

January 6, 1982

title). LB 585 offered by Senator Warner. (Read title). LB 586 offered by Senator Wagner. (Read title). LB 587 offered by Senators Kremer, DeCamp, Wagner, Cope and Lamb. (Read title). LB 588 offered by Senator Wagner. (Read title). LB 589 offered by the Banking Committee and signed by its members. (Read title). LB 590 offered by Senators Kilgarin and Beutler. (Read title). LB 591 offered by Senator Landis. (Read title). LB 592 offered by Senator Lamb. (Read title). LB 593 offered by Senators Remmers and Richard Peterson. (Read title). LB 594 offered by Senator Landis. (Read title). LB 595 offered by Senator Fowler. (Read title). LB 596 offered by Senator Nichol. (Read title). LB 597 offered by Senator Nichol. (Read title). LB 598 offered by Senator Nichol. (Read title). LB 599 by Senator Nichol. (Read title). LB 600 by Senator Nichol. (Read title). LB 601 offered by Senator Nichol. (Read title). LB 602 offered by Senator Cullan. (Read title). LB 603 by Senator Cullan. (Read title). LB 604 offered by Senators Cope, Rumery and Fowler. (Read title). LB 605 offered by Senator Koch. (Read title). LB 606 offered by Senator Kremer. (Read title). LB 607 offered by Senator Howard Peterson. (Read title). LB 608 offered by Senator Howard Peterson. (Read title). LB 609 by Senator Marsh. (Read title). LB 610 introduced by Senator Howard Peterson and Senator Heffner. (Read title). LB 611 offered by Senator Kahle. (Read title). LB 612 offered by Senator Pirsch. (Read title). LB 613 offered by Senator Pirsch. (Read title). LB 614 offered by Senator Fowler. (Read title). LB 615 offered by Senator Burrows. (Read title). LB 616 offered by Senator Fenger. (Read title). LB 617 offered by Senator Stoney. (Read title). (See pages 77-88 of the Journal).

Mr. President, I have two new A bills, LB 404A offered by Senator Fowler. (Read title). And LB 604A offered by Senators Cope, Rumery and Fowler. (Read title). (See page 88 of the Journal).

Mr. President, I have a series of items to read into the record. Senator Koch would like to be excused January 7 and 8.

Mr. President, Senator Fowler would like to print amendments to....I am sorry, Senator Pirsch would like to print amendments to LB 465. (See pages 89 through 91 of the Legislative Journal). Senator Fowler to print amendments to LB 458. (See pages 91 through 93 of the Journal). Senator Rumery would like to print amendments to LB 287. (See pages 93 through 94 of the Journal). Senator Newell would like to print amendments to LB 131. (See page 95 of the Journal).

March 3, 1982

LB 602

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by Reverend Melvin Tassler, Redeemer Lutheran Church, an old friend of mine (inaudible).

REVEREND MELVIN TASSLER: (Prayer offered).

PRESIDENT: Roll call. While we are checking in, I might just note that today is the Honorable Patrick O'Donnell's birthday and he is 33 years old and that there is always happy notes and sad notes. I just might also mention a sad note with this that Patrick's grandmother died and the funeral, Pat, is that tomorrow? The funeral will be tomorrow so there always seems to be happiness and sadness in this world and so we announce that, too. We also have up here in the North balcony from Senator Warner's District some guests of Senator Warner's, 25 students, juniors and seniors from Palmyra; Carole Lashley and Rita Donahue, teachers. They are up here in the North balcony. Good morning and welcome to your Legislature. And for some extremely happy news, I see the smiling face of someone looking at me right now, it is a very important announcement I am about to make, Andrea Kathryn Kahle arrived March 2, 1982; weight, 8 lbs. 5 oz.; parents, Alton and Kathy Kahle, and guess who the grandparents, the proud grandparents are? Martin and Faye. Congratulations to you. This is number twelve and help the grandparents celebrate with a Lifesaver lollipop. Martin, do you want to say something? I imagine proud grandpa would like to say something.

SENATOR KAHLE: All I can say is that I appreciate the goodwill of this body on this happy occasion of number twelve. You are going to receive a lollipop with a pink ribbon on it as appreciation from Faye and myself. Thank you.

PRESIDENT: Thanks, Senator Kahle. Have you all registered your presence? Record the presence, Mr. Clerk.

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

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

CLERK: (Read corrections as per page 923, Legislative Journal.)

PRESIDENT: All right, the Journal shall be corrected and stand as corrected. Any messages, reports or announcements.

CLERK: Mr. President, your committee on Public Health and Welfare whose Chairman is Senator Cullan reports LB 602

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LR 232
LB 215, 378, 410, 417,
665, 848, 850, 898

advanced to General File with committee amendments attached.
Signed by Senator Cullan.

Public Works committee whose Chairman is Senator Kremer reports 848 advanced to General File with committee amendments attached; 850 advanced to General File with Committee amendments attached. Both signed by Senator Kremer as Chair.

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 215 and find the same correctly engrossed; 410 and 417, all correctly engrossed.

Mr. President, LR 232 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LR 232.

CLERK: Mr. President, communications from the Governor on gubernatorial appointments: Mr. Sheldon Harris to the Nebraska Investment Council, and a series of appointments to the Manufactured Housing Advisory Board. Both will be referred to the Reference Committee.

I have an Attorney General's opinion addressed to Senator Wesely; an Attorney General's opinion to Senator Vard Johnson on LB 665; and an opinion to Senator DeCamp on LB 898. All will be inserted in the Journal.

Mr. President, Senator DeCamp would like to print amendments to LB 378 in the Legislative Journal.

And I have received a report from the Policy Research Office pursuant to statutory provision.

And the committee on Constitutional Revision and Recreation reports a gubernatorial appointment confirmation hearing.

PRESIDENT: We are ready then for agenda item #4 on motions. We are ready for, Senator DeCamp, the Banking Committee's gubernatorial appointments report which I believe is the first motion up. Mr. Clerk, do you want to proceed with that motion?

CLERK: Mr. President, the first report is by Banking and it is a report on a Ms. Rosemary Hannam and it is found on page 777 of the Journal.

PRESIDENT: The Chair recognizes Senator DeCamp.

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LB 868, 602

proud of the fact that my name is on it but Senator Landis had a large hand in bringing to you what I consider a valuable legislative tool that SIDs can use in the future. I would urge advancement of LB 868.

SENATOR CLARK: I would like to introduce before I take the next speaker here Mr. and Mrs. Serge Legoff, visitors from France. Mr. Legoff is from the French Embassy Office in New York and Mrs. Legoff is a Professor of Modern Language Department here at the University of Nebraska in Lincoln. They are friends of Andrew Cunningham from Senator Beutler's District. Will you stand and be recognized please. Welcome to the Unicameral Legislature. Senator Landis.

SENATOR LANDIS: Since we are now talking about the bill, I only want to make two points. First, this is a bill that was passed unanimously by the Urban Affairs Committee and designated as one of our priority bills. We stand behind it as one of the best pieces of legislation that has been brought to our committee this year and we stand behind this bill a hundred percent. This is a fine piece of legislation. Secondly, one piece of information should work itself into the record for the purpose of legislative history. We use the phrase "functioning board", and where there is not a functioning board, one of these administrators can be appointed. The term "functioning board" means where a board has not been elected or upon election has simply refused to meet or has failed to meet and set tax rates as they should. In other words, there is just simply no leadership in the SID. I wanted to explain that term for the legislative history of the bill and I support Senator Fenger's measure.

SENATOR CLARK: The question before the House is the advancement of the bill. Senator Fenger, did you have anything else to offer? All right. The question is the advancement of the bill. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. LB 602.

CLERK: Mr. President, LB 602 is a bill introduced by Senator Cullan. (Read title.) The bill was read on January 6 of this year. It was referred to Public Health and Welfare for hearing. The bill was advanced to General File. Mr. President, there are committee amendments pending.

SENATOR CLARK: Senator Cullan, on the committee amendments.

SENATOR CULLAN: Mr. President, members of the Legislature, LB 602 is a bill designed initially to transfer the responsibilities for medical care for indigents from the counties to the state. It really just substitutes the state for the counties on the basis of the Elizabethan poor law so far as it relates to medical care. The committee amended the bill because we're concerned about the potential fiscal impact of moving from...of the state adopting responsibility for indigent care. And so the committee adopted a set of standards that would be the maximum or a ceiling of what the Department of Welfare could establish as the standards when it defines indigency. The income standards which the Public Health and Welfare Committee recommends to the Legislature as a ceiling on indigency are as follows: For a single individual maximum annual income of \$4,310. For a couple an annual income of \$5,690. For a three member family, \$7,070. For a four member family, \$8,450, so on and so forth. Now these are not the standards which are adopted and we are not defining indigency. Rather we are placing a ceiling on what indigency would be for purposes of indigent care. The current situation is this. The counties are responsible for indigent care and there is some litigation as to whether or not they are actually meeting the needs or actually carrying out their responsibilities as far as indigent care are concerned and it's felt that, number one, we should take over the system so that we could establish a uniform statewide standard for indigency. The other part of the committee amendment defines or makes the effective date of the bill July 1, 1983. The purpose of having that effective date primarily is to allow the Department of Welfare to promulgate rules and regulations defining the standard for indigency and then that standard will be published back to the Legislature before we meet again and that will allow us to look at that standard and if further legislative action is necessary we can do that. Those are the committee amendments. I'll very quickly explain my rationale for the bill too so I can preserve some time here. One of the main reasons, impetus, for bringing this bill before the Legislature was the change in the indigency care policy of the University of Nebraska Medical Center in Omaha. The University changed its policy on indigents because they were not being compensated by counties for the expenses which they incurred with treating indigent patients. In the period of time from, I believe, October 1st to January 1st of last year, more than a hundred people were turned away from the University of Nebraska Medical Center and were not treated because the counties did not make arrangements with the Medical Center to pay their bills and that is currently what the University of Nebraska requires. The goal with LB 602 is a uniform system statewide that defines what an indigent is and

also it spreads the risk associated with indigency. A county, a small county could be hit with a very large medical bill and that bill would have to be paid and there really is no way that they could budget or anticipate those possible expenses and so this does spread the risk of medical bills across the entire state rather than focusing this risk on a single county. The fiscal impact of LB 602 for this year is...there is no fiscal impact because the effective date is in 1983. The fiscal note is for \$2.3 million in 1983 and again, we don't know how accurate that fiscal impact is because we don't know what the standards are going to be and we don't know how much money we're going to put into an indigent program at that period of time. The last point I would make is that this bill really works well with LB 522 which was advanced earlier because it does put some ceiling on the standards of indigency. I would ask you to adopt the committee amendments and to move the bill.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Senator Cullan, as I...a question of Senator Cullan if he will yield. As I read the committee amendment it defers implementation to July 1 of '83 and I presume that's the...to argue there is no fiscal impact this year. Right?

SENATOR CULLAN: That's one purpose. The one major reason is to ensure that the Department of Welfare will have an opportunity to promulgate standards for indigency.

SENATOR WARNER: I see. Well, what...could we amend the bill so that they will have an opportunity to develop those standards without the obligation on the next session of \$2 or \$3 million.

SENATOR CULLAN: I would oppose that, Senator Warner. I'm sure it could be done but I would certainly oppose it.

SENATOR WARNER: Well I guess I'd have to speak in opposition to the bill, Mr. President, then. I am becoming more and more aware of, I do not know how many millions of dollars of proposals that are going to have a delayed effective date to 1983 under the disguise that we can pass them now at no cost which would be true for this year. Obviously if we start this on a wholesale lot, if we thought we had revenue problems this year, we will buy a whole new package of them next year under the disguise of pretending we didn't do it and I guess I would urge that inasmuch that there is a way apparently, by Senator Cullan, that we could direct the department to develop those standards at which time we could

then look at next year when we know where we're at with next year's revenues problems a little more clearer than we do now and then enact legislation if it's in the ability of the state to provide and when the costs are more definite than they obviously are now. I'd have to oppose the advancement of the bill at this time in hopes that amendments would be drafted that would at least permit the development of the information. Perhaps an interim study is all that is necessary but I think it would be most unwise to start a whole series of the enactment of legislation with huge fiscal impact for the next fiscal year which I am sure we already have problems with without new programs.

SENATOR CLARK: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I rise in support of LB 602. The question Senator Warner poses is whether or not we should pass legislation that has some fiscal impact with the fiscal impact not really to be fully known until July 1st of 1983. Senator Warner suggests that we really ought to authorize the Welfare Department to kind of take a look at the situation, develop some standards and then come back to us with a report as to what it is doing. Well this whole issue of medical indigency is not something that is new. I mean this issue has been boiling at least for the last six or seven years particularly with the closing in Douglas County of its county hospital and in all honesty though there have been some people who have tended to provide some insights into that area such as a couple of Douglas County officials, the University of Nebraska Hospital, some private parties and the like, there has never been any incentive for us to resolve a very difficult social question. What this bill does is very straightforward. It just says, look, come July 1st, 1983, the medical indigency problem shall be taken on by the Nebraska Department of Public Welfare. It sets a very simple standard. If between now and July 1st, 1983, the department decides that it wants to alter the standard, it wants to refine the standard, it can do so. It can come back to us with other legislation but without this kind of a kicker I frankly don't think the problem is going to get addressed and we can't continue to delay and defer this problem, particularly at a time of rising unemployment, more and more people in trouble and the like. This is a very reasonable act for us to take. I would not follow Senator Warner's advice in the least which is to defer this legislation in the hopes that somebody will get something done. Without this kind of legislation nobody will get anything done.

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SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: How much time is left?

SENATOR CLARK: You've got about five minutes.

SENATOR HABERMAN: How many lights are on?

SENATOR CLARK: You're the only one.

SENATOR HABERMAN: Beings as we have five minutes then, I would ask a question of Senator Cullan. I don't want to cut the... Tell me when there is a minute left. Senator Cullan, does this bail Omaha out for the money that they owe now?

SENATOR CULLAN: No, this doesn't affect any debts that Douglas County would have now but it will establish a uniform system for indigency care statewide. That is the purpose of the bill and that will include every county in the state.

SENATOR HABERMAN: The biggest...it says here that the cost, 50% of the welfare payments are Lancaster and Douglas County combined. So that means that out of a total cost of this bill 50% of it is for Douglas and Lancaster County. Could we construe that to be correct?

SENATOR CULLAN: Well more of the money will go to the areas with more people of course but I don't know that it will be 50%. I think that the bill will, you know, it will depend where people are sick and one of the reasons that Douglas County and Lancaster County's bills are higher is because that is where the hospitals are located and the hospitals sometimes submit those bills to every county but it will impact, I am sure, on a per capita basis.

SENATOR HABERMAN: Thank you, Senator Cullan.

SENATOR CLARK: Senator Cullan, do you wish to close? No closing, the question is the advancement of the bill. All those in favor...committee amendments, pardon me. The question is the adoption of the committee amendments. All those in favor will vote aye, opposed vote nay. Have you all voted on the committee amendments? Record the vote.

CLERK: 25 ayes, 3 nays on adoption of the committee amendments, Mr. President.

SENATOR CLARK: The committee amendments are adopted. Now on the bill. No discussion on the bill at all? So the question

is the advancement of the bill. All those in favor vote aye, opposed nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: I would like to introduce to you 35 fifth, sixth and seventh graders from Elgin, Nebraska, Mrs. Dwaine Uttecht is the teacher up there. They are in the North balcony. Would you stand and be recognized, please. Welcome to the Unicameral. Have you all voted? Once more, have you all voted on the advancement of the bill? Record the vote.

SENATOR CULLAN: Mr. President, could we have a Call of the House and a roll call vote?

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

CLERK: 14 ayes, 0 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. If all senators will take their seats, register in please. Mr. Sergeant at Arms, will you see that all senators are in their seats, please and everyone has checked in? Senator Fenger, Senator Goll, Senator Burrows, Senator Wiitala, Senator Koch, would you all check in, please. Senator Schmit, Senator Warner, Senator Kilgarin. We have seven people excused. All right, we have everyone here now. We are going to call the roll and please keep it quiet so the Clerk can hear the response. We are voting on the advancement of the bill, 686. Pardon me, 602. Call the roll.

CLERK: (Read roll call vote as found on page 1198 of the Legislative Journal.) 25 ayes, 18 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. #686.

CLERK: Mr. President, LB 686 was a bill introduced by the Miscellaneous Subjects Committee and signed by its members. (Title read.) The bill was read on January 7th. It was referred to the Miscellaneous Subjects Committee. The bill was advanced to General File, Mr. President. There are committee amendments pending.

SENATOR CLARK: Senator Hefner, on the committee amendments.

SENATOR HEFNER: Mr. President, members of the body, I'll try and explain the committee amendments to you at this time.

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LR 249, 250, 256
LB 480, 571, 602, 609A, 688,
787, 799, 835, 854, 854A, 868, 909

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend John Ross, Pastor of Faith Lutheran Church in Seward, Nebraska.

REVEREND JOHN ROSS: Prayer offered.

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

CLERK: There is a 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, LR 249 and 250 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 LR 249 and LR 250.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 854 and recommend that same be placed on Select File with E & R amendments; 854A Select File with E & R amendments; 909; 480; 835; 688; 799; 868; 602 and 787, all placed on Select File, Mr. President. (Pages 1227-1280.)

Mr. President, I have a new resolution, LR 256 offered by Senator Nichol and many of the members. (Read LR 256 as found on pages 1280 through 1283 of the Journal.) That will be laid over, Mr. President.

Mr. President, new A bill, LB 609A offered by Senator Marsh. (Read title for the first time.)

Mr. President, I have a report from the Buildings and Grounds Commission on proposed lease renewal for the Department of Correctional Services, and the Nebraska State Highway Commission files their quarterly report.

PRESIDENT: We are ready then to immediately go to Final Reading, agenda item #4 commencing with LB 571. Would the Sergeant at Arms secure the Chamber and make sure that all members are at their desks, and all other unauthorized

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LB 799A, 89, 602

I think Senator Higgins will be here in a minute. Senator Koch, did you want a roll call vote? You didn't ask for it. Okay, let's have a roll call vote.

CLERK: (Read the roll call vote as found on pages 1779 and 1780 of the Legislative Journal.) 20 ayes, 22 nays, Mr. President.

SENATOR NICHOL: The amendment failed.

CLERK: I have nothing further on the bill, Mr. President.

SENATOR NICHOL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, I have forgotten, this is just the A bill?

SENATOR NICHOL: Yes.

SENATOR DeCAMP: Okay, no closing.

SENATOR NICHOL: No closing. I don't see any other lights so the question is the advancement of 799A. All those in favor signify by saying aye. Opposed nay. A machine vote has been asked for. Please vote by machine. All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Have you all voted? Record, Mr. Clerk.

CLERK: 28 ayes, 11 nays, Mr. President, on the motion to advance the A bill.

SENATOR NICHOL: Do you have something to read in, Mr. Clerk?

CLERK: Very quickly, Mr. President, Senator Marsh would like to print amendments to LB 89 in the Legislative Journal. (See pages 1780 and 1781 of the Journal.)

SENATOR NICHOL: We will move on to LB 602.

CLERK: Mr. President, with respect to LB 602, I have E & R amendments first of all, Mr. President.

SENATOR NICHOL: Senator Kilgarin. Would you do that over again, please?

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 602.

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SENATOR NICHOL: All those in favor of adopting the E & R amendment please say aye. Opposed nay. They are adopted.

CLERK: Mr. President, Senator Vard Johnson would now move to amend the bill.

SENATOR NICHOL: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, you have had circulated about 20 minutes ago amendments to LB 602. They should be on your desk. The amendments are very straightforward. LB 602, as you may recall, deals with the subject of medical indigency. LB 602 which becomes effective July 1st, 1983 provides that the State of Nebraska shall be responsible for the medically indigent and it directs the Department to establish a standard of medical indigency that is equal to or less than the current Hill-Burton Act standards of medical indigency. Now Senator Cullan and I have worked with this measure together with LB 522 which is the overall state takeover of the County Welfare function together with members of the Governor's office and with the Nebraska Association of County Officials. What we are doing with LB 602 is we are amending it to provide that with respect to medical indigency the Nebraska Department of Public Welfare shall again be responsible for the development of the medical indigency standard totally in keeping with the terms of the bill, that is the standards shall be the current provisions of the Hill-Burton Act which are the property guidelines set by the Office of Management and Budget, that the county boards themselves shall meet the needs of the medically indigent within those particular standards. Current responsibility for the medically indigent does lie with county boards. Current requirements on county boards come from an ancient law that we have which is known as the Poor Relief Law. This will be the first major update in the Poor Relief Law in probably a century and what it will do though it will fashion a real standard for the medically indigent and it will leave the responsibility with the county board. In addition the bill provides that when the State of Nebraska takes over the county welfare function the county boards shall continue to provide the State of Nebraska at least the office and service space currently used by the state in the operation of public assistance programs. These amendments have been cleared with Mr. Jack Mills from the Nebraska Association of County Officials, again with the Governor's office and they all support the amendments to LB 602. I would at this time move the amendments.

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LB 602

SENATOR LAMB PRESIDING

SENATOR LAMB: Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, I rise to support Senator Johnson's amendments. I think these are amendments even Senator Schmit would like. They leave the portion of the program that we are attempting to take over in 522 and LB 602, namely the indigent care, with the counties. They do provide for uniformity across the State of Nebraska by requiring that a standard of indigency be developed pursuant to the bill as has been amended previously, namely with the guidelines set out in the Office of Management and Budgets, statutes or rules and regs. I think that that will go a long way to allowing us to ascertain how many people will be eligible. Perhaps we can take over this program some day, but I do think it alleviates most of the concerns that people had about LB 522 and about LB 602 as well. So I would ask you to adopt these amendments and to advance the bill.

SENATOR LAMB: Senator Carsten...or, just one minute. I believe we have an amendment to the amendment which maybe we will take up next.

CLERK: Mr. President, Senator Haberman would move to amend Senator Johnson's amendment. (Read the Haberman amendment as found on page 1783 of the Legislative Journal.)

SENATOR HABERMAN: Mr. President and members of the Legislature, as it reads now it says the department shall not require a person to reside in a county of this state for more than one year to establish residency or legal settlement in the county or state respectively. That means that somebody could move into any county on a Wednesday and on Thursday they could become eligible for the benefits under this bill. So I have said that the department shall require a person to reside in a county of this state for six months to establish residency or legal settlement in the county or state respectively in this state. So the only thing I am doing is saying that somebody who moves into the State of Nebraska or moves from one county to the other county has to live there six months before they are eligible. If that isn't in there, they are eligible the next day and they can hop skip from county to county and I just don't think it is right to put the counties under such a burden. So I ask that you support this amendment.

SENATOR LAMB: Senator Cullan.

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SENATOR CULLAN: Mr. President and members of the Legislature, I yield to Senator Johnson in a second but at this point in time I would say to Senator Haberman that there are court decisions which would indicate, Senator Johnson can expand on that, but there are court decisions which indicate that the residency requirements which you propose are invalid because they restrict an individual's right to travel from one part of the state to the other and so they definitely would fall on the face of the constitutional challenge. The second point I would make is that counties already have the responsibility which Senator Johnson's amendments impose upon them or make clear, so there certainly is no additional burden to the counties as a result of these amendments. The only thing is that the counties' burden has not been adequately defined and that is what I think LB 602 is mainly about. Senator Haberman, I yield to Senator Johnson here for a second, but I think it would be prudent of you to withdraw your amendments.

SENATOR V. JOHNSON: Yes. Mr. Speaker and members of the body, Senator Haberman, I certainly understand what you are doing and I am not totally unsympathetic to it but the United States Supreme Court in a case called Shapiro versus Thompson held in 1969 that residency requirements in the welfare area were unconstitutional. They unconstitutionally infringed upon one's right to travel and, in fact, Senator VonMinden got an Attorney General's Opinion on his LB 684, as I recall, that dealt with how one can stop the migration of people from one state to another state and I believe the Attorney General held what Senator VonMinden was thinking of was unconstitutional. Now, clearly you know what we have done here is we have said, look, the Welfare Department can establish residency requirements so long as they don't exceed one year. We are giving the Welfare Department flexibility to work within the existing parameters of case law but we are not setting a time certain, Senator Haberman, and I am fearful that if you set six months as the time certain that could be found to be unconstitutional. I think that the provision we provided is better. It is in keeping with current case law and for that reason I would ask the body to reject your amendment. I would also ask you to withdraw the amendment simply because of the constitutional problems.

SENATOR LAMB: Senator Haberman to close on the amendment to the amendment.

SENATOR HABERMAN: Mr. President and members of the

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Legislature, if everything the full-time lawyer and the three-fourths time lawyer says is true, why have it in there? If it is illegal, why even put it in...why have it in there? I mean it seems kind of foolish to me to be redundant and I am not saying that they can't move from county to county or they can't move into the state. I am just saying that until they become eligible to make that county cough up the money to pay for their care they have to live there six months. Let them work, pay a little taxes, social security, let's have them do a little something because I know right now it is going to be abused and to be redundant, I will repeat, if it's already the law that it is illegal to do this, why did they put it in there that the Welfare Department shall not require a person to reside in a county for more than one year? I mean, it just doesn't add up to four. So I would suggest that we put in there they shall reside for six months and see what happens. Thank you, Mr. President. I don't think I am going to win this one but we'll take a vote.

SENATOR LAMB: The motion is to adopt the Haberman amendment to the amendment. Those in support vote yes. Those opposed vote no. Have you all voted. Record.

CLERK: 8 ayes, 20 nays, Mr. President, on adoption of the amendment.

SENATOR LAMB: The amendment to the amendment fails. One more amendment to the amendment.

CLERK: Mr. President, Senator Haberman would move the Johnson amendment. (Read the second Haberman amendment as found on page 1783 of the Legislative Journal.)

SENATOR LAMB: Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the Legislature, all this does is it takes out the words "The department shall not require a person to reside in a county or this state for more than one year to establish residency or legal settlement in the county or state respectively," period. I mean, why have it? Why have it at all if it is illegal and unconstitutional, why have it in there? So it just strikes that part. They can still go ahead. The Department of Public Welfare shall establish the residency or legal settlement requirements for eligibility for public assistance from the state and eligibility....(noise interference). How many votes is that worth? The Department of Public Welfare can still establish

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the residency or legal settlement requirement for eligibility for public assistance from the state and for medical services furnished by the county. The Welfare Department can still do this. They establish it, so why put it in there, the year, six months or anything else? Let's just take it out and leave it. Now I am pretty sure Vard has a legal answer for that too, but to come up here at this late hour with this sort of stuff let's just take it out and leave it alone.

SENATOR LAMB: Senator Vard Johnson on the Haberman amendment to the amendment.

SENATOR V. JOHNSON: Mr. Speaker, this is one time I really don't have a legal answer to that question. I just have a policy reason. Now the policy reason is this, the only reason that you still give the Department of Public Welfare the ability to establish residency or settlement requirements is because this is a charge to be born by counties, and so you really have to know to what county the charge should be born. If you have somebody, for example, that lives in Gosper County, falls ill and moves to Douglas County, if there is not any kind of a legal settlement requirement, then because they are being treated in Douglas County, Douglas County could be paying the expense as opposed to Gosper County, or to Kearney County or what have you. Or by the same token, if you have somebody living in Douglas County and heaven forbid they thought they needed some medical services in Gosper County, in the absence of any kind of legal settlement requirements Gosper County would pay the freight. So what you do is you have to give the Welfare Department the ability to establish a legal settlement standard. We have it in the existing law, but...that's right. So you have...you give them the ability to establish a standard but you want to make certain that whatever the standard is it doesn't exceed an unreasonable period of time and that is where the one year comes from. And we have had the one year concept in the old Poor Law for a long period of time. So that is why the second sentence, the one that Senator Haberman wishes to strike, is an important sentence. It just can't exceed a one year residency or legal settlement requirement. So it is a policy issue on that one, Senator Haberman, not a legal question. And I think what you want to do is not very good policy, and what I want to do is superb policy, and for that reason, Senator Haberman, I would hope this body would repudiate that amendment.

SENATOR LAMB: Senator Vickers.

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LB 602

SENATOR VICKERS: Mr. President, I would just like to ask a question of Senator Johnson. I was sitting back here minding my own business and all of a sudden he is picking on one of my counties and I would like to know why Gosper County suddenly got in this.

SENATOR V. JOHNSON: Actually I was thinking, Senator Vickers, that maybe Gosper County was in Senator Haberman's District. I see I made an egregious error.

SENATOR LAMB: Senator Haberman to close on the amendment to the amendment.

SENATOR HABERMAN: Mr. President and members of the Legislature, may I ask Senator Johnson a question about his policy.

SENATOR LAMB: Senator Johnson.

SENATOR JOHNSON: Yes.

SENATOR HABERMAN: Does it not say this? The Department of Public Welfare shall establish the residency or legal settlement requirement....

SENATOR V. JOHNSON: Right.

SENATOR HABERMAN:for eligibility for public assistance from the state and eligibility for medical services furnished by the county pursuant to Section 68-104?

SENATOR V. JOHNSON: Yes.

SENATOR HABERMAN: Fine. Now does that not give the Public Welfare Department the authority to establish residency?

SENATOR V. JOHNSON: Yes, it does.

SENATOR HABERMAN: Fine. So all I do is say what he said on my first amendment was illegal, I strike in there the one year...I am through asking questions...I am closing, because what I am striking says, "The Department shall not require a person to reside in a county or the state more than one year". So on one side he is arguing it is unconstitutional and illegal to say anything about how long they have to reside in a county and now he comes around on the other side and he says it already says that that they can set the residency. So the only thing I am trying to do is clean your bill up and make it legal for you,

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LB 602

Senator Johnson, and I would appreciate the rest of the body to help me to help Senator Johnson's bill so it won't be unconstitutional. Thank you, Mr. President.

SENATOR LAMB: The motion is the adoption of the Haberman amendment to the amendment. Those in support vote yes. Those opposed vote no. Have you all voted? Record.

CLERK: 6 ayes, 23 nays, Mr. President.

SENATOR LAMB: We are back on the Johnson amendment and I believe Senator Carsten wanted to talk on the bill or on the Johnson amendment. Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, I would just like to ask Senator Johnson a question to be sure I understood correctly. As I understood, there are no additional costs to the county under these amendments. Is that my understanding, or are there additional costs, Senator Johnson?

SENATOR V. JOHNSON: In my opinion, Senator Carsten, there will be additional costs to the county, in my opinion.

SENATOR CARSTEN: However, as I also understood, the representative of the County Officials Association has agreed that they would assume them without any problem, is that correct?

SENATOR V. JOHNSON: Yes, they have. Yes.

SENATOR CARSTEN: Thank you.

SENATOR LAMB: Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, just to explain and clarify. This bill also amends LB 522 or the affect of it is to amend LB 522 which is on Final Reading. What LB 522 does is takes all the welfare programs off the county and puts them on the state. What this bill does is amends that one so that it says the welfare system...if this bill passes, if both bills pass the welfare system will be as follows: The state will be responsible for the entire welfare system in the State of Nebraska except indigent care for medical persons. The state will assume responsibility for medicaid and all those other things but the counties will continue to be responsible for indigent care. As Senator Johnson said earlier, indigent care has not been a large budget item in the State of Nebraska but it could be and it will probably grow. And

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LB 602

the reason it will grow is not necessarily because of LB 602, in my opinion. The reason it will grow is because of the recent litigation between Douglas County... in Douglas County where the Douglas County District Court said that in 12 cases that Douglas County should have paid medical bills. So the jist of LB 602 is it establishes standard statewide to define indigency because currently there is no standard, and I think without establishing some kind of a standard we are going to see a lot of litigation throughout the entire state trying to determine whether individual patients are indigent or whether they are not indigent and that is why I think it is important. I would also...well, I guess I would just urge you to support this bill because I think it will alleviate a lot of the concerns that people had about 522 as well.

SENATOR LAMB: Senator Pirsch.

SENATOR PIRSCH: Question for Senator Johnson if he will yield, please.

SENATOR LAMB: Senator Johnson.

SENATOR V. JOHNSON: Yes, I shall, Senator Pirsch.

SENATOR PIRSCH: Senator Johnson, as I understand it the problem with the counties is that they have not been paying at all.

SENATOR V. JOHNSON: That's right. That's why it is going to cost them more money is because they have had an obligation for one hundred years to meet the needs of the medically indigent and they have paid a little here, a little there but they basically haven't paid. So what happens is that we resolve the problem. We say, okay, there is going to be a uniform state standard. It is going to be applied uniformly to all counties and, yes, they will have to pay.

SENATOR PIRSCH: And yes they will have to pay, but there is really nothing in here that guarantees that they will pay.

SENATOR V. JOHNSON: Other than....no, there is not. You know, the ultimate guarantee I guess is litigation, but, no, there is nothing in here that guarantees it.

SENATOR PIRSCH: Okay. Also, Senator Johnson, could you tell me what the appropriation increase then would be for 602?

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LB 602

SENATOR V. JOHNSON: Well, 602 presently carries an A bill of \$2 million but that is if the state took care of the medically indigent. So if the county takes care of the medically indigent, which is what the amendment does, it is the same \$2 million, but this time it is being born by the counties as opposed to being born by the state.

SENATOR PIRSCH: Okay, thank you very much.

SENATOR LAMB: Senator Johnson to close on the amendment.

SENATOR V. JOHNSON: I am going to waive closing, Senator Lamb.

SENATOR LAMB: The motion is to adopt the Johnson amendment. Those in support vote yes. Those opposed vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Record.

CLERK: 33 ayes...excuse me, 34 ayes, Mr. President, 1 nay on adoption of Senator Johnson's amendment.

SENATOR LAMB: The amendment is adopted.

CLERK: I have nothing further on the bill, Mr. President.

SENATOR LAMB: The motion is...there are no lights on, Senator Cullan, do you wish to move the bill?

SENATOR CULLAN: Mr. President, I would advance the bill. I would also just indicate briefly that the A bill is no longer necessary because the counties will have the burden of funding indigent care so there will be no state appropriation necessary with the bill in its current form. I would ask that you advance the bill.

SENATOR LAMB: The motion is to advance LB 602. Those in support say aye. Those opposed no. The bill is advanced. The next bill is LB 602A.

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LB 602, 602A, 520, 759,
799, 799A, 868, 605,
755, 756, 807, 970, 970A

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by Senator Kremer.

SENATOR KREMER: Prayer offered.

PRESIDENT: Thank you, Senator Kremer. Roll call. While we're waiting for everyone to check in showing their presence, the Chair would like to announce that Senator Lamb has announced that on agenda item #6 there will be a fifteen minute limit on the motions today, fifteen minute limit on agenda #6. And Senator Lamb also wished me to announce that his plan calls for a recess from six to seven o'clock. Senator Sieck, would you do us the honor of allowing us to get started. If you would just push that little button why we can get started. Record the presence, Mr. Clerk.

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

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

CLERK: (Read Journal corrections as found on page 1844 of the Legislative Journal.)

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

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 868 and find the same correctly engrossed; 799, 799A correctly engrossed; 602, 602A correctly engrossed; and LB 520 and 759 all correctly engrossed. Those are signed by Senator Kilgarin as Chair.

Mr. President, I have a couple of letters from the Governor addressed to the Clerk. (Read messages from the Governor Re: LB 605, 755, 756, 807, 970 and 970A. See page 1847 of the Legislative Journal.)

Mr. President, I have a unanimous consent request from Senator Vickers to add his name to LR 275 as cointroducer.

PRESIDENT: Any objection? If not, so ordered.

CLERK: I have nothing further on the desk at this time, Mr. President.

PRESIDENT: The Sergeant at Arms would then clear the Chamber for Final Reading and see that all members are at their desks,

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LB 602, 602A

ASSISTANT CLERK: (Read LB 602 on Final Reading.)

SENATOR LAMB: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? All those in favor vote yes, all those opposed vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Record.

CLERK: (Read the record vote as found on pages 1988 and 1989 of the Legislative Journal.) 32 ayes, 13 nays, 1 excused and not voting, 3 present and not voting, Mr. President.

SENATOR LAMB: LB 602 passes on Final Reading. LB 602A. Senator DeCamp, for what purpose do you arise?

SENATOR DeCAMP: Mr. President, just for a point of inquiry, information. It is my understanding you do have a letter from the Governor specifically explaining why this A bill unlike all the other A bills almost only requires 25 votes. Is that correct? Or otherwise if you didn't have that letter it would require 30?

SENATOR LAMB: Senator DeCamp, we do have a letter here signed by Larry Bare which indicates that LB 602A is one of the A bills which were included in the Governor's budget recommendation. Senator Labedz, for what purpose do you arise?

SENATOR LABEDZ: I just wanted to inform Senator DeCamp that LB 602 does not need an A bill because it is now a lottery bill and it is coming up next.

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LB 404, 404A, 488, 574,
816, 602, 602A, 759, 787,
799, 816A

SENATOR LAMB: LB 799A passes on Final Reading without the emergency clause. LB 816.

CLERK: Mr. President, the bills that have been read on Final Reading thus far are now ready for your signature.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LBs...engrossed LBs 404, 404A, 488, 574, 602, 602A, 759, 787 799. So let's proceed then, Mr. Clerk, with LB 816.

CLERK: (Read LB 816 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 816 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: (Read the record vote as found on page 2000 and 2001 of the Legislative Journal.) 29 ayes, 17 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: The bill fails to receive the number of votes constitutionally required to pass the bill with the emergency clause, so the question now is, shall LB 816 pass without the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Senator Carsten, do you want me to record the vote? Record the vote.

CLERK: (Read the record vote as found on page 2001 of the Legislative Journal.) 29 ayes, 17 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 816 passes without the emergency clause attached. We are now ready, Mr. Clerk, for LB 816A, if you will read.

CLERK: (Read LB 816A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 816A pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 2002 of the Legislative Journal.) The vote is 30 ayes, 16 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

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404, 404A, 488, 547, 602,
602A, 868, 761, 787, 799,
816, 816A, 799A, 412, 933

PRESIDENT: Go ahead Mr. Clerk.

CLERK: Mr. President, I would like to read a couple of items in if I may.

PRESIDENT: All right, go ahead and read some matters in.

CLERK: Senator Hefner offers explanation of vote.
(Regarding LB 868, see page 2017 of the Legislative Journal).

I have two notices of bills having been presented to the Governor. (Regarding LB 761 and 787. See page 2017 of the Legislative Journal).

Mr. President, Senator Fowler would move that the Legislature would override the line-item reduction that reduces the appropriation from the Highway Cash Fund to the Department of Roads Operation Cash Fund.

PRESIDENT: Chair recognizes Senator Fowler.

SENATOR FOWLER: Mr. President, if I could have some attention I'll briefly explain with the issue is in the veto here.

PRESIDENT: (GAVEL)...either they are all out or they are all paying attention so go ahead.

SENATOR FOWLER: Among the vetoes was three and a half million dollars in highway funds. Now, if there is anything I think that has been a priority in the Legislature, it has been and something that many people from outstate Nebraska said is a growing need is money for roads. Now the level of appropriation that we established is based on the Department of Roads request for what they felt was necessary and I think they cut that back from what they really feel is needed to build a good highway system in Nebraska. Now the Governor for reasons that I can not quite understand vetoed three and a half million dollars in highway funds. The only rationale that I can determine is that it is to maintain the gas tax at the current level. Now three and a half million dollars is a 3.2% cut in the state funds for the road construction program. The reason it was does is that revenues in the highway fund as revenues in all other funds in the state are low. What I do not understand is when we have raised every other conceivable tax and fee to make up for a lack of revenue suddenly when we get to the roads program and the gas tax and the variable gas tax that