing with LB 389.

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LB 389

CLERK: Mr. President, there are E & R amendments on LB 389.

PRESIDENT: The Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 389.

PRESIDENT: The motion is to adopt the E & R amendments on LB 389. Any discussion? All those in favor of adopting the E & R amendments on LB 389 signify by saying aye. Opposed nay. The E & R amendments are adopted.

CLERK: Mr. President, I now have a series of amendments. Mr. President, Senator Maresh had one on page 1471 that I understand he wishes to withdraw.

PRESIDENT: Senator Maresh, do you wish to withdraw that one?

SENATOR MARESH: Yes, Mr. President, there is a substitute drafted by Senator Wesely that he agrees on, and so I would like to substitute that amendment for my amendment.

CLERK: Mr. President, the next amendment I have is from....

PRESIDENT: That one was withdrawn so we will go to the next one.

CLERK: Yes, sir. Mr. President, the next amendment I have is from Senators Schmit and Wesely. It is found on page 1619 of the Journal. (Read the Schmit-Wesely amendment.)

PRESIDENT: Senator Wesely, are you going to handle this? The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. President and members of the Legislature, this is a rather technical change. We have a list of services that have to be reviewed before the Welfare Department would grant anybody assistance under this program and we just add to that list they have to look at educational services because they are more and more getting involved in assistance to the handicapped and disabled and so we just want to make sure that they are reviewed as well when they decide to proceed with providing assistance to these people.

PRESIDENT: Any further discussion on the Schmit-Wesely amendment to LB 389 of the motion to return? The Chair recognizes Senator Kahle.

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SENATOR KAHLE: Mr. President and members, I am not sure what the amendment will be about but I guess my concern is who...and perhaps I can ask a question if I am out of order, or you can tell me, Senator Wesely, could you answer a question for me, please?

SENATOR WESELY: Sure.

SENATOR KAHLE: Who will make the determination of whether a home, a family, will receive assistance? Is that the Welfare Director, or will it be someone else?

SENATOR WESELY: Well, the Department of Welfare will review it through the normal staff mechanism, and then there will be an appeal process involved. But I think eventually I guess the Director will have that responsibility. But what we are trying to do is they will have staff people that will then review all these other programs and try and help them with existing programs and then if they need help and they can't find anybody currently available to help them, they will provide assistance under this safety net.

SENATOR KAHLE: One more question, will there be a financial limit to what that family can have and....

SENATOR WESELY: Yes.

SENATOR KAHLE: ...and what their standard of living might be before they get any help?

SENATOR WESELY: Yes. The medium....if they make over the medium family income, they can't even apply. So...and then beyond that they have to show a tremendous need in order to provide assistance. So it is a very tight program and they will have to have income qualifications.

SENATOR KAHLE: Thank you. That helps me.

PRESIDENT: Any further discussion? The Chair recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the Legislature, a question of Senator Wesely, please.

PRESIDENT: Senator Wesely, will you respond?

SENATOR WESELY: Yes.

SENATOR HABERMAN: Senator Wesely, are there provisions made

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in case of...or maybe I will rephrase the question. Will these people all be able to fit into the home, or will it take some special training for the people to have them in their home? I mean...

SENATOR WESELY: Training...

SENATOR HABERMAN: Is there any special training needed for the people in the home to care for these people when they come back?

SENATOR WESELY: Oh, well, that's one of the things we could provide assistance with with this program. If perhaps...if somebody could come in through this assistance and just help the parent know better how to take care of their child, you know, that would be part of the assistance they might be able to receive. It is not necessary particularly but it might be helpful and if it is, that's one of the things they could do to help.

SENATOR HABERMAN: Thank you.

PRESIDENT: The Chair recognizes Senator Lamb.

SENATOR LAMB: Mr. President and members, I guess I probably haven't followed this bill as closely as I should but I would like to ask Senator Wesely a question or two if I might.

SENATOR WESELY: Sure.

SENATOR LAMB: Have you in your discussions here that I have not probably paid proper attention to discussed the fiscal impact of the bill?

SENATOR WESELY: Yes.

SENATOR LAMB: And could you repeat what you estimate the fiscal impact is?

SENATOR WESELY: Well, it's...essentially the next year we will have an A bill which will be about 240 some thousand dollars, and then we have a limit that would be at the maximum \$500,000, but then that would depend on what appropriations we make in the following years. There is a five year pilot project sunset on this, so if after five years, it will end basically.

SENATOR LAMB: What would be the fiscal impact do you think if all the people who are eligible under the terms of the bill were.....the funding was provided for that many people

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and, say, five years from now after the program is in effect and there are no limits on the funding of it, what would the fiscal impact be in those situations?

SENATOR WESELY: Well, it's kind of hard to estimate but in talking to John Knight in the Welfare Department, although it is hard, again it is hard to estimate, they feel that the program may end up paying for itself because it is a lower cost alternative to caring for these people than some of the other choices they have now. We're helping them in the home than outside of the home.

SENATOR LAMB: Do you have any guarantees in that regard?

SENATOR WESELY: Well, I think you can't really....I think you can set up a program that will do that, but it depends on a number of factors, and the other states that have this program they found it to be very cost effective. And I think again though it is sometimes hard to estimate exactly how much the savings are. I can think you can anticipate that the program will be one that will be very...cost benefit ratio is a high one for the state. But as to the actual figures, until we try it we really don't know.

SENATOR LAMB: Thank you, Senator Wesely. I guess my reservations about the bill are not in regard to the theoretical provisions of the bill but actually the actual practical application. We have a number of bills before this Legislature from time to time that are touted as being bills that will save the state money, will do many great things, and after the program is in effect, we find that the costs are much higher than anticipated. The cost savings are much less than were anticipated, and we get ourselves into a situation where the program is in effect but the guidelines have not been drawn rigidly enough to hold the thing in into the proper context that was first explained on the floor. And this makes me very suspicious of this bill.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Haberman, do you wish to be recognized?

SENATOR HABERMAN: Yes, Mr. President, a question of Senator Wesely.

SENATOR WESELY: Yes.

SENATOR HABERMAN: Where the state that you....you made the remark that another state the cost came down, were you

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referring to the State of Minnesota? Or is this where you got the idea for this program is the State of Minnesota?

SENATOR WESELY: That is the primary state, although there are a number of states that have a similar type of program.

SENATOR HABERMAN: Okay, but you had referred to before in the discussion that you got this information and it is patterned after the State of Minnesota.

SENATOR WESELY: Well, it's one of the states, yes.

SENATOR HABERMAN: I have a letter and it is on its way up here from the State of Minnesota that states the cost did not decrease when they put this program in. So I am saying this in answer to what you answered to Senator Lamb a few minutes ago that you anticipate a decrease. In that state the cost in this area did not decrease.

SENATOR WESELY: I don't know if I said....what I am talking about is, as Senator Rumery talked about, is the savings that we are talking about is not spending as much to help these people by having this program than another.

SENATOR HABERMAN: Well, but in answer to Senator Lamb, you said the Welfare Department anticipated that there would be a decrease in the cost under this program, and I am saying that in the Minnesota program there was no decrease in the cost.

SENATOR WESELY: In testimony on this bill last year the Welfare Department indicated that this bill may pay for itself in its cost savings. And I think that that is an estimate that they felt with the tightness of the bill and the focus of the bill they could do that. But, again, it depends. Every program is different and this is different than Minnesota.

SENATOR HABERMAN: I just asked you a question, and....

SENATOR WESELY: And I am answering your question.

SENATOR HABERMAN: Thank you.

SENATOR WESELY: It's going to save money.

SPEAKER MARVEL: Senator Stoney, do you wish to be recognized?

SENATOR STONEY: Mr. Speaker, a question of Senator Wesely,

if he would respond, please. Senator Wesely, I have some of the same reservations and concerns that have been expressed by Senators Lamb and Haberman. We have a number of proposals that come before this body very frequently with the proposition being with establishment of new programs that we're going to be able to conserve and consolidate programs and conserve dollars. Now I would think with this proposition that you would have some idea of what the cost savings might be to the State of Nebraska with the enactment of this law over what is being expended in community programs at the present time to serve these people. Don, I am not attempting to be an obstructionist or to be critical, but I do have concerns about the new programs that we do establish because they have a great deal of merit from the societal standpoint but it costs additional dollars, and I am concerned when the federal dollars are being retracted that we as a state with initiation of new programs when we are attempting to either eliminate or consolidate programs to....I am a little reluctant to be supportive of a new concept not knowing what it is going to cost us subsequently.

SENATOR WESELY: Yes.

SENATOR STONEY: So is there any way that the Department could provide us with figures before this bill is considered on Final Reading that would give us some indication of the cost savings that we would have through consolidation?

SENATOR WESELY: Well, I know Senator Haberman has asked that question of the Department and I have too. I think we can estimate that it is going to be cost efficient and it's going to be, you know, everything points to the fact that we are going to save the state money really, at least to some degree, although the program is going to cost money, it's going to save money really in the long run. The problem is a number of factors and the Department can't give you a set figure at this point because, number one, we're not sure exactly how many people are going to be affected by this, how many people are going to serve. We have strict criteria as to who would qualify and they would have to go through a long process before we decide to even allow them to provide assistance through this program. And so that is why we set up a pilot project, Senator Stoney. It is a five year thing. They will take a look. They will better understand who needs this service and why they need the service and where we fall short. And after that period of time we will be very clear as to the benefits and the savings and the cost and that sort of thing. But I guess it is just so difficult because this is an area where we are not sure who is out there and who isn't getting served

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and the total number of those people. We can estimate generally speaking and know that there is a need, but we can't estimate specifically in answer to your question, and I wish we could.

SENATOR STONEY: Thank you. Well, I would like to make just one closing remark, that being that Senator Wesely has by his own admission advised us that we are unable at the present time to be able to estimate whether or not there will be a cost savings with this program. And for you members who have been in this body for a period of time exceeding just this year, you will know the many items that have come before us with the formation of new commissions, with the implementation of new programs, with the indication being that there will be a cost savings. And I would challenge you in nearly every case to go back and to re-view that particular commission or that program and indicate that there has indeed been a cost savings. In most cases I think you will find that the escalation in the amount spent has been tremendous and I think again to reinforce the point that I made relative to federal dollars being available, we know that those will be retracted. It's our decisions that have to be made as to whether or not the present programs that we have are to be funded here at the state level. We will grant relief, not...no relief to the citizens of the State of Nebraska if the federal government no longer provides us with funds. Our decisions will be whether we continue the programs or whether we reduce and consolidate those that we have. So I think we should look very, very carefully at any new program before it is implemented. Thank you.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: I move the previous question.

SPEAKER MARVEL: The previous question has been called for. Do I see five hands? Those in favor of ceasing debate vote aye, opposed vote no. Have you all voted? Record the vote. Recrd the vote.

CLERK: 26 ayes, 1 nay, Mr. President, to cease debate.

SPEAKER MARVEL: Senator Wesely, you are recognized to close.

SENATOR WESELY: I think we lost track of what we were discussing. It was an amendment to this bill that Senator Schmit and I offered which would indicate that educational programs would along with other local, state and federal programs

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be reviewed before anybody would receive any assistance under this program to ensure that some existing program can't take care of their needs. So all it is is an amendment to add educational programs to that other list to make sure that we don't provide assistance that can't otherwise be provided.

SPEAKER MARVEL: All those in favor of the adoption of the Wesely amendment, or the...yes, it's the Wesely amendment, isn't it....Wesely-Schmit amendment vote aye, opposed vote no. While we are waiting for your vote, from Senator Lowell Johnson's area it is my privilege to recognize thirty-five 7th and 8th Graders from Trinity Lutheran School, Fremont, Nebraska, four teachers and Harold Bergt, in the north balcony. Will you hold up your hands so we can see where you are and welcome you to the Unicameral. From Senator Fenger's District ninety-seven 4th Graders, Belleaire School, Bellevue, Nebraska, Myrtle Bailey, Marge Mosier, Connie Franklin and Ray Nesbitt teachers, in the north balcony. Where are you located, please? Welcome to the Unicameral. And from Senator Beyer's District four Sophomores from Papillion High School, Corey Swanson, Laurie Thompson, Kathy Gothier and Michelle Buchard, all from Papillion, and they are a part of the American Political Behavior Class. Are you still up there? Okay. The record will indicate they were here. Record.

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

Mr. President, if I may before we proceed to the next amendments, Senator Dworak would like to offer explanation of votes. I have study resolutions from Senator Vickers, LR 117. The purpose of this study is to examine irrigation development in the Sandhills region of Nebraska. (See page 1824 of the Legislative Journal.) LR 118, by Senator Hoagland. The purpose of the resolution is to study the adequacy of existing laws in Nebraska regulating the sale and possession on handguns. (See page 1825 of the Legislative Journal.) That will be...both referred to the Executive Board, Mr. President.

Mr. President, budget bills are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 160, 161, 163, 232, 557, 558, 559, 560, 561 and 562.

CLERK: Mr. President, the next amendment I have to LB 389 is offered by Senator Maresh. (Read the Maresh amendment

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as found on page 1823 of the Legislative Journal.)

SPEAKER MARVEL: The Chair would make one comment before we proceed. We can ruin all the good that has been done this morning by continuing the adoption of amendments. I realize there are some that are strategic and others are not, and the Chair hopes it is possible that you can keep your motions to a minimum, especially the amendments, and I call your attention to the number 14 behind us. Okay, go ahead.

SENATOR MARESH: Mr. Speaker, this will take no time at all. It is a noncontroversial amendment that the sponsors have agreed to. What this does, it cuts the amount that could be spent for one family. The original bill allowed up to \$600 per family and my amendment would limit this to \$300 per family. It would spread the money out over more families. So I move that this amendment be adopted.

SPEAKER MARVEL: Okay, the motion is the adoption of the Maresh amendment. All those in favor of that motion.... Senator Koch, your light is still on, do you wish to be recognized? Senator Higgins, your light is out now. Okay, all those in favor of the Maresh amendment as explained by Senator Maresh vote aye, opposed vote no. Have you all voted? Record.

CLERK: 25 ayes, 0 nays on adoption of the Maresh amendment, Mr. President.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Senator Wesely.

SENATOR WESELY: I guess at this point there aren't any more amendments, are there, Pat?

CLERK: Well I have one from....go ahead.

SPEAKER MARVEL: Okay, go ahead, Senator Wesely.

SENATOR WESELY: Okay, fine. At this point the amendments that have just been adopted, one was a technical one that included educational services as to what was reviewed before giving assistance. Senator Maresh had an amendment which now made it \$300 per family per month maximum assistance. I think what you have here is a model program that we are going to be starting that just makes so much sense. I think maybe we had forgotten about the debate that we had in committee and on the floor on this matter. This bill is tight, I mean it is very tight, and Senator Cullan can be

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thanked for the work he has done in making sure that it is a bill that I think is fiscally prudent. It does a number of things that are fiscally sound that I think you should know about. Number one, we have a maximum of \$300 per family per child and that is maximum, so we are not going to pay more than \$300 per month to help a child stay in the home, or an individual stay in their apartment who if they are handicapped and have a job. So there is a maximum on the individual that they can receive. Then we have a maximum of \$500,000 for the total program that they can receive. Then we also have a five year sunset which will mean that the program will end after five years if we can't justify its continuation. And I think it will more than justify itself, but if there is a problem, it will certainly end on its own without any problem whatsoever. And then, number four, we have said in the bill, if you will read it, that they have to go through a whole list of alternatives to this program before they adopt it. And when they look at this, they look at the cost benefit ratio. They say, well, now, now you can't get this help, you can't get that help, but you need this assistance, it's clear and I think we can help you with it because if we don't help you with this, you will probably have to go to an institutional setting or some other situation which will cost the state much more. So I think for those of you who call yourself a fiscal conservative, and I think that's the majority of the body, this is probably one of the most fiscally conservative bills you could have. It will truly provide help to people but at the same time it's really an attempt to try and keep our fiscal costs in line and I think provide a program that is very cost efficient. So, I know there has been some questions about that but I definitely think this bill has addressed those questions and is one that should be passed this session.

SPEAKER MARVEL: A point of order, Senator Haberman.

SENATOR HABERMAN: Point of order, Mr. President.

SPEAKER MARVEL: State your point.

SENATOR HABERMAN: I owe Senator Wesely an apology. I did not receive a letter from Minnesota for where the cost did not go down. I received no letter from Minnesota pertaining to cost. We had a phone call with them pertaining to the program. What I was referring to and I was confused was a newspaper story about group homes for retarded said too costly to keep. So I apologize to you, Senator Wesely. I am very sorry that I made the statement. It is not true. I did not receive the letter about the cost not going down. Thank you, Mr. President.

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LB 389

SPEAKER MARVEL: Senator Wesely has closed. Senator Peterson, Senator Wesely has closed. The motion is to advance the bill. All those in favor of that motion vote aye, opposed vote no. Yes, Senator, but your light went back off. Well, Senator Higgins, I am sorry. There is nothing we can do. Have you all voted? The motion is to advance the bill. Have you all voted? Senator Wesely. Okay, I'm going to try one more time for a call and then we are going to call the question. Have you all voted? Does anybody else want to vote? Okay, Record the vote.

SENATOR WESELY: Okay, Mr....

SPEAKER MARVEL: Yes.

SENATOR WESELY: I hate to do it but it looks like we are a couple votes short here so I will ask for a Call of the House and a roll call vote.

SENATOR MARVEL: State your point.

SENATOR LAMB: Well, the vote has been recorded. Is that not the end of the proposition? He did not ask for a Call of the House. The vote was recorded and doesn't that take care of it?

SPEAKER MARVEL: After the vote is announced, then it is too late, Senator Lamb.

SENATOR LAMB: Thank you.

SPEAKER MARVEL: Okay, the question before the House is, shall we go under Call? All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 13 ayes, 5 nays to go under Call, Mr. President.

SPEAKER MARVEL: Okay, the House is under Call. All legislators please return to your seats and record your presence. Senator Burrows, please record your presence. Senator Warner, Senator Chronister, Senator Goodrich, Senator Barrett, Senator Wagner, Senator Chambers, Senator Newell, Senator Labeledz. Okay, the Clerk is authorized to take call in votes. We are going to have to keep the machinery going or we are going to lose all the momentum we had this morning.

CLERK: Senator Labeledz voting yes. Senator Fitzgerald voting yes. Senator Richard Peterson voting no. Senator Lowell Johnson voting no. Senator Chambers voting yes.

SPEAKER MARVEL: Okay, record the vote.

CLERK: Senator Barrett changing from yes to no. Senator

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LR 119, 120, 121
LB 389

Remmers voting yes. 25 ayes, 14 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill.

CLERK: Mr. President, if I may right before that a few study resolutions. LR 119 introduced by Senators Vickers, DeCamp and Von Minden, regarding the implementation of LB 35. LR 120 offered by Senators Labedz, Sieck, Higgins, Pirsch, Howard Peterson and Carsten, the purpose of the study being to research the desirability of limiting the number of bills either by constitutional amendment or by legislative rules that a Senator may introduce. LR 121 offered by the Constitutional Revision and Recreation Committee. The purpose of the study is to research the desirability of amending the Constitution to change the minimum number of Senators allowed from fifty to sixty. (See pages 1825 through 1827 of the Legislative Journal.)

LB 3, 11, 12, 70, 95, 99, 228,
250, 257, 266, 266A, 296A,
310, 318, 328A, 369, 381, 384,
389, 428, 441, 470, 472, 472A,
497, 501, 506, 541, 543, 556A

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PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain Palmer.

REVEREND PALMER: Prayer offered.

PRESIDENT: Roll call. Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President, plus one.

PRESIDENT: A quorum being present, are there any corrections to the Journal?

CLERK: Mr. President, I have no corrections.

PRESIDENT: The Journal will stand as published. Any other messages, reports or announcements?

CLERK: Mr. President, I have an Attorney General's opinion addressed to Senator Chronister regarding compensation of rural water districts. That will be inserted in the Journal. (See pages 1899-1900 of the Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports that we have carefully examined engrossed LB 3 and find the same correctly engrossed. 11 correctly engrossed, 12 correctly engrossed, 70 correctly engrossed, 95 correctly engrossed, 99 correctly engrossed, 228 correctly engrossed, 250 correctly engrossed, 257 correctly engrossed, 266 correctly engrossed, 266A correctly engrossed, 296A correctly engrossed, 310 correctly engrossed, 328A correctly engrossed, 369 correctly engrossed, 381 correctly engrossed, 384 correctly engrossed, 389 correctly engrossed, 428 correctly engrossed, 441 correctly engrossed, 470 correctly engrossed, 472 correctly engrossed, 472A correctly engrossed, 497 correctly engrossed, 501 correctly engrossed, 506 correctly engrossed, 541 correctly engrossed, 543 correctly engrossed. Those are all signed by Senator Kilgarin as Chair.

Mr. President, a new A bill, LB 556A, offered by the Speaker at the request of the Governor. (Read as found on page 1904 of the Legislative Journal.)

Mr. President, Senator Vard Johnson would like to print amendments in the Journal to LB 428 and Senator DeCamp to LB 318. See pages 1904-1906 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Speaker Marvel for an explanation of order of business today on the agenda. Speaker Marvel.

May 20, 1981

LB 529A, 234, 389, 544, 561

CLERK: (Read record vote as found on page 2136 of the Legislative Journal.) 42 ayes, 4 nays, 1 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading.

CLERK: Mr. President, Senators DeCamp and Maresh move to reconsider the body's action on failing to pass LB 234 yesterday.

Mr. President, Senator Kremer would like to print amendments to LB 544. (See page 2137 of the Legislative Journal.)

Mr. President, Senator Koch moves to override the Governor's line item veto of the state aid monies as set forth in LB 561.

Mr. President, I have a reference report from Senator Lamb referring a gubernatorial appointment for confirmation hearing.

Mr. President, that is all that I have, Mr. President.

SPEAKER MARVEL: Okay, are we ready for item #6? Senator Wesely, do you wish to be recognized on item #6? Okay.

SENATOR WESELY: Mr. Speaker, members of the Legislature, there is a motion pending to return LB 389 from Final Reading to Select File for a specific amendment. That amendment is an amendment cosponsored by Senator Schmit and myself, the cosponsors of this bill to delay the operative date of this bill, LB 389, which provides for disabled family members to be served in their home. This program would be delayed until July 1, 1982. This would effectively eliminate the need for an A bill this year and this provision in this amendment is one which has been worked out in cooperation with the Welfare Department and with the budget office. I think you have on your desk a handout that was presented by me. It is a letter from John Knight to myself concerning LB 389 and his support for the concepts and aims of that legislation. He talks a bit about the Minnesota program. I would urge you to take a look at that. Also attached is a sheet showing some of the cost savings. There were questions before about, well, can you be more specific on cost savings on this program. The handout will give you some idea of where we can save money depending on the certain facilities we are talking about in providing that assistance. So I think it clearly is a program that has a lot of support. The concerns that were in the past was the fact that we just did not have the money this year with the budget as it was and so we are asking to delay implementation and, thus, not have any need for an A

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LB 389, 396A

bill for this year. I move the return of the bill.

SPEAKER MARVEL: Okay, the motion is to return the bill to Select File for a specific amendment. Senator Wesely, do you wish to speak to the motion? You have spoken. All right. Okay, the motion is to return the bill to Select File. All those in favor of that motion vote aye, opposed vote no. Have you all voted? We are on item #6, motions, and the issue is LB 389. Have you all voted? Record.

CLERK: 27 ayes, 0 nays on the motion to return the bill, Mr. President.

SPEAKER MARVEL: The motion carries. The motion now is the adoption of the Wesely amendment. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record.

CLERK: 25 ayes, 0 nays on adoption of the Wesely-Schmit amendment, Mr. President.

SPEAKER MARVEL: The amendment is adopted. The motion now is to readvance the bill. All those in favor of that motion say aye, opposed no. The motion is carried. The bill is readvanced. We now move to item #7, Select File. This is the area where we have to make progress today or we are going to be in trouble. Incidentally, somebody may have left a...what, a...what do you call them, Senator Marsh? Senator Marsh, somebody left a shade cap in your office.

SENATOR MARSH: I have a green eye shade that was left in my office. I do not know to whom it belongs. I think it might be handy to use up on the legislative floor but since it really is not mine, I thought I should make a general announcement if someone wants to come and claim it.

SPEAKER MARVEL: Thank you. Item #7, Select File, LB 396A.

CLERK: Mr. President, Senator Carsten has an amendment to LB 396A.

SPEAKER MARVEL: The Chair recognizes Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, the amendment to 396A is brought about by revising the bill which creates a cash fund to account for revenues generated by the license and inspection fees and allows the Department of Agriculture to conduct such inspection, sampling and analysis and so forth. The amendment would reduce the cost from \$21,167 general funds to \$10,539 general funds and \$4,000 cash funds. This is on a per ton inspection fee and would provide for a bulk of the revenues required to totally cash fund

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LB 389, 396A, 548, 556A,
257, 257A, 273, 273A,
346, 477, 477A, 497,
529, 529A, 541, 541A, 561

389 and find the same correctly engrossed, 396A correctly engrossed, 548A correctly engrossed, 556A correctly engrossed. All signed by Senator Kilgarin.

Mr. President, your legislative bills 273, 273A, 346, 257, 477, 541, 541A, 497 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I'm about to sign, and do sign, LB 273, re-engrossed LB 273A, re-engrossed LB 346, re-engrossed bill 257, engrossed LB 257A, engrossed bill 477, engrossed LB 477A, engrossed LB 541, engrossed LB 541A, engrossed LB 497, engrossed LB 529, engrossed 529A.

We are still under item number five, motions, and the Clerk will read the next motion.

CLERK: Mr. President, Senator Newell has the next motion, but he has not yet arrived.

Mr. President, Senator Fowler and Vard Johnson have a motion I understand they want to withdraw.

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: There will be an effort to return the claims bill so I think we will try that avenue again. So, I'll ask unanimous consent to withdraw this motion to override the veto on public transit.

SPEAKER MARVEL: Hearing no objections so ordered.

CLERK: Mr. President, the next one I have then is from Senator Chambers. Senator Chambers would move to override the Governor's line item veto of the ADC appropriation contained in LB 561.

SPEAKER MARVEL: Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature this is an issue which we have discussed from time to time this session. It is one of those highly emotional matters and it is difficult to handle an emotional manner in an unemotional fashion. But on the chance that I may get carried away in trying to maintain my cool, I'm having sent around to you a one sheet statement of what it is that I am attempting to do. The amount of money which is involved and the

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LR 188
LB 179, 181, 252, 273, 273A, 303, 322,
346, 376, 381, 384, 389, 441, 451, 470, 472A
485, 497, 501, 543, 512, 552, 545, 553, 554.

Senator DeCamp. All those in favor vote aye. All those opposed vote nay. It takes 30 votes.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Once more, have you all voted? Senator DeCamp.

SENATOR DeCAMP: How many are excused? Eleven?

SENATOR CLARK: Two.

SENATOR DeCAMP: Two? Okay, we still stand a shot, so I would ask for a Call of the House and take call in votes if that would be okay. But I would ask for a Call of the House first.

SENATOR CLARK: Call of the House has been requested. All those in favor of a Call of the House vote aye, opposed vote nay. Record the vote.

CLERK: 19 ayes, 3 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All Senators will return to their seats, and if all Senators will check in, please. The Clerk would like to read some things while we are trying to get everyone registered in here.

CLERK: Mr. President, while we are recording our presence, I have a communique from the Governor addressed to the Clerk. Engrossed LBs 181, 252, 303, 381, 441, 451, 470, 485, 497, 543, 179, 346 and 384, 273, 273A, 501 and 545 were signed by me May 22 and delivered to the Secretary of State. Sincerely, Charles Thone, Governor.

Mr. President, I have an Attorney General's Opinion addressed to Senator Barrett on 376; one to Senator Hefner on 552. (See pages 2228 through 2233 of the Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined 406 and recommend that the same be placed on Select File with amendments; 551 Select File; 552, 553, 554 all on Select File with amendments. (See pages 2233 through 2234 of the Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 322 and find the same correctly engrossed; 376, 389 and 512 all correctly engrossed.

Mr. President, new resolution, LR 188 by Senator Wagner.

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LB 213, 318, 322,
LB 412, 389, 389A

afraid of what might happen if it was passed anyway, so, I will go along.

SENATOR WARNER: Thank you, Senator Newell.

SENATOR CLARK: All right, that bill will be laid over. The motion is now to suspend the rules. The motion is right now, to suspend the rules to read the following bills: 213, 318, 822, 389 and 389A. That is the only bills we can read. The motion before the House is suspension of the rules. Is there anyone who wants to talk on that? Senator DeCamp, did you want to talk on the suspension of the rules? All right. All those in favor of suspending the rules vote aye. All those opposed vote nay. Senator Goodrich, did you want to talk on it?

SENATOR GOODRICH: Mr. President, you had said when you were quoting those numbers, 822. I think you mean 322. Would you have the Clerk read ...

SENATOR CLARK: No, I said 322, I thought, pardon me. 213, 318, 322, 389 and 389A.

SENATOR GOODRICH: Okay, no problem.

SENATOR CLARK: All those in favor of suspending the rules vote aye, opposed vote nay. It takes 30 votes. Voting aye.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on suspending the rules to read those five bills? Record the vote.

CLERK: 34 ayes, 2 nays, Mr. President, on the motion to suspend the rules and read those five bills.

SENATOR CLARK: The rules are suspended. The Clerk will now read LB 213 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 213 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall 213 pass with the emergency clause attached. All those in favor vote aye. All opposed vote nay.

ASSISTANT CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Record the vote.

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LB 285, 531, 544
LB 389, 389A, 234A

SENATOR CLARK: The bill is declared passed without the emergency clause attached. The Clerk will now read LB 389.

ASSISTANT CLERK: (Read LB 389 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall LB 389 pass. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: (Read record vote as found on pages 2348-2349 of the Legislative Journal.) 34 ayes, 9 nays, 5 excused and not voting and 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will now read LB 389A.

CLERK: (Read LB 389A on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: (Read record vote as found on page 2349 of the Legislative Journal.) 31 ayes, 11 nays, 5 excused and not voting, 2 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. Do you have anything to read in?

CLERK: Yes, sir, I do.

SENATOR CLARK: All right, go right ahead.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 285 and find the same correctly engrossed; 544 correctly engrossed; 234A correctly engrossed and 531 correctly engrossed. Those are all signed by Senator Kilgarrin as Chair.

SENATOR CLARK: How many more do you have to come up yet, Pat? What? We are waiting for seven more bills. Senator Marvel, I imagine we had better stand at ease until they come up. This might be a good time to discuss a lot of

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LB 111, 118, 129, 129A, 213,
318, 389, 389A, 523, 556,
556A

bills we didn't have time for before.

SPEAKER MARVEL: It is my understanding we have got about an hour, Mr. Clerk, is that right...?

CLERK: Yes, sir.

SPEAKER MARVEL: ...and at the end of that time we should have the bills up here and I appreciate your cooperation. I have nothing else to say because Senator Clark can't understand English.

SENATOR CLARK: We will be "easy" until then. Senator Marvel.

SPEAKER MARVEL: Where did you go? Oh. The Legislature will be at ease until seven o'clock.

SENATOR CLARK: Or until the bills come up?

SPEAKER MARVEL: Pardon me?

SENATOR CLARK: Or until the bills come up?

SPEAKER MARVEL: I think what we need, Mr. Clerk, and you can correct me, we need a quorum.

CLERK: That would be desirable, yes, sir.

SPEAKER MARVEL: Okay.

EASE

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and do sign LB 111, LB 118, LB 129, LB 129A, LB 523, engrossed LB 523, engrossed LB 556, engrossed LB 556A, one of the smaller bills of the session, engrossed LB 213, engrossed LB 318, reengrossed LB 389 and reengrossed LB 389A. Okay. Senator Goll, will you adjourn us until nine o'clock tomorrow morning.

SENATOR GOLL: I move that we adjourn until nine o'clock tomorrow morning.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. We are adjourned until nine o'clock tomorrow morning.

Edited by LaVera M. Benischek
LaVera M. Benischek

May 28, 1981

LR 192
LB 111, 118, 129, 129A, 213, 318, 322,
389, 389A, 472A, 523, 540, 548, 556, 556A

PRESIDENT LUEDTKE PRESIDING

DR. ROBERT PALMER: Prayer offered.

PRESIDENT: Would you all register your presence? We would like to get started. Senator Carsten, would you give us a green light and then we will start. Thank you, you got us under way. Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President.

PRESIDENT: Quorum being present, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand as published. Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined LB 540 and find the same correctly enrolled; 322 correctly enrolled.

Mr. President, your enrolling clerk has presented to the Governor for his approval the bills that were read on Final Reading yesterday. (See page 2356 of the Journal regarding LBs 111, 118, 129, 129A, 523, 556, 556A, 213, 318, 389, and 389A.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Beutler regarding LB 472A. (See pages 2356 through 2358 of the Journal.)

Mr. President, I have a report from the Department of Administrative Services regarding lease approval.

Mr. President, new resolution, LR 192, offered by Senator Rumery. (Read LR 192 as found on pages 2358 and 2359 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, LB 548 and 322 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 548 and LB 322. Before we get started with today's activities, the Chair would like to introduce fifteen students from across the whole State of Nebraska,

May 29, 1981

LB 318, 321, 344, 389, 389A, 401

PRESIDENT: LB 321 passes without the emergency clause attached. Messages may be read in at this time.

CLERK: Mr. President, I have two veto messages from the Governor. (Read veto messages from the Governor Re. LB 389A and 389. See pages 2403-2404 of the Legislative Journal.)

Mr. President, I have a second veto message addressed to Dear Mr. President and Senators: (Read. Re. LB 318.)

Mr. President, I have explanation of vote from Senator Howard Peterson.

Mr. President, Senator Wesely asks unanimous consent to add his name to LB 404 as cointroducer.

PRESIDENT: No objections, so ordered.

CLERK: That is all that I have, Mr. President.

PRESIDENT: All right, we are ready then for the next bill on Final Reading, is LB 344, Mr. Clerk. We might ask... Speaker Marvel, there have been some questions about when we want to break for lunch. Do you wish to give some indication so that they know we are?

SPEAKER MARVEL: I think it would be a good idea if we broke at noon and then recess until one-thirty. The way we are going this morning, we are going to have trouble meeting the deadline.

PRESIDENT: All right, thank you.

SPEAKER MARVEL: The deadline when we get out of here. When you get whatever business you have I would appreciate it if you would recognize Senator Newell. He has a proposal that he wants to make.

PRESIDENT: Senator Newell, do you want to...? What is this? Senator Newell, we recognize you for whatever purpose. Okay, go ahead, Senator Newell.

SENATOR NEWELL: Mr. President, members of the Legislature, the Omaha delegation has asked me to present this plaque to Senator Fitzgerald for his tremendous sacrifice, primarily giving up his legislative district, which is important so that I could still serve in the Legislature next year and, very important as you can well understand. Senator Fitzgerald, if you would come forward the delegation would like to present you this for your hard work and your sacrifice. (Applause.)

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want to take one more bill then? Okay, fine. Have you all voted? Record the vote.

CLERK: (Read record vote as found on pages 2406-2407 of the Legislative Journal.) 37 ayes, 8 nays, 2 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 352 passes with the emergency clause attached. The next bill on Final Reading before the break for lunch is LB 385.

ASSISTANT CLERK: (Read LB 385 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 385 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 2407-2408 of the Legislative Journal.) 29 ayes, 14 nays, 2 excused and not voting, Mr. President, 4 present and not voting.

PRESIDENT: LB 385 passes. If you would read some matters in and then we will get ready for recess.

CLERK: Mr. President, a letter from the Governor addressed to the Clerk. (Read. Re. LB 406, 548, 389 as found on page 2409 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 321 and find the same correctly enrolled.

Mr. President, I have a veto message from the Governor addressed to Dear Mr. President and Senators. (Read. Re. 129A. See page 2408 of the Legislative Journal.)

Mr. President, finally LB 95, 95A, 172, 218, 234, 234A, 235, 302, 389A, 318, 344 and 352 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LB 95, LB 95A, LB 172, LB 218, LB 234, LB 234A, LB 285, LB 302, LB 318, LB 344 and LB 352. Well, let's let somebody... Senator Marsh, do you wish to recess us until one-thirty.

SENATOR MARCH: I move we recess until one-thirty.

PRESIDENT: The motion is to recess until one-thirty. Any... All those in favor to recess until one-thirty signify by saying aye, opposed nay. We are recessed until one-thirty.