

March 19, 1982

LR 258

LB 892 , 743, 626, 652,
522A, 970A

PRESIDENT: Senator Higgins, did you wish to discuss the motion to advance?

SENATOR HIGGINS: Mr. President, I want to ask Senator Haberman a question.

PRESIDENT: Senator Haberman, will you respond?

SENATOR HABERMAN: Yes.

SENATOR HIGGINS: Senator Haberman, who made the mistake?

SENATOR HABERMAN: This is an old, old law that made the mistake. I'd say to get this over with I made it.

SENATOR HIGGINS: All right, do you apologize?

SENATOR HABERMAN: I apologize.

PRESIDENT: Okay, anything further? The motion is the advancement of 892 to E & R Engrossment. All those in favor signify by saying aye, opposed nay. LB 892 is advanced to E & R for Engrossment. Now, anything to read in, Mr. Clerk.

CLERK: Mr. President, Senator Labedz would like to print amendments to LB 743.

New A bill, 522A by Senator Johnson and Cullan. (Read title of bill.)

970 A by Senator Warner. (Read title of bill.)

New Resolution offered by Senators Cullan, Wesely and Rumery. (Read LR 258.)

PRESIDENT: All right, anything further?

CLERK: Mr. President, Senator DeCamp, or V. Johnson would like to print amendments to 626 and Senator DeCamp to 652.

PRESIDENT: Anything further? Senator Lamb, do you wish to adjourn us until Monday?

SENATOR LAMB: Mr. President, I move we adjourn until Monday at 9:30 a.m.

PRESIDENT: Motion to adjourn until Monday, at 9:30 a.m. All those in favor signify by saying aye, opposed nay. We are adjourned until Monday at 9:30 a.m.

Edited by

Lm Benisch

L. M. Benischek

9266

March 23, 1982

LB 720, 796, 531, 522A

All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 1374 of the Legislative Journal.) 43 ayes, 0 nays, 2 excused and not voting, 3 present and not voting, Mr. President.

PRESIDENT: LB 720 passes on Final Reading. And the last bill on Final Reading this morning, Mr. Clerk, is LB 796.

CLERK: (Read LB 796 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 796 pass. All those in favor vote aye, opposed nay. Record the vote. Senator Higgins, for what purpose do you arise?

SENATOR HIGGINS: Mr. President, do I have the right to stand up and explain why I voted no? I've heard other Senators...

PRESIDENT: You can put it in the record. You can put an explanation in the Journal.

SENATOR HIGGINS: Not now.

PRESIDENT: No. Just give it to the Clerk and he will put it in the Journal. Go ahead, Mr. Clerk.

CLERK: (Read record vote as found on page 1375 of the Legislative Journal.) 38 ayes, 6 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 796 passes. Mr. Clerk, I presume you have some matters to read in.

CLERK: Mr. President, just one item. Senator Labedz would like to print amendments to LB 531 in the Legislative Journal.

SENATOR LAMB PRESIDING

SENATOR LAMB: Next we go to item #5, General File, LB 522A.

CLERK: Mr. President, LB 522A offered by Senators Vard Johnson and Cullan. (Read title.)

SENATOR LAMB: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I sometimes have a difficult time rising and I'm having a somewhat difficult time rising on 522A, not because it's a

bad bill, in fact, it's a good bill but I almost think it is an unnecessary bill and it's been foisted off on me in this Legislature by either a fiscal analyst or in the alternative by the Chairman of the Appropriations Committee who insists some rules are some rules. I look at Rule 5 of the Legislature which says that when any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation to implement in the ensuing fiscal year, an A bill has got to go along with it. Now 522 as you may recall is the welfare takeover program that takes effect July 1st, 1983, which is not the ensuing fiscal year. The ensuing fiscal year is the one starting July 1, 1982. Now we have another rule which says somewhere here that any A bill that is done has got to be done for two years. Okay, that's Rule 8, on the very tail end, the appropriation provided for in an A bill shall be for not less than two years. Well I'm a good sport. Even though I don't think this A bill is necessary, even though I think this A bill is contrary to our rules, if the fiscal analyst thrust it into my hot hands, I'll go file it and if the chairman of the Appropriations Committee says you've got to have it under Rule 8, I'll defer. I'll tell you what it does. It says we're going to appropriate dollars in 1983 for the transfer program. Now Senator Peterson keeps asking me how many dollars. I've got to go back and read it.

SENATOR LAMB: Time is wasting, Senator Johnson.

SENATOR V. JOHNSON: The dollars are, "there is hereby appropriated \$460,223 from the general fund in July 1, '83, to June 30, '84, and for the big takeover cost, the Medicaid relief, the emergency assistance relief, \$29,814,250 from the general fund for the period July 1, '83, to June 30, '84." So there it is. That's it, about \$30 million. Now I've been thinking about this. I know it is very difficult for this body to deal in \$30 million figures. Well we did it when the vets school came down the pike but you remember back in 1979 when we decided to add \$40 million to the state school aid? Senator Haberman, I think he was out in the hall, that's what I think, at the time. Well this is about the same thing. July 1st, '83, we take \$30 million in state money, we put it into our welfare program, we have a full and complete takeover of welfare. The counties will be relieved of the Medicaid burdens. The counties will be relieved of the emergency assistance burdens. The counties will be relieved of their unfunded liability for medical indigency burdens. The counties will be relieved of the county sheriff-county administration. We will have the state in the posture where it can effect a full statewide delivery system and there it is. That's the bill.

SENATOR LAMB: The Chair recognizes Senator Warner.

SENATOR WARNER: I just wanted to comment that I have this unavoidable urge to tell everything I know all the time and so the other day I sat over here by Senator Johnson and we were talking about A bills. I said, well you may, you know there is an argument whether you need an A bill. Little did I know he would repeat that immediately, but let me...but he raises a question that is legitimate and I thought I ought to comment because you could argue a conflict. There is one overriding factor though that if we get into the process of delaying a lot of bills, funding, that under the statute the Board of Equalization uses to set rates. There is a provision that they shall take into account, appropriations. And so if we are going to enact any legislation with significant impact in the area of millions of dollars to take effect July 1 of '83, unless there is an A bill that forces the Board of Equalization or will require the Board of Equalization rather to take that anticipated new expenditure into account, there is no way that they can set the rates under the law to provide the money for the things that we would pass. So there is a very good reason to have an A bill, notwithstanding what argument one might make over the two rules. There is a very good reason and a necessary reason to have an A bill for '83-'84 spending if you want the rates to be set in next November to have the funds to appropriate when they have to take effect.

SENATOR LAMB: Senator Cullan. Senator Cullan, did you wish to speak?

SENATOR CULLAN: Mr. President, I would just say that I'm having an opportunity to analyze the fiscal note. I think the fiscal note is somewhat high and we'll have amendments on Select File after I've had an opportunity to do some more research to see if this bill is necessary at all. I'll have some opportunity to do a little research and cut down the \$29 million somewhat.

SENATOR LAMB: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, to hear Senator Johnson, why don't we just do away with the counties and then we won't have to worry about anything because he is saying the counties won't have anything to do anymore. And I can't maybe agree that \$30 million is a drop in the bucket so I'm going to have to rise to oppose the unnecessary A bill that we have here.

SENATOR LAMB: Senator VonMinden.

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LB 522A

SENATOR VonMINDEN: Mr. Chairman, a question of Senator Johnson, please.

SENATOR LAMB: Senator Johnson, will you respond.

SENATOR V. JOHNSON: Yes, I shall.

SENATOR VonMINDEN: Senator Johnson, I have a letter here dated March 17th pertaining to all county commissioners and supervisors, a letter received from your office.

SENATOR V. JOHNSON: Right.

SENATOR VonMINDEN: It goes on to say what your bill does and what it will do, so on and so forth, a page here. Now on the second page it says, "If county officials generally want control over welfare functions, Senator Cullan and I will offer an amendment on their behalf to do the following things." And then after you have the amendment here you say, "though Senator Cullan and I do not personally support the amendment we will offer it should it become apparent that those supporting perpetuation," then you go on so forth with this here, so it says, "county county commissioners and supervisors, either you get on your senators and tell them to pass this bill or we're going to put an amendment on here," and one of the amendment is to, "Restore the County Medicaid share to its historical level of 20% of total cost." Now I doubt very much, Senator Johnson, whether you want to put a million and two hundred thousand dollars extra cost from Douglas County. One of the other ones here has received, "Require counties to pay the personnel costs of their welfare workers." Now I don't even know with the federal government funding the part of the program whether we can have such an amendment as that, but what I want to know, what is the motive of you sending these letters out to these county officials and county commissioners, trying to scare them in to write their senators to pass your bill or else? Because those people up there, Senator Johnson, I want you to know, they might be ignorant of what is going on down here but let me tell you, those people are not stupid. They know what they are doing. They'll learn and one of my supervisors came to me and he said, is this senator threatening me or what is he trying to do and I said, well I'll ask him the question.

SENATOR V. JOHNSON: Yes, and I'm glad you did ask the question, Senator VonMinden. In fact, Senator Cullan alluded to this on the floor debate on 522 late last week when he said, the only basic argument that we really have heard against 522 from county officials has been what I

think is a spurious argument, that is, their loss of local control. Senator Cullan said, and I agree with this, if, in fact, this body decides that the retention of almost nonexistent local control is a meaningful thing, then we ought to make certain that the local communities that have the local control pay the freight and we have traditionally...the traditional historic freight cost for local control has been 20% of Medicaid. It's only been in the last three years we've reduced it from 20% to 14% and in addition, if the counties want the local control then they should pay for the workers. The State of Nebraska pays 97% of the worker cost right now, only 3% paid for by the counties. And so, yes, if that becomes the issue, you bet, we'll offer that amendment.

SENATOR VonMINDEN: Senator, you're telling me you'll offer the amendment when it is going to cost your county a million, two hundred thousand dollars?

SENATOR V. JOHNSON: You bet.

SENATOR VonMINDEN: I say to you, if this bill is this good, it should be passed without sending to me a kind of a threatening letter out to the county officials. I think it would pass on its own merit without telling them you get on your Senators and pass this bill or else. That's all I have to say.

SENATOR V. JOHNSON: I understand.

SENATOR LAMB: Senator Hefner, briefly I hope.

SENATOR HEFNER: Mr. President and members of the body, Senator Lamb, you know that my speeches are short and to the point. I oppose this bill.

SENATOR LAMB: Senator Kahle.

SENATOR KAHLE: Mr. President and members, I'm going to support LB 522A. I think Senator Warner is right that we should be looking at the fiscal impact that it will create next year and that was the reason that I fought the other day to do it in one great sweep and if we're going to relieve the counties of the obligation of taking the control, if they have any, away from them, I think we should do it up front so everyone knows exactly what we're doing. I'm not all that thrilled over parts of 522 but 522A needs to go along with it so that the intent gets to the Governor's office, so the intent is also acknowledged by the Appropriations Committee and I think that we should go ahead and move LB 522A and see what happens. Thank you.

SENATOR LAMB: Senator Newell.

SENATOR NEWELL: Mr. President and members of the body, as the candidate for the Douglas County Board I, too, feel that local control is important but I would appreciate very much if we advance this and we pass 522 so that we can continue to have local control but have the state pay for it.

SENATOR LAMB: Senator Vard Johnson to close on the bill.

SENATOR V. JOHNSON: I keep hearing all these people around me that say they are going to vote no. Actually in closing, I will say...let me make one very simple remark. Basically speaking I have argued that this legislation is really an exchange. We're exchanging state sales and income tax dollars to support a statewide welfare system for county property tax dollars which currently support a state supervised but county administered welfare system. There is one very interesting aspect of the fiscal note which Senator Cullan and I have both caught and that is that the fiscal analyst has added several millions of dollars to LB 522A for relieving counties of their current obligation to meet the needs of the medical indigent which let me tell you is simply a statutory obligation. The counties haven't done...have only paid lip service to. Well there is another bill that has been moving through this Legislature to do exactly the same thing and the fiscal note on that bill is \$2 million whereas the fiscal note for the very same effort here is \$8 million and the fiscal notes are generally made up by the same people. The bills are the very same thing, however, so it's not a question of anybody being freer. I mean, it's just they... the fiscal notes are not in perfect shape in my opinion. But as Senator Warner says we need to have an A bill. Far be it from me to stand in the way. I would ask this A bill be advanced. Between now and Select File we will go over those fiscal notes again. We may very well reduce this A bill. In any event, this A bill is not even binding because as you well know one Legislature can't bind the next Legislature but so be it. I would ask that 522A be advanced.

SENATOR LAMB: The motion is to advance the bill. Those in support vote aye, those opposed vote no.

CLERK: Senator Lamb voting no.

SENATOR LAMB: Have you all voted? Have you all voted? Record. Senator Johnson.

SENATOR V. JOHNSON: A Call of the House please and call in votes at this juncture.

March 23, 1982

LB 404A, 488A, 609A, 714A,
LB 522A, 755, 756, 933, 942

SENATOR LAMB: The motion is to have a Call of the House. Those in support vote aye, those opposed vote no. Record.

CLERK: 17 ayes, 0 nays, to go under Call, Mr. President.

SENATOR LAMB: The House is under Call. All unauthorized personnel please leave the floor. All senators will be in their seats. Please record your presence. Call in votes will be accepted.

CLERK: Senator Fowler voting yes. Senator Vickers voting yes.

SENATOR LAMB: Senator Wiitala, Senator Koch, Senator DeCamp, Senator Schmit, Senator Labedz, Senator Wagner, please record your presence.

CLERK: Senator Labedz voting yes.

SENATOR LAMB: We're looking for Senator Chambers, Senator DeCamp and Senator Koch.

CLERK: Senator Fenger voting no.

SENATOR LAMB: Senator Johnson, we are missing only three people. Are you ready for the roll call?

SENATOR V. JOHNSON: Roll call then, yes, please.

SENATOR LAMB: Will you please call the roll, Mr. Clerk?

CLERK: (Read roll call vote as found on pages 1376-1377 of the Legislative Journal.) 27 ayes, 17 nays, Mr. President, on the motion to advance the bill.

SENATOR LAMB: The bill is advanced. LB 942, Mr. Clerk.

CLERK: Mr. President, if I may right before that, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 404A and recommend that same be placed on Select File with E & R amendments; 488A, 714A, 609A, 755, 756 and 933 with E & R amendments attached. (See pages 1377-1378 of the Legislative Journal.)

Mr. President, LB 942 was last considered by the Legislature yesterday. (Read title.) The bill was first read on January 19. It was referred to the Budget Committee for a hearing. The bill was advanced to General File with committee amendments attached, Mr. President. Yesterday the Legislature adopted portions of the committee amendments. I believe

March 29, 1982

LB 522A, 605, 714, 753,
754, 760, 761, 942,
966, 967, 970, 970A

SENATOR CLARK PRESIDING

SENATOR CLARK: The Legislature will come to order. The prayer this morning by Father Edmund Placek of the Sacred Heart Catholic Church, Burwell.

FATHER PLACEK: (Prayer offered.)

SENATOR CLARK: The state officers of the Knights of Columbus are here for the occasion of the centennial of the Knights of Columbus. I think they are going to see the Governor and have him declare it that. We also have three visitors from Australia. They are under the South balcony. David McConnell, Helen McConnell, and Marilyn Handley. Would you stand and be recognized please. Senator Lamb has 7 students from Newport, Nebraska grade school, Pam Peterson, the teacher, and they are in the North balcony. Would you stand and be recognized please? Welcome to the Legislature, all of you. Roll call. Could we all check in, please. We have the Benson Republican Women's Club in the North balcony. Would you stand and be recognized please? Welcome to you to the Legislature. The Clerk will record.

CLERK: There is a quorum present, Mr. President.

SENATOR CLARK: Are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR CLARK: Do you have any messages, reports, or announcements?

CLERK: Yes, sir, I do, a series of things. Mr. President, your committee on Enrollment and Review respectfully reports they have examined and reviewed LB 754 and recommend that same be placed on Select File; 522A Select File; LB 942 Select File with amendments; LB 966 Select File with amendments; LB 970 Select File; LB 970A Select File with amendments; LB 761 Select File with amendments; LB 967 Select File; LB 760 Select File; LB 753 Select File. Those are all signed by Senator Kilgarin as Chair, Mr. President.

Mr. President, your committee on Public Health and Welfare offers a report on gubernatorial confirmation hearing.

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 605 and find the same correctly engrossed; and LB 714 correctly engrossed.

March 31, 1982

LB 602A, 522A, 953, 970

Senator Cullan, the Clerk tells me we do have a mechanical problem here because we have recorded the votes. Either take call ins or have a roll call vote.

SENATOR CULLAN: Okay, go ahead and take call ins.

PRESIDENT: All right, take callins, Mr. Clerk.

CLERK: (Began reading call in votes.) He says call the roll.

PRESIDENT: All right, it is getting to be rather confusing to do the total number so, Senator Cullan, we will have a roll call vote then. Let's proceed with it. Would everyone please....let's wait until everybody returns to their desk. We will wait until everybody is at their desks because the House is under Call. While we are waiting for everyone to get back to your desks the Chair would like to introduce guests of Senator Rumery, Diane Miller from North Platte, son, Myron, of North Platte and granddaughter, Kristen. Where are these folks from North Platte? Right over here. Welcome to Myron, Kristen and Diane Miller. Okay, Mr. Clerk, let's proceed. The motion is the advance of LB 602A to E & R initial. Proceed with the roll call vote.

CLERK: (Read roll call vote as found on page 1523 of the Legislative Journal.) 26 ayes, 12 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: The motion carries and LB 602A is advanced to E & R initial. We are ready then for the next bill on General File, Special Order, LB 953.

CLERK: Mr. President, right before that if I may, I have three Attorney General's opinions addressed...

PRESIDENT: Yes, you may read into the record.

CLERK: ...the first to Senator Wesely regarding LB 970; the second to Senator Warner regarding LB 970 and the third to Senator Vard Johnson regarding LB 522A. (See pages 1523-1529 of the Legislative Journal.)

PRESIDENT: All right, Senator Beyer, yes, the Call is raised.

CLERK: Mr. President, LB 953 was a bill introduced by the Ag and Environment Committee and signed by its members. (Title read.) The bill was read on January 19, referred to the Ag and Environment Committee for hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Ag and Environment Committee.

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LB 522A, 609 A, 714A

SENATOR CLARK: You have heard the motion. All those in favor say aye, opposed. The bill is advanced. 609A.

CLERK: E & R amendments, Senator.

SENATOR KILGARIN: I move we adopt the E & R amendment to LB 609A.

SENATOR CLARK: You heard that motion. All those in favor say aye, opposed. The E & R amendments are adopted.

CLERK: Nothing further on the bill, Senator.

SENATOR KILGARIN: (Mike not on.) ...LB 609A.

SENATOR CLARK: The question before the House is the advancement of LB 609A. All those in favor say aye, opposed. The bill is advanced. 522A.

CLERK: Mr. President, I have an amendment pending to the bill offered by Senator Vard Johnson. (See page 1639 of the Legislative Journal.)

SENATOR CLARK: Senator Johnson.

SENATOR V. JOHNSON: Mr. President and members of the body, LB 522 as you probably recall is the welfare takeover bill. It is effective July 1, 1983. It has an A bill attached to it. The A bill calls for a sum of around \$30 million effective July 1, 1983. Accordingly it has no impact on the next fiscal year. Now what my amendment does...oh no. Senator DeCamp suggested my amendment increased it to \$50 million but that is not true. It reduces it by about \$6 million for one simple reason. When the fiscal analyst prepared the fiscal note to LB 522 the fiscal analyst used a standard of medical indigency that is not in place in the State of Nebraska and that standard would call for about \$9 million to be appropriated for medical indigents. We have just advanced LB 602 and LB 602A which is an independent bill regarding medical indigency and there the A bill is a little over \$2 million and so the \$2 million sum that the fiscal analyst has arrived at for 602 and 602A should be the same sum arrived at under 522A for the medical indigents. And so all this amendment does, and I can't recall the precise dollar amount, is it simply reduces the price tag on 522A from the \$30 million down to about \$25 million. I at least think it is only fair that whatever this large bill costs that the true amount be reflected. So this is an amendment to reduce the price tag of 522A and I would ask that it be adopted.

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LB 522A

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Senator Johnson, would you yield to a question?

SENATOR V. JOHNSON: Yes, sir.

SENATOR WARNER: Senator Johnson, you indicated that the fiscal note now assumes a standard which is not now in place.

SENATOR V. JOHNSON: Yes.

SENATOR WARNER: Do I take it by your comment that the LB 522 also prohibits it from being put into place?

SENATOR V. JOHNSON: No.

SENATOR WARNER: What guidelines would prevent it from being put into place?

SENATOR V. JOHNSON: Nothing in 522 prevents it from being put into place.

SENATOR WARNER: Is it feasible that an amendment could be developed that would keep it from being put into place?

SENATOR V. JOHNSON: Sure. Yes.

SENATOR WARNER: Assuming that that means that we can amend it to do that, then I guess I have no objection to reducing the fiscal note but the body should understand, at least as I understand it, you correct me, Senator Johnson, if I am in error, but the \$2.5 million that is in 602 as well as what you are proposing to reduce here is based on the assumption that no more indigents than are currently being paid for by counties would be picked up but if there is not a prohibition to expanding that, then medical providers I assume would be trying to get the state to pick up all those indigents who are not now being paid for with state funds but are being absorbed by the various medical providers and charged there. So to ensure that your intent is followed through I would hope that an amendment to 522 would make it clear that no cost in excess of that \$2.5 million is going to be picked up by the state. Otherwise, I see nothing that would prevent it from becoming the \$8 or \$9 million as I don't know what grounds the Department would have not to take up those others.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Senator Johnson, visiting with some of the providers of health care in the last ninety days when we discussed the various methods of cost containment, time after time I was reminded by these providers that they are, as Senator Warner has pointed out, picking up some of the costs of the indigent care. Some of the people in the local counties have indicated to me that they feel that one of the objections to the bill is that it is impossible to scrutinize those who ask for care as closely at the state level as it is at the county level. The question then I have is basically first of all, it is a two part question, have a substantial number of people been taken care of by the local health care providers and then, number two, if that has been the case in the past and your bill becomes law, will we take care of those and will health care providers not have that responsibility?

SENATOR V. JOHNSON: The first question is have a number of indigent persons been taken care of by local health care providers, and by that you really mean hospitals in particular.

SENATOR SCHMIT: That is right.

SENATOR V. JOHNSON: The answer to that question is in my opinion, no, that many if not most Nebraska hospitals do not provide indigent care. The major indigent care providers in Omaha are the University Hospital and St. Joseph Hospital, both of which are teaching hospitals and they do use indigent care for the purpose of providing some teaching to their young students. Now, a number of hospitals, Senator Schmit, write off care costs. In other words, what happens, they treat somebody and somebody ends up not being able to pay all or part of the bill and so over a period of several years they literally end up writing that off. They like to call that kind of writeoff indigent care but that truly is not indigent care in the sense that there is not an allowance made in advance for a person coming in who demonstrates his poverty and gets the services. Now what does 522 do in that area? 522 simply picks up the poor relief statute, the pauper statutes that we had in our books since 1867, since statehood literally and it uses the ancient standard that has been utilized by county government for years to provide in the most recent year \$2 million worth of indigent services, in the most recent year \$2 million worth of indigent care services. Because 522 doesn't alter one iota the old pauper standard there is no reason why the State of Nebraska cannot confine its cost to the same \$2 million. Now it could be that the State of Nebraska would ultimately be sued just as the county now can be sued and the court would say, well, the way you are applying

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these ancient poor relief laws is contrary to the ancient statute and, therefore, you've got to pay more money. I think that that is one reason that Senator Cullan is addressing that issue with LB 602 which is a little different bill on medical indigency but there is nothing in 522 which would cause the state to pay more money for medical indigency which would cause the state to relieve the hospitals of either the writeoff burden or the poverty burden or what have you.

SENATOR SCHMIT: I think you have used up most of my time, Senator Johnson, but I think it is impossible for us at this time as you just pointed out, it is impossible for us to know that that cost is not going to increase in the next year or two and my concern at this time I believe is this, that perhaps some of those who might be demanding care are now in a position where they could perhaps take care of themselves if they chose to do so but chose to spend their money otherwise. I know that I have seen instances and examples that have been provided to me by....

SENATOR CLARK: You have one minute left.

SENATOR SCHMIT: ...provided with care of individuals who should have paid their own bill and did not do so and as a result the hospital wrote it off. Now we come along and that same person...I guess I am questioning as to how long it will take them to learn the system and to find the method whereby they will also loan out to the needy, allow someone else to pick up the tab and if they went through the local people, local agency, I think there is a little bit of scrutiny there that we perhaps might be missing at the state level. I'm concerned that your program will grow, Senator. I know which direction it will grow and I guess that concerns me also.

SENATOR CLARK: Senator Cullan. Senator Newell. Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I would simply say that the effect of LB 522 as Senator Johnson indicated earlier is merely a recommendation to the next session of the Legislature and it is virtually impossible to put a concrete figure on the effect of LB 522 at this point in time and that directly is related to whether LB 602 passes. What LB 602 will do is to require the Department of Welfare to write a rules and regulations that define indigency and then it puts a lid on the annual income that is acceptable for that definition. So LB 602 is an attempt to tie down any potential impact from these particular statutes but I think Senator Johnson is correct that

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LB 522A

if we are making a recommendation to the Legislature it is likely to be considerably less than the current A bill currently does recommend and I hope that we would adopt his amendments and that next year if we enact LB 602 as well we will have some very definite estimates as to the impact of indigency care in the state.

SENATOR CLARK: Senator Johnson, do you wish to close?

SENATOR V. JOHNSON: Just a quick comment, Mr. President, members of the body, that the amendment that I am proposing actually reduces the cost in the current A bill to LB 522. Now as you know, the A bill as well as 522 doesn't even take effect until July 1983 but it is important at least for us to have a reasonable idea as to what the cost will be only so that tax rates can be set appropriately so make sure there is enough money ultimately there in July of 1983 to take on this particular property tax relief program. I would move the amendment.

SENATOR CLARK: The question before the House is the Johnson amendment to LB 522A. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Once more, have you all voted? Record the vote. A Call of the House has been requested. All those in favor of a Call of the House will vote aye, opposed nay. Record the vote.

CLERK: 11 ayes, 0 nays to go under Call.

SENATOR CLARK: The House is under Call. All legislators will take their seats. We will attempt to find Senator Haberman. Will everyone check in, please. Could we get everyone to check in, please. Senator Goodrich, for what purpose do you arise? We will accept call in votes. A roll call vote has been requested. Senator Newell, will you check in, please. We're looking for Senator Pirsch and Senator Wesely. The Clerk will call the roll on the amendment of 522A. That is the only two that are out. No, they are not excused. I hope that they get here by the time we get to them. Here is Senator Pirsch and there is Senator Wesely. They are both here. The Clerk will call the roll.

CLERK: (Read roll call vote as found on page 1639 of the Legislative Journal.) 25 ayes, 20 nays, Mr. President, on adoption of the amendment.

SENATOR CLARK: The amendment is adopted. Now on the bill. Did you have anything further on the bill? Do you want to move the bill? Senator Johnson, did you want to move the bill? The question before the House is the advancement of LB 522A. Senator Schmit.

SENATOR SCHMIT: I had my light on, Mr. President. I'd like to ask Senator Johnson a question. Senator Johnson, you said it was a property tax relief bill and would you just very briefly explain to all of us, especially to me, how that is going to affect the property taxes in Butler County? How much relief are we going to get in Butler County? I want to help you, Senator Johnson, but I need to have some information and I don't want to vote any more blindly than I have been voting in the past.

SENATOR V. JOHNSON: Well, Senator Schmit, some time back I prepared a little chart how much money the folk in Butler County contributed for their Medicaid share. Now this was '79 and '80 but as that time the folk in Butler County contributed \$90,984.20. In addition they paid \$621 as their share of county administration of welfare. They also paid out \$3,664 in general assistance and they paid no emergency assistance. Now since that time Butler County got sued by a recipient for their failure to operate the general assistance program properly. They allowed a consent judgment to be taken against them in the U. S. District Court. Their attorney's fees is still an issue on that. This bill relieves Butler County of the lawsuit. It relieves Butler County of the Medicaid share. It relieves Butler County of the county administration share. It relieves Butler County of the general assistance share and...(interruption.)

SENATOR SCHMIT: How many dollars?

SENATOR V. JOHNSON: Well...about \$100 thousand.

SENATOR SCHMIT: How much?

SENATOR V. JOHNSON: About \$100 thousand dollars.

SENATOR SCHMIT: I'm sure that is going to cause a great sigh of relief back in Butler County and Polk County when they learn that the state for an expenditure something like \$25 million is relieving them of \$100 thousand expenditure and that lawsuit you spoke of is a thirty-two year old healthy male individual who I am sure would have no problem getting aid under the state program. Now without all of the extra fanfare, Senator Johnson, will you give me how much money will go back to Douglas County under this proposal?

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SENATOR V. JOHNSON: Yes. Under the same chart Douglas County's Medicaid share was \$6,013,217. Its share of county administration was \$468,000. Its general assistance payments were \$592 thousand and its emergency assistance payments were \$68 thousand. Now in the meantime Douglas County got sued in the U.S. District Court for its failure to properly administer the emergency assistance program and the consent judgment was just entered a week ago against Douglas County and the State of Nebraska for failure to properly administer the emergency assistance fund. Douglas County has likewise been sued for its failure to honor medical indigent claims. That case has gone to the Supreme Court. It is back in the state district court. The amount of the claims is still unresolved but so, too, has Douglas County been subjected to liability for failure to properly administer the old pauper statutes.

SENATOR SCHMIT: One more question. Any reason, Senator Johnson, to believe that the state will now also be sued if we take over these responsibilities and do not administer them properly according to someone's own interpretation of what is proper?

SENATOR V. JOHNSON: I think that in due course the state will be sued unless the state establishes a reasonable standard for providing poor relief and for providing the medical indigency and that is what Senator Cullan is working on in LB 602.

SENATOR SCHMIT: Thank you, Senator Johnson. Ladies and gentlemen, I don't think I have to stand on the floor here and explain that I have always been in favor of taking care of the poor and the indigent. I will do it every time anyone asks me to do so and I'm not afraid or ashamed to do that but I do not believe that we are doing the proper thing here. I think we need to recognize that by shifting the responsibility as we are doing from the local to the state, we are probably going to be in a worse position legally than we are now. I think...

SENATOR CLARK: You have one minute left.

SENATOR SCHMIT: ...and I think that, this is my opinion, but that is what we are exposed to most of the time on this floor, someone's opinion, and I would guess that the time will come when we will wonder what we got ourselves into. At this point in time, Senator Johnson, although I sympathize very deeply with your problem in Douglas County, I really do not believe that it will be administered any better by the state than it was in the past by Douglas County. I have confidence in Douglas County. I'm sure you will be pleased to hear that.

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SENATOR CLARK: I would like to introduce to the Legislature Mr. and Mrs. Ron Bopp from Spaulding, Nebraska, and their daughter, Paula. Paula was just made an admiral in the Nebraska Navy by Governor Thone a while ago. Also with the Bopp's is Peggy Pierson. Will you stand and be recognized, please. Welcome to the Legislature. Senator Newell is next. Senator Newell, did you want to talk?

SENATOR NEWELL: I was going to ask Senator Johnson if he would also give us the per capita information for each county in the state and the other detailed information related to this question of Medicaid although I don't know that Senator Johnson wants to take that much time. I would certainly yield him that time if he would like to answer any or all of those questions.

SENATOR V. JOHNSON: I don't have the...I don't believe I have on my desk at least, Senator Newell, the per capita information on Medicaid.

SENATOR NEWELL: Would you like to read the various statutes for each and every county? I'm sure that Senator Schmit has more than one county that he is concerned about. He happens to live in Butler County but I'm sure that he is concerned about Platte and Saunders also.

SENATOR V. JOHNSON: No, I think not at this time, Senator Newell, though I do appreciate the kind offer. If there are any questions I would be glad to take them up other than that.

SENATOR NEWELL: I am curious how Platte and Saunders Counties would do but with that, I would urge the body to advance LB 522.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the body, last year I sat here, yes, I was sitting in my chair believe it or not, and I heard senators get up on the floor and say that if we pass the bill to lower the counties share, I believe it is of Medicare 2%, that this would lower the property tax and that we should do this and this was hammered home time after time after time. So sure enough, we did reduce it and I checked the senator who really was pushing this. I checked his counties and I checked my counties and do you know how much the taxes came down? They went up. The County Board took the money and spent it somewhere else. So when somebody stands up here and says that this is direct property tax relief I have to see it because we didn't see it last time and I don't know how we can see it this time. So I kind of object, Senator Johnson, to you using that term

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because it doesn't mean that the property taxes are going to come down. It just means that the County Boards will have that much more money to spend and they can spend it as they see fit. They don't have to lower the property tax so, therefore, I wanted to put that into the record that this term has been used over and over and if you go back through the record and check when it has been used and the bills it has been used on you will find that the taxes have not been reduced that the taxes usually go up. Thank you, Mr. President.

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: Mr. President, I would like to ask Senator Haberman if he would yield to one question. Yes, it is a short one. It is an easy one.

SENATOR HABERMAN: Can I say yes or no?

SENATOR HIGGINS: Yes. In view of what you have just told us about that county that got that money back to lower taxes and instead they went and did what they wanted with it...

SENATOR HABERMAN: Yes.

SENATOR HIGGINS: Do you still believe in local control?

SENATOR HABERMAN: Yes, I do.

SENATOR HIGGINS: Okay, thank you.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President, I call the question.

SENATOR CLARK: Well that isn't necessary. You are the last one up. The question before the House is the advancement of 522A. All those in favor vote aye, opposed vote nay. Have you all voted on the advancement of LB 522? (sic.) Once more, have you all voted on the advancement of 522A? The Clerk will record the vote. Senator Johnson.

SENATOR JOHNSON: I will ask for a Call of the House and a roll call vote.

SENATOR CLARK: A Call of the House has been requested. All those in favor of a Call of the House will vote aye, opposed no. Record the vote.

CLERK: 20 ayes, 1 nay to go under Call.

SENATOR CLARK: The House is under Call. All legislators

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will check in, please. All unauthorized personnel will leave the floor. Senator Beutler, would you...Senator Ward Johnson, would you check in. Senator Schmit, John DeCamp and Ernest Chambers. I think we can go ahead and call the roll. We can pick them up when they come in. The Clerk will call the roll on the advancement of 522A.

CLERK: (Read roll call vote as found on page 1639 of the Legislative Journal.) 21 ayes, 24 nays, Mr. President.

SENATOR CLARK: Failed to advance. We will now go to priority bills, 652, still on Select File. The Call is raised.

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LR 382 - 384
LB 522A, 568

SENATOR CLARK PRESIDING

REVEREND CHARLES REIMNITZ: (Prayer offered.)

SENATOR CLARK: Thank you, Reverend, for the little levity about the salary, too. Roll call. Could we record in please. Could we record in please so we can get started on the Final Reading. Senator Fowler, would you record in please. Senator Haberman, would you check in please. Senator Higgins, Senator Labedz. Senator Marsh, will you check in please. Record.

CLERK: There is a quorum present, Mr. President.

SENATOR CLARK: Is there any messages, reports or announcements?

CLERK: Mr. President, first if I may, two corrections to the Journal. (Read. See page 1907, Legislative Journal.)

Mr. President, new resolutions, LR 382 (read); LR 383 (read); LR 384 (read). (See pages 1907-1909, Legislative Journal.) That, too, Mr. President, will be laid over.

Mr. President, Senator Vard Johnson would like to move to withdraw LB 522A. That will be laid over.

And, Mr. President, I have a proposed rule change offered by Senator Newell. That will be referred to the Rules Committee.

SENATOR CLARK: We have a point of personal privilege for Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, my point of personal privilege pertains to LB 568 and during the heat of the debate on LB 568 on that Monday night I may have inadvertently misstated one of the procedural aspects of the bill. I asked for this point of personal privilege so that the legislative record can be clear on this matter. Third and subsequent convictions for DWI require the permanent license revocation of the offender unless the offender is given probation. I may have stated that it would be possible for a judge to give a license back after a term of years. This would be true if an offender was placed on probation but not if such offender was given a straight sentence. I wanted to clarify the record on that point and I thank you for your attention.

SENATOR CLARK: We are ready for Final Reading if we can get everyone in their seats please. Sergeant at Arms, will you

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SENATOR LAMB: Thank you, Senator Rumery. Item #4, motions. LB 522A, Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of this body, LB 522A is an appropriations bill that has never been a necessary appropriations bill because it is speaking to a fiscal year commencing in July, 1983, as opposed to the next ensuing fiscal year and I did receive an opinion from the Attorney General indicating that any appropriations bill that speaks to the fiscal year one year away from the ensuing fiscal year is advisory in nature only. It is not binding on the next legislative session. Because LB 522A is on Select File as opposed to being on Final Reading it is my desire at this time to withdraw the bill so that we can go about the process of reading LB 522.

SENATOR LAMB: Senator Kahle.

SENATOR KAHLE: Mr. President and members, I concur that we do not need an A bill on 522 this year but I guess as Senator Chambers would say, for the record I'd like to get this statement perhaps on record that 522 itself does carry the provision that the state will take over the funding of the welfare program July 1 of next year which I assume makes it automatic and pertinent that the Appropriations Committee appropriate the money next year. I guess in view of some of the economic situations that we have, I am a bit skeptical about this but I guess we will have to take it a step at a time and at this time I do not object to removing LB 522A. It is my understanding then that 522 does demand that the Appropriations Committee of next year take into consideration the funding that we talked about in 522A. With that assurance that is the way I think we should be voting, so be it.

SENATOR LAMB: Senator Vard Johnson, did you wish to close on the motion?

SENATOR V. JOHNSON: It is not necessary. I did ask unanimous consent and I do have one objection in that case. Then it will be a majority of those voting.

SENATOR LAMB: The motion is to withdraw LB 522A. Those in support vote yes, those opposed vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Record.

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