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Floor Debate  
April 01, 2016

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LB899 LB900 LB902 LB908A LB908 LB909 LB913 LB924 LB935 LB938 LB938A LB942  
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LB1083 LB1086 LB1093A LB1093 LB1098 LB1098A LB1101 LB1103 LB1110 LB1110A  
LR381 LR615]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FIFTY-THIRD DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS SENATOR JOHNSON. PLEASE RISE.

SENATOR JOHNSON: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. I CALL TO ORDER THE FIFTY-THIRD DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

CLERK: I HAVE A QUORUM PRESENT, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS.

PRESIDENT FOLEY: THANK YOU, SIR. ARE THERE ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

CLERK: I HAVE A REFERENCE REPORT REFERRING STUDY RESOLUTIONS. I HAVE A NEW RESOLUTION, LR615 FROM SENATOR HUGHES. THAT WILL BE LAID OVER. I HAVE THE LOBBY REPORT AS REQUIRED BY STATE LAW, MR. PRESIDENT, AND ACKNOWLEDGMENT OF REPORTS RECEIVED BY VARIOUS GOVERNMENT AGENCIES AND AVAILABLE TO MEMBERS ON THE LEGISLATIVE WEB SITE. THAT'S ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGES 1383-1394.) [LR615]

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PRESIDENT FOLEY: MEMBERS, PLEASE COME TO ORDER. JUST A QUICK ANNOUNCEMENT. AS YOU SEE ON YOUR AGENDA, PAGE 3, THERE'S A REFERENCE TO LB884. WHEN WE REACH THAT POINT IN THE AGENDA, THAT BILL WILL BE PASSED OVER. OTHERWISE THE AGENDA IS AS IT APPEARS. (VISITORS AND DOCTOR OF THE DAY INTRODUCED.) MR. CLERK, WE'LL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA, GENERAL FILE APPROPRIATIONS BILL.

CLERK: MR. PRESIDENT, SENATOR MELLO OFFERS LB889A. (READ TITLE.)  
[LB889A]

PRESIDENT FOLEY: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON LB889A.  
[LB889A]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. LB889A SIMPLY CARRIES OUT... [LB889A]

PRESIDENT FOLEY: EXCUSE ME, SENATOR. MEMBERS, PLEASE COME TO ORDER. SENATOR MELLO. [LB889A]

SENATOR MELLO: LB889A CARRIES OUT THE FISCAL GENERAL FUND IMPACT FOR THE TAX CHANGES FROM THE DEPARTMENT OF REVENUE FOR THE CURRENT YEAR AS WELL AS A SMALL FISCAL IMPACT NEXT YEAR FOR A HALF-TIME STAFF POSITION TO CARRY OUT THE IMPLEMENTATION OF LB889. WITH THAT, I'D URGE THE BODY TO ADVANCE LB889A. [LB889A]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB889A]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, THIS IS MY GOOD FRIEND, SENATOR MELLO'S BILL, SO I THINK I SHOULD TAKE A LITTLE TIME ON IT. I HEARD ON THE RADIO AND I SAW IN THE PAPER WHERE SENATOR MURANTE IS GOING TO HANDLE THE PRESIDENTIAL CAMPAIGN FOR TED CRUZ IN NEBRASKA. I WAS CONTACTED BY SOME PEOPLE WHO FAVOR DONALD TRUMP AND I WAS ASKED, WOULD I CONSIDER HANDLING HIS PRESIDENTIAL CAMPAIGN. I SAID I'M NOT EVEN A "REPELICAN." YOU DON'T KNOW WHAT MY REPUTATION IS IN THIS STATE. AND THE PERSON SAID, WELL, THAT'S EXACTLY WHY WE WANT YOU TO DO THIS. HE IS SO BAD OFF THAT NOTHING CAN HURT HIM ANY MORE THAN WHAT HE HAS DONE TO HURT

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HIMSELF, SO MAYBE YOU CAN LIFT HIM A NOTCH OR TWO. AND I'M THINKING ABOUT TAKING THAT POSITION. BUT ON SECOND THOUGHT, I SHOULD TELL YOU, APRIL FOOL. [LB889A]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR MELLO WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB889A TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB889A]

CLERK: 33 AYES, 0 NAYS ON THE ADVANCEMENT OF THE A BILL. [LB889A]

PRESIDENT FOLEY: LB889A ADVANCES. NEXT BILL, MR. CLERK. [LB889A]

CLERK: LB959A BY SENATOR SULLIVAN. (READ TITLE.) [LB959A]

PRESIDENT FOLEY: SENATOR SULLIVAN, YOU'RE RECOGNIZED TO OPEN ON LB959A. [LB959A]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. YES, LB959A IS THE ACCOMPANYING BILL, THE APPROPRIATION FOR THE BILL THAT WE ADVANCED TO PROVIDE SOME SEMBLANCE OF PROPERTY TAX RELIEF BY CHANGING TWO ELEMENTS OF THE STATE AID FORMULA FOR SCHOOLS. THE TOTAL AMOUNT IS APPROXIMATELY \$8.5 MILLION. THE BULK OF THAT, ABOUT \$8.2 MILLION, WILL GO TO THE ELIMINATION OF THE ELEMENT CALLED THE MINIMUM LEVY ADJUSTMENT. THE SMALLER AMOUNT, APPROXIMATELY \$324,000, GOES TO THE ELIMINATION OF A LEVY CRITERIA FOR AVERAGING ADJUSTMENT. WHILE THE REAL IMPACT IS HARD TO ESTIMATE FOR DISTRICTS, WITH THE ELIMINATION OF THESE TWO ELEMENTS IT GIVES MORE POWER FOR THE LOCAL SCHOOL DISTRICTS TO IN FACT PROVIDE SOME SEMBLANCE OF PROPERTY TAX RELIEF BY LOWERING THEIR LEVIES WITHOUT THE DANGER OF LOSING STATE AID. SO I ASK FOR YOUR APPROVAL OF THIS LB959A. THANK YOU. [LB959A]

PRESIDENT FOLEY: THANK YOU, SENATOR SULLIVAN. DEBATE IS NOW OPEN ON LB959A. SENATOR DAVIS, YOU'RE RECOGNIZED. HE WAIVES THE OPPORTUNITY. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR SULLIVAN WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB959A TO E&R INITIAL. ALL

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THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED?  
RECORD PLEASE, MR. CLERK. [LB959A]

CLERK: 36 AYES, 0 NAYS ON THE ADVANCEMENT OF THE A BILL. [LB959A]

PRESIDENT FOLEY: LB959A ADVANCES. SENATORS, WE'LL NOW PROCEED TO  
FINAL READING IF YOU ALL MOVE TO YOUR DESKS, PLEASE. SENATORS, WE'RE  
ON FINAL READING, IF YOU COULD PLEASE PROCEED TO YOUR DESKS.  
MEMBERS, WE'RE NOW AT FINAL READING. THE FIRST BILLS THAT WE WILL  
ATTEND TO ARE BILLS THAT HAVE MOTIONS TO RETURN TO SELECT FILE. MR.  
CLERK. [LB959A]

CLERK: MR. PRESIDENT. SENATOR CAMPBELL, FIRST OF ALL, I UNDERSTAND YOU  
WISH TO WITHDRAW AM2583. [LB746A]

SENATOR CAMPBELL: THAT IS CORRECT, MR. CLERK. [LB746A]

PRESIDENT FOLEY: THE AMENDMENT IS WITHDRAWN. [LB746A]

CLERK: SENATOR CAMPBELL WOULD MOVE TO RETURN LB746A TO SELECT FILE  
FOR SPECIFIC AMENDMENT, THAT AMENDMENT BEING AM2782. [LB746A]

PRESIDENT FOLEY: SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON  
YOUR MOTION. [LB746A]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. COLLEAGUES, WHAT WE ARE  
TRYING TO DO HERE IS MAKE SURE THAT THE LANGUAGE IS EXACTLY CORRECT.  
AND LIZ HRUSKA HAS DONE A YEOMAN'S JOB HERE OF MAKING SURE THAT THE  
LANGUAGE FITS WHAT WE NEED TO DO. THIS APPROPRIATION HAS TO DO WITH  
MONEY THAT WILL BE USED TO FUND THE CHILDREN'S COMMISSION. WE ARE  
REAUTHORIZING THE CHILDREN'S COMMISSION IN THE UNDERLYING BILL AND  
WHAT THIS A BILL DOES IS ENSURE THE FUNDING OF IT THIS YEAR AND INTO  
THE NEXT BIENNIUM AND THEN IT WILL GO BACK TO ITS USUAL PROCESS OF  
WORKING THROUGH THE APPROPRIATIONS COMMITTEE. THANK YOU, MR.  
PRESIDENT. [LB746A]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. SEEING NO OTHER  
MEMBERS WISHING SO SPEAK, SENATOR CAMPBELL WAIVES CLOSE. THE

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QUESTION IS THE RETURN TO SELECT FILE FOR SPECIFIC AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD PLEASE, MR. CLERK. [LB746A]

CLERK: 45 AYES, 0 NAYS ON THE MOTION TO RETURN. [LB746A]

PRESIDENT FOLEY: THE MOTION IS ADOPTED. MR. CLERK. [LB746A]

CLERK: SENATOR CAMPBELL OFFERS AM2782. (LEGISLATIVE JOURNAL PAGE 1323.) [LB746A]

PRESIDENT FOLEY: SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON AM2782. [LB746A]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AS I INDICATED IN THE OPENING TO REQUEST THE MOTION TO RETURN, THIS MAKES SURE THAT THE LANGUAGE IS EXACTLY CORRECT. AND AGAIN MS. HRUSKA HAS WORKED TIRELESSLY ON THIS AMENDMENT TO MAKE SURE IT'S PERFECT. WITH THAT, I'D APPRECIATE YOUR GREEN VOTE. THANK YOU, MR. PRESIDENT. [LB746A]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR CAMPBELL WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM2782. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB746A]

CLERK: 43 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE SELECT FILE AMENDMENT. [LB746A]

PRESIDENT FOLEY: AM2782 IS ADOPTED. MR. CLERK. SENATOR HANSEN FOR A MOTION. [LB746A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB746A TO E&R FOR ENGROSSING. [LB746A]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADVANCE THE BILL. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. LB746A ADVANCES. NEXT BILL, MR. CLERK. [LB746A]

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CLERK: MR. PRESIDENT, SENATOR BURKE HARR WOULD MOVE TO RETURN LB843 TO SELECT FILE FOR SPECIFIC AMENDMENT AM2734. (LEGISLATIVE JOURNAL PAGE 1199.) [LB843]

PRESIDENT FOLEY: SENATOR BURKE HARR, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LB843]

SENATOR HARR: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. THIS IS A SIMPLE AMENDMENT. WE HAD STARTED TO WORK A COMPROMISE AND IT GOT KIND OF MESSED UP. SO I'M JUST ASKING THAT WE PULL THIS AMENDMENT AND THAT WE...IT BECOMES SUPERFLUOUS LANGUAGE THAT WOULDN'T HAVE ANY NEED OR PURPOSE, SO. AND THEN WE CAN VOTE ON LB843. THANK YOU. [LB843]

PRESIDENT FOLEY: SENATOR, DID YOU SAY YOU WERE PULLING THE AMENDMENT? [LB843]

SENATOR HARR: I AM NOT PULLING THE...NO. [LB843]

PRESIDENT FOLEY: I MISUNDERSTOOD YOU, I'M SORRY. [LB843]

SENATOR HARR: NO. I WANT SUPPORT SO THAT WE CAN PULL MY...WELL, IT STRIKES LANGUAGE THAT WAS ENTERED ON A PREVIOUS AMENDMENT. I'M SORRY. LET ME... [LB843]

PRESIDENT FOLEY: THANK YOU, SENATOR. DEBATE IS NOW OPEN ON THE RETURN MOTION. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB843]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE IN FAVOR OF THE MOTION TO BRIEFLY RETURN TO SELECT TO REMOVE THE AMENDMENT WHICH WE HAD ADDED ON SELECT PREVIOUSLY. AND I ASK FOR YOUR GREEN VOTE ON THE MOTION TO RETURN TO SELECT AND THE MOTION TO REMOVE THE AMENDMENT. AND ALSO I ASK THAT YOU VOTE GREEN ON READVANCEMENT TO FINAL. AND JUST, FINALLY, I DID MEET WITH THE AG, THE ATTORNEY GENERAL AND THE COUNTY ATTORNEYS AND THEY ARE SUPPORTIVE OF REMOVING THE AMENDMENT AND THEY ARE SUPPORTIVE OF ADVANCING THE UNDERLYING BILL. AGAIN, THANK YOU SO MUCH, MR. PRESIDENT. [LB843]

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PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR BURKE HARR, YOU'RE WELCOME TO CLOSE ON YOUR MOTION TO RETURN. THE QUESTION IS RETURNING THE BILL TO SELECT FILE. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD PLEASE, MR. CLERK. [LB843]

CLERK: 40 AYES, 1 NAY ON THE MOTION TO RETURN THE BILL. [LB843]

PRESIDENT FOLEY: THE MOTION IS ADOPTED. WE'RE NOW BACK ON SELECT FILE. MR. CLERK. [LB843]

CLERK: SENATOR HARR OFFERS AM2734. [LB843]

PRESIDENT FOLEY: SENATOR BURKE HARR, YOU'RE RECOGNIZED TO OPEN ON AM2734. [LB843]

SENATOR HARR: THANK YOU. AND FOR THE RECORD, WHAT I'M ASKING FOR IS FOR YOUR SUPPORT TO VOTE GREEN. WHAT THIS AMENDMENT DOES IS REMOVE LANGUAGE THAT WAS AMENDED IN EARLIER ON TO LB843, BUT THE UNDERLYING NEGOTIATION FAILED, TO PUT IT I GUESS. AND SO I'D ASK FOR YOUR SUPPORT ON REMOVAL OF THE AMENDMENT AND THEN YOUR SUPPORT TO BRING LB843 ON TO FINAL READ. THANK YOU. [LB843]

PRESIDENT FOLEY: THANK YOU, SENATOR HARR. DEBATE IS NOW OPEN ON THE AMENDMENT. SENATOR BLOOMFIELD. [LB843]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. WOULD SENATOR HARR YIELD TO A QUESTION? [LB843]

PRESIDENT FOLEY: SENATOR BURKE HARR, WOULD YOU YIELD, PLEASE? [LB843]

SENATOR HARR: YES, I WILL. [LB843]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. WHICH AMENDMENT ARE WE REMOVING? THERE WERE SEVERAL. [LB843]

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SENATOR HARR: THE PART WHERE IF YOU WANTED TO GO TO...IF A PERSON BELIEVED THAT THEY DESERVED IMMUNITY AND DID NOT RECEIVE IT, THEY COULD HAVE A PRETRIAL HEARING IN COURT. [LB843]

SENATOR BLOOMFIELD: SO THAT IS COMING OUT OF THE BILL? [LB843]

SENATOR HARR: YES. YOU STILL HAVE AVAILABLE TO YOU...AN OFFICER CAN DETERMINE WHETHER IMMUNITY SHOULD BE GIVEN OR NOT. YOU STILL HAVE A DEFENSE AT TRIAL THAT SAYS THAT YOU ARE A VICTIM OF SEX TRAFFICKING AND YOU SHOULD NOT BE PROSECUTED. IT'S AFFIRMATIVE DEFENSE. WE'VE JUST ELIMINATED THIS BECAUSE THERE'S NO WAY...YEAH. THERE'S NO WAY TO...IF A POLICE OFFICER MAKES THAT DECISION OR NOT, THERE'S NO WAY FOR THE COURT TO SECOND GUESS THAT. [LB843]

SENATOR BLOOMFIELD: THANK YOU. [LB843]

PRESIDENT FOLEY: THANK YOU, SENATORS BLOOMFIELD AND HARR. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR BURKE HARR, YOU'RE RECOGNIZED TO CLOSE ON AM2734. [LB843]

SENATOR HARR: THANK YOU. I JUST ASK FOR YOUR SUPPORT ON AM2734. [LB843]

PRESIDENT FOLEY: MEMBERS, THE QUESTION IS THE ADOPTION OF AM2734. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB843]

CLERK: 40 AYES, 1 NAY ON THE ADOPTION OF THE SELECT FILE AMENDMENT. [LB843]

PRESIDENT FOLEY: AM2734 IS ADOPTED. SENATOR HANSEN FOR A MOTION. [LB843]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB843 TO E&R FOR ENGROSSING. [LB843]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADVANCE THE BILL. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. LB843



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ADVANCES. CONTINUING ON WITH THE AGENDA, FINAL READING, THE FIRST BILL IS LB877. MR. CLERK. [LB843 LB877]

CLERK: (READ LB877 ON FINAL READING.) [LB877]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB877 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB877]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1396.) 45 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 3 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB877]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. LB877 PASSES. WE'LL NOW PROCEED TO LB881. [LB877 LB881]

CLERK: (READ LB881 ON FINAL READING.) [LB881]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB881 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, PLEASE. [LB881]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1397.) 43 AYES, 0 NAYS, 3 PRESENT AND NOT VOTING, 3 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB881]

PRESIDENT FOLEY: LB881 PASSES. WE'LL NOW PROCEED TO LB887E. [LB881 LB887]

CLERK: (READ LB887 ON FINAL READING.) [LB887]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB887E PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, PLEASE. [LB887]

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CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1397-1398.) 46 AYES, 0 NAYS, 3 EXCUSED AND NOT VOTING. [LB887]

PRESIDENT FOLEY: LB887E PASSES WITH THE EMERGENCY CLAUSE ATTACHED. WE'LL NOW PROCEED TO LB891. [LB887 LB891]

CLERK: (READ LB891 ON FINAL READING.) [LB891]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB891 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, PLEASE. [LB891]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1398-1399.) 46 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING. [LB891]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH...LB891 PASSES. WE'LL NOW PROCEED TO LB895E. [LB891 LB895]

CLERK: (READ LB895 ON FINAL READING.) [LB895]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB895E PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB895]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1399.) 46 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB895]

PRESIDENT FOLEY: LB895E PASSES WITH THE EMERGENCY CLAUSE ATTACHED. WE'LL NOW PROCEED TO LB899. [LB895 LB899]

CLERK: (READ LB899 ON FINAL READING.) [LB899]

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PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB899 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB899]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1400.) 45 AYES, 0 NAYS, 2 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB899]

PRESIDENT FOLEY: LB899 PASSES. WE'LL NOW PROCEED TO LB902. [LB899 LB902]

CLERK: (READ LB902 ON FINAL READING.) [LB902]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB902 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB902]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1400-1401.) 44 AYES, 0 NAY, 3 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB902]

PRESIDENT FOLEY: LB902 PASSES. (VISITORS INTRODUCED.) MOVING NOW TO LB908. [LB902 LB908]

CLERK: (READ LB908 ON FINAL READING.) [LB908]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB908 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB908]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1401-1402.) 45 AYES, 0 NAYS, 2 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB908]

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PRESIDENT FOLEY: LB908 PASSES. WE'LL NOW PROCEED TO LB908A. [LB908 LB908A]

CLERK: (READ LB908A ON FINAL READING.) [LB908A]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB908A PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB908A]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1402.) 43 AYES, 0 NAYS, 4 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB908A]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. LB908A PASSES. WE'LL NOW PROCEED TO LB909. AND, MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB908A LB909]

CLERK: 41 AYES, 1 NAY, MR. PRESIDENT, TO DISPENSE WITH THE AT-LARGE READING. [LB909]

PRESIDENT FOLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB909]

CLERK: (READ TITLE OF LB909.) [LB909]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB909 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, PLEASE. [LB909]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1403.) 47 AYES, 0 NAYS, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB909]

PRESIDENT FOLEY: LB909 PASSES. WE'LL NOW PROCEED TO LB913. [LB909 LB913]

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CLERK: (READ LB913 ON FINAL READING.) [LB913]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB913 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB913]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1403-1404.) 47 AYES, 0 NAYS, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB913]

PRESIDENT FOLEY: LB913 PASSES. (VISITORS INTRODUCED.) PROCEEDING NOW TO THE NEXT BILL, LB924. [LB913 LB924]

CLERK: (READ LB924 ON FINAL READING.) [LB924]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB924 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB924]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1404-1405.) 46 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING. [LB924]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. LB924 PASSES. WE'LL PROCEED NOW TO LB942E. [LB924 LB942]

CLERK: (READ LB942 ON FINAL READING.) [LB942]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB942E PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB942]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1405.) 47 AYES, 0 NAYS, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB942]

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PRESIDENT FOLEY: LB942E PASSES WITH THE EMERGENCY CLAUSE ATTACHED. MOVING NOW TO LB948. [LB942 LB948]

CLERK: (READ LB948 ON FINAL READING.) [LB948]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB948 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB948]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1406.) 47 AYES, 0 NAYS, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB948]

PRESIDENT FOLEY: LB948 PASSES. LB952. [LB948 LB952]

CLERK: (READ LB952 ON FINAL READING.) [LB952]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB952 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB952]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1406-1407.) 47 AYES, 0 NAYS, 2 EXCUSED NOT VOTING, MR. PRESIDENT. [LB952]

PRESIDENT FOLEY: LB952 PASSES. LB973. [LB952 LB973]

CLERK: (READ LB973 ON FINAL READING.) [LB973]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB973 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB973]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1407-1408.) 46 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB973]

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PRESIDENT FOLEY: LB973 PASSES. PROCEEDING NOW TO LB978. [LB973 LB978]

CLERK: (READ LB978 ON FINAL READING.) [LB978]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB978 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB978]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL 1408.) 47 AYES, 0 NAYS, 2 EXCUSED AND NOT VOTING. [LB978]

PRESIDENT FOLEY: LB978 PASSES. LB1002. [LB978 LB1002]

ASSISTANT CLERK: (READ LB1002 ON FINAL READING.) [LB1002]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1002 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB1002]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1409.) 47 AYES, 0 NAYS, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB1002]

PRESIDENT FOLEY: LB1002 PASSES. LB1010. [LB1002 LB1010]

ASSISTANT CLERK: (READ LB1010 ON FINAL READING.) [LB1010]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1010 PASS? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB1010]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1409-1410.) 46 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB1010]

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PRESIDENT FOLEY: LB1010 PASSES. PROCEEDING NOW TO LB1011. [LB1010 LB1011]

ASSISTANT CLERK: (READ LB1011 ON FINAL READING.) [LB1011]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1011 PASS? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB1011]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1410-1411.) 47 AYES, 0 NAYS, 2 EXCUSED AND NOT VOTING. [LB1011]

PRESIDENT FOLEY: LB1011 PASSES. PROCEEDING NOW TO LB1039. [LB1011 LB1039]

ASSISTANT CLERK: (READ LB1039 ON FINAL READING.) [LB1039]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1039 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB1039]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1411.) 47 AYES, 0 NAYS, 2 EXCUSED AND NOT VOTING. [LB1039]

PRESIDENT FOLEY: LB1039 PASSES. LB1050. [LB1039 LB1050]

ASSISTANT CLERK: (READ LB1050 ON FINAL READING.) [LB1050]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1050 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, PLEASE. [LB1050]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1412.) 48 AYES, 0 NAYS, 1 EXCUSED AND NOT VOTING. [LB1050]

PRESIDENT FOLEY: LB1050 PASSES. NEXT BILL, LB1075. [LB1050 LB1075]



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ASSISTANT CLERK: (READ LB1075 ON FINAL READING.) [LB1075]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1075 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB1075]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1412-1413.) 48 AYES, 0 AYES, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB1075]

PRESIDENT FOLEY: LB1075 PASSES. NEXT BILL IS LB1080. [LB1075 LB1080]

ASSISTANT CLERK: (READ LB1080 ON FINAL READING.) [LB1080]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1080 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB1080]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1413-1414.) 48 AYES, 0 NAYS, 1 EXCUSED AND NOT VOTING. [LB1080]

PRESIDENT FOLEY: LB1080 PASSES. PROCEEDING NOW TO LB1086. [LB1080 LB1086]

ASSISTANT CLERK: (READ LB1086 ON FINAL READING.) [LB1086]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1086 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB1086]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1414.) 48 AYES, 0 NAYS, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB1086]

PRESIDENT FOLEY: LB1086 PASSES. PROCEEDING TO LB1101. [LB1086 LB1101]

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ASSISTANT CLERK: (READ LB1101 ON FINAL READING.) [LB1101]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1101 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB1101]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1415.) 47 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 1 EXCUSED AND NOT VOTING. [LB1101]

PRESIDENT FOLEY: LB1101 PASSES. NEXT, LR381. [LB1101 LR381]

ASSISTANT CLERK: (READ LR381 ON FINAL READING.) [LR381]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LR381 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LR381]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1416.) 46 AYES, 0 NAYS, 2 PRESENT AND NOT VOTING, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LR381]

PRESIDENT FOLEY: LR381 PASSES. PROCEEDING NOW TO LB742. AND, MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LR381 LB742]

CLERK: 40 AYES, 1 NAY, MR. PRESIDENT, TO DISPENSE WITH THE AT-LARGE READING. [LB742]

PRESIDENT FOLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB742]

CLERK: (READ TITLE OF LB742.) [LB742]

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PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB742 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB742]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1417.) 46 AYES, 0 NAYS, 2 PRESENT AND NOT VOTING, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB742]

PRESIDENT FOLEY: LB742 PASSES. NEXT BILL IS LB837. [LB742 LB837]

CLERK: (READ LB837 ON FINAL READING.) [LB837]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB837 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB837]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1418.) 47 AYES, 0 NAYS, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB837]

PRESIDENT FOLEY: LB837 PASSES. MEMBERS, WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN THE FOLLOWING LEGISLATIVE BILLS: LB877, LB881, LB887E, LB891, LB895E, LB899, LB902, LB908, LB908A, LB909, LB913, LB924, LB942E, LB948, LB952, LB973, LB978, LB1002, LB1010, LB1011, LB1039, LB1050, LB1075, LB1080, LB1086, LB1101, AND LR381, AS WELL AS LB742 AND LB837. NEXT BILL IS LB894, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR OF DISPENSING WITH THE READING VOTE AYE; ALL THOSE OPPOSED VOTE NAY. [LB877 LB881 LB887 LB891 LB895 LB899 LB902 LB908 LB908A LB909 LB913 LB924 LB942 LB948 LB952 LB973 LB978 LB1002 LB1010 LB1011 LB1039 LB1050 LB1075 LB1080 LB1086 LB1101 LR381 LB742 LB837 LB894]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: RECORD, MR. CLERK. [LB894]

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CLERK: 40 AYES, 1 NAY, MR. PRESIDENT, TO DISPENSE WITH THE AT-LARGE READING. [LB894]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB894]

CLERK: (READ TITLE OF LB894.) [LB894]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB894 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB894]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1419-1420.) 46 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB894]

SPEAKER HADLEY: LB894 PASSES. MR. CLERK, LB1083. [LB894 LB1083]

CLERK: (READ LB1083 ON FINAL READING.) [LB1083]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1083 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1083]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1420.) 46 AYES, 0 NAYS, 3 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB1083]

SPEAKER HADLEY: LB1083 PASSES. MR. CLERK, THE NEXT BILL IS LB1083A. [LB1083 LB1083A]

CLERK: (READ LB1083A ON FINAL READING.) [LB1083A]

SPEAKER HADLEY: THE QUESTION BEFORE THE BODY...ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1083A PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1083A]

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CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1421.) 45 AYES, 0 NAYS, 4 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB1083A]

SPEAKER HADLEY: LB1083A ADVANCES. MR. CLERK, LB1093E. THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1083A LB1093]

CLERK: 40 AYES, 1 NAY, MR. PRESIDENT, TO DISPENSE WITH THE AT-LARGE READING. [LB1093]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB1093]

CLERK: (READ TITLE OF LB1093.) [LB1093]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1093 PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1093]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1422.) 44 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 4 EXCUSED AND NOT VOTING. [LB1093]

SPEAKER HADLEY: LB1093 PASSES WITH THE EMERGENCY CLAUSE ATTACHED. MR. CLERK, WE WILL NOW GO TO LB1093A. [LB1093 LB1093A]

CLERK: (READ LB1093A ON FINAL READING.) [LB1093A]

SPEAKER HADLEY: ALL PROVISIONS OF LAW HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1093A PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1093A]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1422-1423.) 43 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 5 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB1093A]

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SPEAKER HADLEY: LB1093A PASSES WITH THE EMERGENCY CLAUSE ATTACHED. WHILE THE LEGISLATURE IS IN SESSION, CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LB894, LB1083, LB1083A, LB1093E, AND LB1093AE. MR. CLERK, WE'LL NOW GO TO SELECT FILE. FIRST BILL IS LB1110. [LB894 LB1083 LB1083A LB1093 LB1093A LB1110]

CLERK: MR. PRESIDENT, LB1110. SENATOR HANSEN, I HAVE ENROLLMENT AND REVIEW AMENDMENTS PENDING. (ER228, LEGISLATIVE JOURNAL PAGE 1243.) [LB1110]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1110]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB1110. [LB1110]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION...SORRY. SENATOR MURANTE, YOU'RE RECOGNIZED. [LB1110]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT AND MEMBERS, GOOD MORNING. AS YOUR HUMBLE CHAIRMAN OF THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, I WANTED TO REMIND THE MEMBERS THAT TODAY IS THE DEADLINE TO FILE YOUR C-1 STATEMENT OF FINANCIAL INTEREST FORMS WITH THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION. TO THOSE MEMBERS WHO ARE RUNNING FOR REELECTION, YOU PROBABLY HAVE ALREADY FILED THAT DOCUMENT. BUT TO THE OTHER MEMBERS OF LEGISLATURE, IF YOU'RE NOT UP FOR REELECTION, TODAY IS THE DEADLINE TO FILE YOUR C-1 FORM TO THE ACCOUNTABILITY AND DISCLOSURE COMMISSION. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1110]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB1110. [LB1110]

SPEAKER HADLEY: THE QUESTION BEFORE THE BODY IS TO ADOPT THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB1110]

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CLERK: I HAVE NOTHING FURTHER ON THE BILL, SENATOR. [LB1110]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1110]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1110 TO E&R FOR ENGROSSING. [LB1110]

SPEAKER HADLEY: THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB1110. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB1110 ADVANCES. MR. CLERK, LB1110A. [LB1110 LB1110A]

CLERK: EXCUSE ME, MR. PRESIDENT. LB1110A, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB1110A]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1110A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1110A TO E&R FOR ENGROSSING. [LB1110A]

SPEAKER HADLEY: THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB1110A. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB1110A ADVANCES. [LB1110A]

CLERK: MR. PRESIDENT, LB744. I HAVE E&R AMENDMENTS FIRST OF ALL, SENATOR. [LB744]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB744]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB744. [LB744]

SPEAKER HADLEY: THE QUESTION BEFORE THE BODY IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADVANCED. [LB744]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB744]

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SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB744]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB744 TO E&R FOR ENGROSSING. [LB744]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB744. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB744 ADVANCES. [LB744]

CLERK: LB886. SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB886]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB886]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB886 TO E&R FOR ENGROSSING. [LB886]

SPEAKER HADLEY: THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB886. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB886 PASSES. [LB886]

CLERK: LB886A. SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB886A]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB886A]

SENATOR SCHUMACHER: THANK YOU, SPEAKER HADLEY AND MEMBERS OF THE BODY. IT WAS CALLED TO MY ATTENTION THIS MORNING THAT I...ARE WE ON LB886 OR ARE WE ON LB935? [LB886A]

SPEAKER HADLEY: LB886A. [LB886A]

SENATOR SCHUMACHER: I'M SORRY, IT'S THE WRONG ONE. [LB886A]

SPEAKER HADLEY: NO PROBLEM. SENATOR HANSEN FOR A MOTION. [LB886A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB886A TO E&R FOR ENGROSSING. [LB886A]



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SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB886A. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB886A IS ADVANCED. [LB886A]

CLERK: LB935, SENATOR. I HAVE ENROLLMENT AND REVIEW AMENDMENTS PENDING. (ER231, LEGISLATIVE JOURNAL PAGE 1265.) [LB935]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB935]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB935. [LB935]

SPEAKER HADLEY: THE QUESTION IS ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB935]

SENATOR SCHUMACHER: THANK YOU, SPEAKER HADLEY. "TRIGGER FINGER" SCHUMACHER HERE. I'M ON THE RIGHT BILL NOW. IT WAS CALLED TO MY ATTENTION THIS MORNING THAT WHAT THIS BILL DOES HAS A SUPPOSEDLY NEARLY \$3 MILLION PRICE TAG THAT I DON'T KNOW IF WE REALIZED UP TO THIS PARTICULAR POINT; I CERTAINLY DID NOT. WHAT IT DOES IS, FOR STATE EMPLOYEES, THEY NO LONGER WILL HAVE TO TURN IN THEIR RECEIPTS IN ORDER TO GET REIMBURSEMENT FOR EXPENSES. IT WILL GO ON TO A PER DIEM BASIS. THE COST OF THAT ON THE GREEN SHEET ISN'T THERE BECAUSE THEY HAVE A HARD TIME COMPUTING IT. WE WON'T KNOW ABOUT THAT UNTIL NEXT YEAR AND A LOT OF THOSE KIND OF THINGS. BUT THE FISCAL NOTE SHOWS GENERAL FUND EXPENDITURES THAT CAN BE EXPECTED WITH SOME ASSUMPTIONS, AND I GUESS THAT'S THE BEST THE FISCAL OFFICE CAN DO: \$1.392 MILLION CASH FUNDS, \$984,000 FEDERAL MONEY, \$636,000, \$57,000 IN REVOLVING FUNDS, FOR A GUESSTIMATE OF \$3 MILLION IN EXPENDITURES BY NOT REQUIRING FOLKS TO SUBMIT RECEIPTS BUT JUST PAYING THEM PER DIEM. AND I UNDERSTAND THE FEDERAL GOVERNMENT DOES DO THAT BUT I...AND IT'S SUPPOSED TO SAVE SOME ACCOUNTING WORK IN THE VARIOUS AGENCIES. BUT I DON'T SEE ANY OFFSETTING FTEs WHERE THEY'RE GOING TO LAY OFF ANYBODY OR HOW THEY COULD EVEN BEGIN TO COMPUTE THAT, THAT KIND OF SAVINGS. SO I WANTED TO POINT THAT OUT TO THE BODY THAT, ONE WAY OR THE OTHER, \$3 MILLION WORTH OF TAX MONEY IS GOING FOR THIS CONVERSION TO PAYING PEOPLE A PER DIEM RATHER THAN PAYING...GOING THROUGH THE NORMAL ACCOUNTING PROCESS. AND IF WE'RE LOOKING TO PINCH MONEY OR PINCH PENNIES, THIS IS ONE OF THOSE THINGS THAT DOESN'T SHOW UP ON OUR GREEN

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SHEET NOW, WILL SHOW UP ON OUR GREEN SHEET NEXT YEAR WHEN WE HOPEFULLY HAVE ALL KINDS OF MONEY. THANK YOU. [LB935]

SPEAKER HADLEY: SENATOR KRIST, YOU ARE RECOGNIZED. [LB935]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. GOOD MORNING, NEBRASKA. SENATOR SCHUMACHER IS NOT CORRECT. THIS IS A TRANSITION BACK TO THE WAY THE STATE OF NEBRASKA USED TO DO BUSINESS WHERE YOU WERE ON A STRICTLY PER DIEM BASIS. NOW I WANT YOU, ALL OF YOU WHO HAVE TRAVELED, TO THINK ABOUT THIS. WHO DO YOU THINK GOES THROUGH ALL 15 OR 20 RECEIPTS WHEN YOU COME BACK TO ITEMIZE WHETHER OR NOT YOU HAVE CORRECTLY SPENT THE MONEY THAT YOU COULD SPEND TO EAT? IT'S AN AUDIT PROCESS. OUR FISCAL NOTES DO NOT SUGGEST AT ALL TO US ANY COST SAVINGS IN THE PROGRAM. THE FEDERAL GOVERNMENT, AND IF SENATOR GARRETT WERE HERE HE COULD STAND UP AND TALK TO THE ISSUE, OUR FEDERAL GOVERNMENT USES A GSA PROGRAM. THE GSA ALLOWS, WHICH IS UPDATED AND WE CAN PULL IT DOWN AND LOOK AT IT, IT ALLOWS X NUMBER OF DOLLARS PER DAY FOR PER DIEM. THAT'S YOUR MEALS, OKAY, THAT'S YOUR MEALS FOR YOU TO EAT WHEREVER YOU GO. SO IF YOU'RE IN ST. LOUIS, IT MIGHT BE A LITTLE HIGHER THAN IF YOU'RE IN CHADRON, BUT THERE'S STILL AN ALLOWABLE COST. THE DIFFERENCE IS HERE. WHEN YOU LEAVE AND GO SOMEPLACE, YOU'LL COME BACK AND SAY, I WAS IN CHADRON FOR EIGHT HOURS, THEREFORE--OR 24 HOURS--I GET X AMOUNT OF PER DIEM, NO RECEIPTS INVOLVED, YOU'RE DONE. SO THE FISCAL...OR, I'M SORRY, OUR TRAVEL OFFICE AND OUR AUDIT PROCESS AND THE STATE AUDITOR'S OFFICE IS NOT ENCUMBERED BY GOING BACK AND LOOKING THROUGH RECEIPTS. YOU KNOW HOW DIFFICULT THAT CAN BE. NOW WILL THERE BE SOME CHANGES? PROBABLY. AND IF WE'RE DOING WHAT WE SHOULD BE DOING WITH THIS SYSTEM, YOU TRAVEL, YOU COME BACK, THERE'S LESS AUDIT PROCESS INVOLVED, AND IT'S AN ALLOWABLE COST THAT GOES OUT THERE. OKAY. FOLKS, IF YOU THINK THAT THE FISCAL NOTE IS GOING TO PROHIBIT YOU FROM VOTING YES ON THIS, THEN I WOULD INVITE THE CHAIR OF GOVERNMENT TO READDRESS THIS BETWEEN NOW AND FINAL READING WITH THE DEPARTMENT AND FIGURE OUT IF THE FISCAL NOTE IS EVEN LEGITIMATE. THEY'RE SAYING THEY TOOK A REPRESENTATIVE SAMPLE OF CROSS AGENCIES. ANY BANKER IN HERE CAN TELL ME, WAS IT A VALID AUDIT? WAS IT A VERIFIABLE AUDIT? WAS IT A GOOD SAMPLING WHEN THEY TOOK IT? I DON'T KNOW AND I'M NOT GOING TO ARGUE THAT POINT. BUT I WILL SAY THIS, AS I HAVE SAID IT BEFORE: REALLY? WHERE HAVE YOU BEEN FOR FOUR MONTHS? BECAUSE THIS BILL WAS HEARD IN GOVERNMENT, IT WAS FILED. GIVEN THE NUMBER, YOU KNOW IT WAS

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FILED IN THE FIRST COUPLE OF MONTHS THAT WE WERE HERE, FIRST MONTH THAT WE WERE HERE. WHERE HAVE YOU BEEN? THIS IS NOT HOW GOOD GOVERNMENT WORKS. WHEN THE LEGISLATURE IS IN SESSION, YOU SHOULD BE PAYING ATTENTION TO THOSE THINGS THAT WE'RE TALKING ABOUT AND NOT COME AT 9:00 IN THE MORNING ON THE DAY THAT IT'S ON SELECT FILE TO IDENTIFY A BOGUS, AND I WILL CALL IT, A BOGUS FISCAL NOTE. BEING RESPECTFUL WITH THIS WHOLE PROCESS, IT WAS BROUGHT FOR THE AUDITOR'S OFFICE AND IT MADE PERFECT SENSE TO ME HAVING DEALT WITH THIS SYSTEM IN THE FEDERAL GOVERNMENT FOR YEARS. BUT I LEAVE THAT TO YOUR JUDGMENT. I BELIEVE IT'S SOMETHING THAT BETWEEN NOW AND FINAL READING, THE CHAIR OF THE COMMITTEE WILL HAVE TO DECIDE WHETHER OR NOT THIS IS WORTHWHILE TO CLOG UP THE MESS. I WOULD SAY THAT HE'LL MAKE A GOOD JUDGMENT ON THE SUBJECT MATTER. I DON'T WANT TO TAKE THIS THING DOWN, THIS WHOLE THING DOWN, BECAUSE OF THIS ONE AREA. THANK YOU FOR YOUR ATTENTION. [LB935]

SPEAKER HADLEY: THANK YOU, SENATOR KRIST. SENATOR GROENE, YOU'RE RECOGNIZED. [LB935]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. OVERALL THIS IS A GOOD BILL. YOU KNOW, WE START BEATING UP PARTS OF BILLS, WE ALL DO. BUT THE AUDITOR HAS SOME GOOD POINTS IN HERE WHERE HE PUTS TEETH IN HIS ENFORCEMENT, BECAUSE SOME, ESPECIALLY A POLITICAL SUBDIVISION THAT ACTUALLY HAS DONE SOMETHING WRONG, THEY DRAG THEIR FEET AND DO NOT GET THE INFORMATION BACK TO THE AUDITOR WHEN HE NEEDS IT. THIS PUTS TEETH IN THAT; IT PUTS TEETH IN THE FINES AND NOW THEY CAN CHARGE AN INTEREST ON IT, JUST LIKE THEY DO WITH DELINQUENT PROPERTY TAXES OF 14 PERCENT. THERE'S A LOT OF GOOD STUFF IN HERE. THAT WAS THE ORIGINAL BILL. THIS SECTION HERE THAT WE'RE TALKING ABOUT SO FAR, THE REIMBURSEMENT WAS ADDED IN AS AN AMENDMENT FROM ANOTHER BILL. MY PERSONAL EXPERIENCE IS THIS. IT WILL COST US MORE MONEY. THAT'S MY PERSONAL EXPERIENCE. I WAS POINTED TO A COMMISSION BY GOVERNOR HEINEMAN. I'D RUSH IN AND DRIVE IN, WORKING MY WAY IN, GO TO THE MEETING, HEAD ON OUT. AND I TOLD MYSELF, IT ISN'T WORTH THE HEADACHE OF THE RECEIPTS AND THE MILEAGE TO TURN IT IN, SO I NEVER TURNED ANYTHING IN. THIS MAKES IT A LOT EASIER TO TURN IN AN EXPENSE REPORT. THIS MAKES IT A LOT EASIER BECAUSE YOU'RE JUST GOING TO TURN IN PER DIEMS. NOW WE'RE NOT THE FEDERAL GOVERNMENT. WE BALANCE BUDGETS. THE FEDERAL GOVERNMENT HAS PER DIEMS, YEAH, BUT THEY...40 TO 50 PERCENT OF IT THAT THEY SPEND IS NOT BALANCED, SO THEY CAN DO THAT

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STUFF. WE GOT TO WATCH EVERY PENNY. THERE'S OTHER THINGS I LIKE ABOUT ITEMIZED EXPENSE REPORTS, WHICH I'VE DONE ALL MY LIFE--NOT ALL MY LIFE, SINCE I'VE BEEN ON THE ROAD. IT MAKES YOU THINK TWICE, WHERE YOU STAY, WHERE YOU TRAVEL, STAY ON DUTY. IT'S AN ACCOUNTING SYSTEM THAT IS DOUBLE BECAUSE NOW YOU GOT A RECEIPT FROM THAT HOTEL, NOT JUST A PER DIEM. YOUR BOSS, THE GOVERNMENT, THE STATE GOVERNMENT, KNOWS YOU STAYED THERE. YOU DIDN'T STAY WITH YOUR GIRLFRIEND. YOU DIDN'T EAT SOMEPLACE OR PARTY ALL NIGHT BECAUSE THAT RECEIPT SAYS YOU ATE SUPPER AT 7:00. THERE IS ACCOUNTABILITY IN ITEMIZED EXPENSE REPORTS. YOU CAN CLAIM YOU'VE BEEN SOMEWHERE AND SEND IN A PER DIEM. DISHONEST? NO, HUMANS AREN'T DISHONEST. NOW WE HEARD IN COMMITTEE THAT, WELL, THAT'S UP TO THE MANAGER OF THAT DEPARTMENT TO MAKE SURE THEIR EMPLOYEES ARE ON TASK. I WILL GUARANTEE YOU THIS WILL CAUSE A LOT MORE COST TO THE STATE BECAUSE THERE WILL BE A LOT MORE PER DIEMS HANDED IN FROM PEOPLE ON COMMISSIONS, AND WE KEEP MULTIPLYING THEM, US, THE STATE SENATORS. WHEN YOU COME IN FOR A MEETING OR A HEARING ON THE OFF SESSION, YOU HAVE TO ITEMIZE. YOU WON'T HAVE TO DO THAT ANYMORE. YOU'LL PUT A PER DIEM IN. I LIKE TO BE KEPT ACCOUNTABLE. I'M A HUMAN. I DON'T KNOW IF...I'M NOT GOING TO FILIBUSTER OR TRY TO KILL, BUT I BROUGHT THESE CONCERNS UP IN COMMITTEE, TOO, BECAUSE I HAVE EXPERIENCE IN THE PRIVATE SECTOR. IT'S DIFFERENT THAN THE FEDERAL GOVERNMENT. THEY CAN JUST WRITE A CHECK. THEY DON'T HAVE TO BALANCE DEBIT AND CREDIT. THEY NEVER HAVE. THE MONEY IS JUST PRORATE...OUT THERE AND THEY SPEND IT. WE AREN'T..WE HAVE A BALANCED BUDGET. EVERY DOLLAR MAKES A DIFFERENCE. OH, WOULD IT SAVE A LITTLE TIME? [LB935]

SPEAKER HADLEY: ONE MINUTE. [LB935]

SENATOR GROENE: YOU KNOW, I'VE ALWAYS ADMIRERED THE ACCOUNTING SERVICE. I'VE BEEN ASKED A COUPLE TIMES, YOUR BILL LOOKS KIND OF HIGH ON THAT DINNER, YOU SURE YOU DIDN'T FEED SOMEBODY ELSE? I NEED THAT ACCOUNTABILITY. AND, NO, I DIDN'T. I ATE TOO GOOD THAT NIGHT, BUT ANYWAY...AND YOU CAN TELL. I LIKE THE ACCOUNTABILITY, I REALLY DO. I WANT TO BE KEPT ACCOUNTABLE, AND ITEMIZED EXPENSES DO THAT. THANK YOU. [LB935]

SPEAKER HADLEY: THANK YOU, SENATOR GROENE. SENATOR MURANTE, YOU'RE RECOGNIZED. [LB935]

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SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. THE BILL IN QUESTION WAS A BILL THAT WAS REFERENCED TO THE GOVERNMENT COMMITTEE AND IS CURRENTLY CONTAINED WITHIN LB935, AS SENATOR KRIST SAID. IT WAS HIS ORIGINAL PROPOSAL. LB935 IS ONE OF THE COMMITTEE PRIORITY BILLS. AND LIKE SENATOR KRIST, THIS MORNING WAS THE FIRST TIME I HAD HEARD ANY OBJECTIONS TO THE BILL AS IT IS CURRENTLY WRITTEN. AND I THINK WE'VE BEEN FAIRLY EFFICIENT ON THE GOVERNMENT COMMITTEE IN CLEARING UP ANY PROBLEMS THAT PEOPLE HAVE ON THEIR PRIORITY BILLS BEFORE THEY HIT THE AGENDA. BUT AN HOUR AND A HALF IS A LITTLE BIT TOO MUCH FOR US TO FIND A COMPROMISE ON A BILL THAT'S AS TECHNICAL AS THIS IS. SO WHAT I WOULD SUGGEST IS THAT WE ADVANCE LB935 FROM SELECT FILE TO FINAL READING. WE WILL CONTINUE WORKING IN THE GOVERNMENT COMMITTEE, AS WE ALWAYS DO WITH THE INTERESTED PARTIES, TO SEE IF A COMMON GROUND IS NECESSARY AND, IF IT IS NECESSARY, WHAT THAT COMMON GROUND WILL BE. BUT AT THIS TIME I DON'T THINK THIS IS THE RIGHT TIME AND PLACE TO BE HAVING THAT DISCUSSION, BUT WE WILL HAVE THAT DISCUSSION GOING FORWARD. THANK YOU, MR. PRESIDENT. [LB935]

SPEAKER HADLEY: THANK YOU, SENATOR MURANTE. (VISITORS INTRODUCED.) MR. CLERK. [LB935]

CLERK: I HAVE NOTHING FURTHER PENDING ON THE BILL, MR. PRESIDENT. [LB935]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB935]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB935 TO E&R FOR ENGROSSING. [LB935]

SPEAKER HADLEY: ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. THE BILL IS...LB935 IS ADVANCED. [LB935]

CLERK: MR. PRESIDENT, LB1066. I HAVE E&R AMENDMENTS, SENATOR. (ER233, LEGISLATIVE JOURNAL PAGE 1310.) [LB1066]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1066]

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SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB1066. [LB1066]

SPEAKER HADLEY: QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB1066]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB1066]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1066]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1066 TO E&R FOR ENGROSSING. [LB1066]

SPEAKER HADLEY: QUESTION IS THE ADVANCEMENT OF LB1066. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB1066 ADVANCES. [LB1066]

CLERK: MR. PRESIDENT, LB874. SENATOR, I HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER232, LEGISLATIVE JOURNAL PAGE 1310.) [LB874]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB874]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB874. [LB874]

SPEAKER HADLEY: QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB874]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, MR. PRESIDENT. [LB874]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB874]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB874 TO E&R FOR ENGROSSING. [LB874]

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SPEAKER HADLEY: QUESTION IS THE ADOPTION (SIC) OF LB874 TO E&R FOR...OR E&R ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB874 ADVANCES. [LB874]

CLERK: MR. PRESIDENT, LB1012. SENATOR, I HAVE E&R AMENDMENTS PENDING. (ER234, LEGISLATIVE JOURNAL PAGE 1311.) [LB1012]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1012]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB1012. [LB1012]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB1012]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB1012]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1012]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1012 TO E&R FOR ENGROSSING. [LB1012]

SPEAKER HADLEY: QUESTION IS THE ADVANCEMENT OF LB1012 FOR ADVANCEMENT. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB1012 IS ADVANCED. [LB1012]

CLERK: SENATOR, WITH RESPECT TO LB889, I HAVE NO AMENDMENTS TO THE BILL. [LB889]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB889]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB889 TO E&R FOR ENGROSSING. [LB889]

SPEAKER HADLEY: QUESTION IS THE ADVANCEMENT OF LB889. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB889 IS ADVANCED. [LB889]

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CLERK: SENATOR, LB686, I HAVE NO AMENDMENTS TO THE BILL. [LB686]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB686]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB686 TO E&R FOR ENGROSSING. [LB686]

SPEAKER HADLEY: THE QUESTION FOR THE BODY IS THE ADVANCEMENT OF LB686. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB686 ADVANCES. [LB686]

CLERK: LB1098, SENATOR. I HAVE NO AMENDMENTS TO THE BILL. [LB1098]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1098]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1098 TO E&R FOR ENGROSSING. [LB1098]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB1098. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB1098 PASSES. [LB1098]

CLERK: MR. PRESIDENT, LB1098A. I HAVE NO AMENDMENTS TO THE BILL, SENATOR. [LB1098A]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1098A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1098A TO E&R FOR ENGROSSING. [LB1098A]

SPEAKER HADLEY: QUESTION IS THE ADVANCEMENT OF LB1098A. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB1098A ADVANCES. [LB1098A]

CLERK: LB1000, SENATOR, DOES HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER236, LEGISLATIVE JOURNAL PAGE 1328.) [LB1000]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1000]



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SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB1000. [LB1000]

SPEAKER HADLEY: QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. SENATOR COASH, YOU ARE RECOGNIZED. [LB1000]

SENATOR COASH: THANK YOU, MR. PRESIDENT. THERE'S NOT...I DON'T HAVE AN AMENDMENT ON LB1000, BUT THERE IS ONE THING WE NEED TO GET INTO THE RECORD. BETWEEN GENERAL AND SELECT, THERE WERE SOME QUESTIONS BROUGHT UP REGARDING THE PROVISIONS OF LB1055, WHICH ARE INCORPORATED INTO LB1000, AND THE QUESTION OF WHETHER OR NOT THOSE PROVISIONS WOULD PREVENT A DEPUTY OR ASSISTANT ATTORNEY GENERAL FROM ACTING AS A PROSECUTING ATTORNEY IN A GRAND JURY PROCEEDING. I WANT TO MAKE IT CLEAR FOR THE RECORD, IN CASE IT'S NEEDED LATER, THAT THE ANSWER TO THAT IS, NO, NOTHING IN LB1000 IS INTENDED TO PREVENT A DEPUTY OR ASSISTANT ATTORNEY GENERAL FROM ACTING AS A PROSECUTING ATTORNEY IN ANY GRAND JURY PROCEDURE. THE STATUTORY AUTHORITY IN THE AG'S OFFICE ACTS...OFFICE TO ACT AS THE PROSECUTING ATTORNEY IN A GRAND JURY PROCEDURE TYPICALLY COMES FROM ONE OF THREE SOURCES: A REQUEST FROM THE COUNTY ATTORNEY; A COURT CAN APPOINT A COUNTY ATTORNEY AS AN ATTORNEY...AS A COUNTY ATTORNEY IN CERTAIN CASES; AND FINALLY, THE ATTORNEY GENERAL HAS THE SAME POWERS AS THE COUNTY ATTORNEY, CAN STEP IN ON THEIR OWN. THOSE ARE ALL CURRENT STATUTORY REFERENCES. THERE IS ANOTHER PROCEDURE THAT EXISTS BUT IS RARELY USED WHERE THE GOVERNOR MAY APPOINT A SPECIAL PROSECUTOR. AS I SAID EARLIER, THE ATTORNEY GENERAL'S OFFICE HAD EXPRESSED CONCERN THAT, BY NOT EXPLICITLY INCLUDING THEM AS AN AUTHORIZED PROSECUTING ATTORNEY, THE BILL MAY BE INTERPRETED AS TO EXCLUDE THOSE ATTORNEYS GENERAL FROM SERVING IN THESE GRAND JURY PROCEDURES. HOWEVER, THE BILL, AS I STATED, MAKES NO CHANGE TO THE STATUTE AUTHORIZING THE COURT TO APPOINT AN ATTORNEY FROM THE ATTORNEY GENERAL'S OFFICE TO ACT AS A COUNTY ATTORNEY IN THE INVESTIGATION, APPEARANCE, OR TRIAL BY AN ORDER ENTERED UPON MINUTES OF THE COURT. SO I WANTED TO PUT ALL OF THAT IN THE RECORD IN CASE IT WAS NEEDED IN THE FUTURE. THANK YOU, MR. PRESIDENT. [LB1000 LB1055]

SPEAKER HADLEY: THANK YOU, SENATOR COASH. MR. CLERK. [LB1000]

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CLERK: I HAVE NOTHING ON THE BILL, MR. PRESIDENT. [LB1000]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1000]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1000 TO E&R FOR ENGROSSING. [LB1000]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB1000. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB1000 ADVANCES. WE WILL NOW GO TO LB938. [LB1000 LB938]

CLERK: MR. PRESIDENT, LB938. SENATOR, I HAVE E&R AMENDMENTS FIRST OF ALL. [LB938]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB938]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB938. [LB938]

SPEAKER HADLEY: QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB938]

CLERK: SENATOR SMITH WOULD MOVE TO AMEND WITH AM2769. (LEGISLATIVE JOURNAL PAGE 1297.) [LB938]

SPEAKER HADLEY: SENATOR SMITH, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB938]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. JUST TO REFRESH YOU, LB938 IS THE SECOND PRIORITY BILL OF THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE, AND IT WOULD ESTABLISH THE 911 SERVICE SYSTEM ACT AND PROVIDE AUTHORITY TO THE NEBRASKA PUBLIC SERVICE COMMISSION TO UNDERTAKE THE ROLE AS THE STATEWIDE COORDINATOR FOR THE 911 SERVICE IN THE STATE. AS A PART OF THIS DUTY, LB938 DIRECTS THE PUBLIC SERVICE COMMISSION TO PREPARE FOR LEGISLATIVE REVIEW AND APPROVAL IN 2018 OF AN IMPLEMENTATION PLAN

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FOR THE PROVISION OF NEXT-GENERATION E-911 SERVICE CAPABILITY IN DESIGNATED LOCAL 911 ANSWERING CENTERS. AM2769 IS A TECHNICAL AMENDMENT WHICH PROVIDES AUTHORIZATION FOR THE FUNDING THAT IS REQUIRED TO FUND THE COMMISSION'S ACTIVITIES IN IMPLEMENTING LB938. THE FUNDING SOURCE IS THE EXISTING ENHANCED WIRELESS 911 FUND. THE AMENDMENT DIRECTS THAT \$2,138,337 BE TRANSFERRED FROM THE ENHANCED WIRELESS 911 FUND TO THE 911 SERVICE SYSTEM FUND ON THE EFFECTIVE DATE OF THE ACT, AND THAT ANOTHER \$1,987,790 BE TRANSFERRED BY JULY 5th OF 2017 FROM THE SAME FUND TO THE SAME FUND. THAT'S THE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB938]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING TO AM2769. IS THERE ANYONE WISHING TO SPEAK? SEEING NONE, SENATOR SMITH, YOU'RE RECOGNIZED TO CLOSE. SENATOR SMITH WAIVES CLOSING. THE QUESTION FOR THE BODY IS ADOPTION OF AM2769. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB938]

CLERK: 29 AYES, 0 NAYS ON THE ADOPTION OF SENATOR SMITH'S AMENDMENT. [LB938]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB938]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB938]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB938]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB938 TO E&R FOR ENGROSSING. [LB938]

SPEAKER HADLEY: THE QUESTION FOR THE BODY IS THE ADVANCEMENT OF LB938. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB938 ADVANCES. [LB938]

CLERK: MR. PRESIDENT, LB938A. I HAVE NO ENROLLMENT AND REVIEW. SENATOR SMITH WOULD MOVE TO AMEND WITH AM2752. (LEGISLATIVE JOURNAL PAGE 1297.) [LB938A]

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SPEAKER HADLEY: SENATOR SMITH, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB938A]

SENATOR SMITH: THANK YOU AGAIN, MR. PRESIDENT. AND, COLLEAGUES, AGAIN, THIS IS A TECHNICAL AMENDMENT TO THE TRAILING A BILL FOR LB938. FIRST, THE AMENDMENT ADDS THE EMERGENCY CLAUSE TO MATCH THE A BILL UP WITH LB938 AS IT WAS AMENDED BY THE COMMITTEE AMENDMENT. SECOND, THE COMMITTEE AMENDMENT, IN PART DIRECTED BY...DIRECTED THE PUBLIC SERVICE COMMISSION TO REPORT TO THE LEGISLATURE ON THE ACCURACY OF WIRELESS 911 LOCATION ACCURACY. THE COMMISSION WILL ESTABLISH A PILOT COMPLIANCE PROCEDURE TO ASSIST PUBLIC SAFETY, ANSWERING POINTS, DETERMINING CALL ACCURACY. THE AMENDMENT TAKES \$1 MILLION FROM THE ENHANCED WIRELESS 911 FUND AND CHANGES IT FROM DIRECT AID TO POLITICAL SUBDIVISIONS TO COMMISSION OPERATIONS TO FUND THIS ACTIVITY. THE REQUEST TO MOVE THIS FUND TO AID, TO OPERATIONS, WAS REQUESTED BY THE COMMISSION. A CONTRACTOR WILL BE UTILIZED BY THE COMMISSION, AND BECAUSE THERE WILL BE A DIRECT CONTRACT BETWEEN THE CONTRACTOR AND THE COMMISSION, IT IS NECESSARY TO MOVE THE FUNDING INVOLVED FROM AID TO OPERATIONS. I WOULD ASK THAT WE MOVE THE ADOPTION OF THIS AMENDMENT. THANK YOU, MR. PRESIDENT. [LB938A LB938]

SPEAKER HADLEY: IS THERE ANYONE WISHING TO SPEAK ON THE AMENDMENT? SEEING NONE, SENATOR SMITH, YOU'RE RECOGNIZED TO CLOSE. SENATOR SMITH WAIVES CLOSING. THE QUESTION FOR THE BODY IS ADOPTION OF AM2752. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB938A]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR SMITH'S AMENDMENT. [LB938A]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB938A]

CLERK: I HAVE NOTHING FURTHER ON THE BILL. [LB938A]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB938A]

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SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB938A TO E&R FOR ENGROSSING. [LB938A]

SPEAKER HADLEY: THE QUESTION FOR THE BODY IS THE ADVANCEMENT OF LB938A TO E&R FOR ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB938A IS ADVANCED. [LB938A]

CLERK: MR. PRESIDENT, LB774. I HAVE ENROLLMENT AND REVIEW AMENDMENTS, SENATOR. (ER224, LEGISLATIVE JOURNAL PAGE 1232.) [LB774]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB774]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB774. [LB774]

SPEAKER HADLEY: QUESTION FOR THE BODY IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB774]

CLERK: SENATOR BLOOMFIELD, I HAD...YOU HAD FILED, SENATOR, AM2725, BUT I HAVE A NOTE YOU WISH TO WITHDRAW. [LB774]

SENATOR BLOOMFIELD: NO, MR. CLERK, I DON'T WISH TO WITHDRAW. IN ORDER TO PREVENT THE BILL FROM BEING HELD HOSTAGE, I AM FORCED TO WITHDRAW AND HEREBY DO SO. [LB774]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB774]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB774]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB774 TO E&R FOR ENGROSSING. [LB774]

SPEAKER HADLEY: QUESTION FOR THE BODY IS THE ADVANCEMENT OF LB774. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB774 ADVANCES. [LB774]

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CLERK: MR. PRESIDENT, LB774A. I HAVE NO E&Rs. SENATOR SCHEER WOULD MOVE TO AMEND THE BILL WITH AM2760. (LEGISLATIVE JOURNAL PAGE 1283.) [LB774A]

SPEAKER HADLEY: SENATOR SCHEER, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB774A]

SENATOR SCHEER: THIS IS JUST AN ADJUSTMENT TO THE ORIGINAL A BILL CAUSED BY THE ADDITION OF THE OTHER BILLS THAT WERE ATTACHED TO THIS. I WOULD URGE YOUR SUPPORT. [LB774A]

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, SENATOR SCHEER, YOU'RE RECOGNIZED TO CLOSE. SENATOR SCHEER WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM2760. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB774A]

CLERK: 34 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE AMENDMENT. [LB774A]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB774A]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, MR. PRESIDENT. [LB774A]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB774A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB774A TO E&R FOR ENGROSSING. [LB774A]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB774A. ALL IN FAVOR VOTE...SAY AYE. OPPOSED, NAY. LB774A ADVANCES. [LB774A]

CLERK: MR. PRESIDENT, LB1038. I HAVE E&R AMENDMENTS, FIRST OF ALL. (ER223, LEGISLATIVE JOURNAL PAGE 1232.) [LB1038]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1038]

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SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB1038. [LB1038]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB1038]

CLERK: SENATOR HUGHES WOULD MOVE TO AMEND, AM2743. (LEGISLATIVE JOURNAL PAGE 1374.) [LB1038]

SPEAKER HADLEY: SENATOR HUGHES, YOU ARE RECOGNIZED FOR YOUR AMENDMENT. [LB1038]

SENATOR HUGHES: GOOD MORNING, MR. PRESIDENT. MEMBERS OF THE BODY, I HAVE A VERY SIMPLE AMENDMENT THAT MAKES MINOR CHANGES TO THE MAKEUP OF THE RIPARIAN VEGETATION MANAGEMENT TASK FORCE. I WOULD ASK FOR YOUR SUPPORT AND I WOULD LIKE TO YIELD THE BALANCE OF MY TIME TO SENATOR SCHILZ. [LB1038]

SPEAKER HADLEY: SENATOR SCHILZ, YOU'RE YIELDED 3:50. [LB1038]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. THIS WON'T TAKE LONG. FIRST OF ALL, I WANT TO SAY THAT I SUPPORT SENATOR HUGHES'S AMENDMENT BROUGHT TO US BY PRO TO CLEAN UP A LITTLE BIT OF HOW SOME OF THESE...THIS TASK FORCE WOULD BE PUT TOGETHER. SO I'M OKAY WITH THAT AMENDMENT. AND THEN JUST ONE OF THE THINGS THAT I'D LIKE TO SAY ON THIS BILL, AND IT'S PRETTY REMARKABLE AND I THINK IT NEEDS TO BE NOTED AGAIN, IS ALL THE HELP THAT WE'VE GOTTEN FROM FOLKS OUT THERE, INCLUDING THE PEOPLE FROM THE NEBRASKA STATE IRRIGATION ASSOCIATION AND OTHERS THAT CAME TOGETHER, GROUNDWATER USERS, SURFACE WATER USERS, AND OTHERS, GAME AND PARKS, THAT CAME TOGETHER TO FIND SOLUTIONS FOR INDIVIDUAL PROBLEMS ON INDIVIDUAL BASINS. AND FOR THAT I JUST WANT TO THANK EVERYONE AND HOPE THAT THINGS MOVE FORWARD. THANK YOU, MR. PRESIDENT. [LB1038]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB1038]

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SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WHEN SOMEBODY YIELDS TO SCHILZ, I LISTEN. I WOULD LIKE TO ASK SENATOR SCHILZ A QUESTION. [LB1038]

SPEAKER HADLEY: SENATOR SCHILZ, WILL YOU YIELD? [LB1038]

SENATOR SCHILZ: YES. [LB1038]

SENATOR CHAMBERS: SENATOR SCHILZ, ARE YOU FAMILIAR WITH THE EXPRESSION OF WAVING A RED FLAG IN FRONT OF A BULL? [LB1038]

SENATOR SCHILZ: YES. [LB1038]

SENATOR CHAMBERS: AND THAT'S NOT A GOOD THING, IS IT? [LB1038]

SENATOR SCHILZ: WELL, IT DEPENDS ON WHAT YOU WANT THE BULL TO DO. [LB1038]

SENATOR CHAMBERS: WHY DID YOU HAVE TO MENTION GAME AND PARKS? [LB1038]

SENATOR SCHILZ: WELL, I...I WAS WONDERING THAT MYSELF (LAUGHTER). [LB1038]

SENATOR CHAMBERS: OKAY. THAT'S ALL I HAVE. THANK YOU. I COULDN'T RESIST. [LB1038]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO ONE ELSE IN THE QUEUE, THE QUESTION IS THE ADOPTION OF AM2743. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB1038]

CLERK: 37 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR HUGHES'S AMENDMENT. [LB1038]

SPEAKER HADLEY: AM2743 IS ADOPTED. [LB1038]



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CLERK: I HAVE NOTHING FURTHER ON THAT BILL, MR. PRESIDENT. [LB1038]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1038]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1038 TO E&R FOR ENGROSSING. [LB1038]

SPEAKER HADLEY: QUESTION IS THE ADVANCEMENT OF LB1038 FOR ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB1038 ADVANCES. [LB1038]

CLERK: LB1038A, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB1038A]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1038A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1038A TO E&R FOR ENGROSSING. [LB1038A]

SPEAKER HADLEY: THE QUESTION FOR THE BODY IS THE ADVANCEMENT OF LB1038A. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB1038A ADVANCES. [LB1038A]

CLERK: MR. PRESIDENT, LB835. I DO HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER235, LEGISLATIVE JOURNAL PAGE 1328.) [LB835]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB835]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB835. [LB835]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE ENROLLMENT AND REVIEW AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENT IS ADOPTED. [LB835]

CLERK: SENATOR MELLO WOULD MOVE TO AMEND, AM2789. (LEGISLATIVE JOURNAL PAGE 1368.) [LB835]

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SPEAKER HADLEY: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON AM2789. [LB835]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. AM2789 WAS BROUGHT TO ME AT THE REQUEST OF THE REVISOR'S OFFICE. IT MAKES TWO SMALL TECHNICAL CHANGES THAT THEY BELIEVE FELL OUTSIDE OF WHAT COULD BE DONE IN THE E&R AMENDMENT. THE FIRST CHANGE ENSURES THAT SPECIFIC LANGUAGE IS PLACED SPECIFICALLY IN SECTION 8-2603 OF STATUTE TO MAINTAIN CONTINUITY THROUGHOUT THE STATUTE. AND THE SECOND CHANGE REINSTATES THE STRICKEN PHRASE "COMPUTERIZED." THIS PHRASE HAD BEEN REINSTATED ELSEWHERE IN THE BILL AND IN THIS ONE INSTANCE IT HAD BEEN MISSED. TO ENSURE CONTINUITY THROUGHOUT THE BILL, THIS PHRASE SHOULD ALSO BE REINSTATED WITH THE AMENDMENT. WITH THAT, I URGE THE BODY TO ADOPT AM2789. THANK YOU, MR. PRESIDENT. [LB835]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB835]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, SOME PEOPLE HAVE MADE ME PAY ATTENTION TO WHAT WE'RE DOING. I'D LIKE TO ASK SENATOR MELLO A QUESTION, IF I MAY. [LB835]

SPEAKER HADLEY: SENATOR MELLO, WILL YOU YIELD TO A QUESTION? [LB835]

SENATOR MELLO: OF COURSE. [LB835]

SENATOR CHAMBERS: SENATOR MELLO, I PAY ATTENTION WHEN YOU SPEAK. YOU ARE MORE SIGNIFICANT TO ME THAN E.F. HUTTON IS TO THOSE PEOPLE WHO DEAL WITH WHAT HE TALKS ABOUT. SENATOR MELLO, YOU SAID "PHRASE," BUT THEN I HEARD YOU GIVE ONLY ONE WORD. SO WHAT, IN ADDITION TO THAT ONE WORD, ARE WE ADDRESSING? THE ONE WORD I DID PAY ATTENTION TO WAS "COMPUTERIZED." WHAT OTHER WORD IS BEING ADDRESSED? [LB835]

SENATOR MELLO: SENATOR CHAMBERS, THAT MAY HAVE BEEN A MISTAKEN COMPONENT ON MY END. THE WORD "COMPUTERIZED" IS THE WORD. MAYBE I SHOULD NOT HAVE USED THE WORD "PHRASE." BUT I GUESS TO SOME EXTENT ONE COULD INTERPRET A SINGLE WORD AS A DEFINITION OF PHRASE, I GUESS, IN COMPARISON TO A STRING OF MULTIPLE WORDS THAT WOULD BE

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CONSIDERED A PHRASE. BUT IT WAS PROBABLY JUST AN INADVERTENT USE OF LANGUAGE ON MY END. [LB835]

SENATOR CHAMBERS: WELL, IN PRAISE OF THE PHRASE, I WOULD LIKE THE POPULAR MEANING OF THAT WORD TO BE UTILIZED SO NOBODY WILL THINK THAT THERE ARE WORDS OTHER THAN "COMPUTERIZED" THAT MAY BE AFFECTED, WHICH, IN FACT, IS NOT THE CASE. THANK YOU. [LB835]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO ONE ELSE IN THE QUEUE, SENATOR MELLO, YOU ARE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. SENATOR MELLO WAIVES CLOSING. THE QUESTION FOR THE BODY IS THE ADOPTION OF AM2789. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB835]

CLERK: 36 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR MELLO'S AMENDMENT. [LB835]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB835]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, MR. PRESIDENT. [LB835]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB835]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB835 TO E&R FOR ENGROSSING. [LB835]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB835. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB835 ADVANCES. MR. CLERK FOR ITEMS. [LB835]

CLERK: MR. PRESIDENT, I HAVE A REFERENCE REPORT FROM THE EDUCATION COMMITTEE; SENATOR KINTNER, AN AMENDMENT TO LB884 TO BE PRINTED. AND BILLS THAT WERE READ ON FINAL READING THIS MORNING WERE PRESENTED TO THE GOVERNOR AT 11:05 A.M. (RE LB877, LB881, LB887, LB891, LB895, LB899, LB902, LB908, LB908A, LB909, LB913, LB924, LB942, LB948, LB952, LB973, LB978, LB1002, LB1010, LB1011, LB1039, LB1050, LB1075, LB1080, LB1086, LB1101, LB742, LB837, LB894, LB1083, LB1083A, LB1093, and LB1093A.) THAT'S ALL THAT I HAVE, MR. PRESIDENT. THANK YOU. (LEGISLATIVE JOURNAL PAGES

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1425-1426.) [LB884 LB877 LB881 LB887 LB891 LB895 LB899 LB902 LB908 LB908A  
LB909 LB913 LB924 LB942 LB948 LB952 LB973 LB978 LB1002 LB1010 LB1011 LB1039  
LB1050 LB1075 LB1080 LB1086 LB1101 LB742 LB837 LB894 LB1083 LB1083A LB1093  
LB1093A]

SPEAKER HADLEY: MR. CLERK, WE RETURN TO THE AGENDA.

CLERK: MR. PRESIDENT, GENERAL FILE, LB1103 WAS A BILL ORIGINALLY INTRODUCED BY SENATOR SCHUMACHER. (READ TITLE.) BILL WAS INTRODUCED IN JANUARY, REFERRED TO THE JUDICIARY COMMITTEE, ADVANCED TO GENERAL FILE. SENATOR SCHUMACHER PRESENTED HIS BILL YESTERDAY. COMMITTEE AMENDMENTS WERE CONSIDERED, WERE NOT ADOPTED. I DO HAVE A MOTION ON THE BILL, MR. PRESIDENT. [LB1103]

SPEAKER HADLEY: SENATOR SCHUMACHER, IF YOU WOULD TAKE A MINUTE TO REFRESH US ON YOUR BILL. [LB1103]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER. LAST YEAR THE LEGISLATURE ADOPTED LB72 WHICH EXPANDED THE FEDERAL...EXPANDED THE DEFINITION OF ESTATE TO INCLUDE ALL THOSE ITEMS THAT THE FEDERAL GOVERNMENT ALLOWS US TO INCLUDE WHICH ARE NOT IN A PROBATE ESTATE. AND IT DID NOT ADDRESS THE ISSUE OF PROCEDURE AND PARAMETERS FOR THE IMPLEMENTATION OF THAT, LEAVING THAT TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE COURTS TO DETERMINE AND SOMEWHAT LEAVING SOME ISSUES OF CONCERN WITH THE PRACTITIONERS OF THE BAR AND BANKS AS TO EXACTLY HOW TO IMPLEMENT IT AND HOW TO ADVISE THEIR PEOPLE. LB1103 WAS A RATHER EXHAUSTIVE EFFORT BY...IN CONJUNCTION WITH THE BAR ASSOCIATION, THE NEBRASKA BANKERS ASSOCIATION, NEBRASKA TITLE ASSOCIATION, AND DHHS, IN ORDER TO ADDRESS THOSE ISSUES AND HAVE THE LEGISLATURE MAKE THE RULES INSTEAD OF THE COURTS AND DHHS ADMINISTRATIVE ACTIONS. IN ITS PRESENT STATE LB1103 IS THE GREEN COPY. FOR IT TO BE ANY GOOD WE WOULD HAVE TO ON SELECT FILE ADOPT THE VERSION OF THE COMMITTEE AMENDMENT WHICH WAS THE HIGHLY INVOLVED AND NEGOTIATED ITEMS WITH THE BAR AND THE BANKERS AND THE TITLE ASSOCIATION. I DON'T WISH TO BELABOR IT, BUT I KNOW THAT THERE WAS SOME CONFUSION ON THE FLOOR. SO PERHAPS A SHORT DEBATE ON IT AND THEN A DISPOSITION, ONE WAY OR THE OTHER, WOULD BE APPROPRIATE THIS MORNING. THANK YOU. [LB1103 LB72]

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SPEAKER HADLEY: MR. CLERK. [LB1103]

CLERK: MR. PRESIDENT, SENATOR SCHNOOR WOULD MOVE TO INDEFINITELY POSTPONE THE BILL. [LB1103]

SPEAKER HADLEY: SENATOR SCHNOOR, YOU'RE RECOGNIZED TO OPEN ON YOUR IPP MOTION. [LB1103]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. A FEW OTHER REMINDERS OF WHAT HAPPENED LAST NIGHT: A LOT OF DISCUSSION ABOUT LB1103 AND WHAT THIS DOES, A LOT OF AGREEMENT, DISAGREEMENT, AS ALWAYS, AS TO WHY WE'RE DEBATING. BUT WHAT THIS DOES, THIS PUTS HEALTH AND HUMAN SERVICES NOW IN...IT GETS THEM HEAVILY INVOLVED IN ESTATE PLANNING FOR EVERYBODY. SO, YOU KNOW, AND I FEEL THAT'S NOT GOOD BECAUSE THE NEXT GROUP WE'RE GOING TO HAVE IS GAME AND PARKS INVOLVED IN IT (LAUGHTER). SO THANKS, SENATOR CHAMBERS. BUT ANYWAY...NO, SERIOUSLY THOUGH, THIS GETS HEALTH AND HUMAN SERVICES HEAVILY INVOLVED IN ESTATE PLANNING. SO PEOPLE THAT HAVE GONE BACK SEVERAL YEARS AND HAVE DONE WHAT THEY NEED TO DO, NOW THERE'S LIENS PUT ON PROPERTY. A MOTHER AND A FATHER DEED A HOUSE TO THEIR CHILDREN, REMAIN IN THE HOUSE THAT THEY'VE LIVED IN THEIR WHOLE LIFE AND PAID FOR AND WORKED FOR, HHS--HEALTH AND HUMAN SERVICES--NOW CAN GO BACK AND PUT A LIEN ON THAT PROPERTY. SENATOR SCHUMACHER ALSO TALKED THAT THIS IS NOT ON THE RADAR OF HEALTH AND HUMAN SERVICES. IN FACT, WE CONFIRMED THAT THEIR TESTIMONY WAS NEUTRAL, THAT THIS IS NOT ONE OF THEIR PRIMARY CONCERNS. BUT NOW WE'RE GOING TO ADD THIS ON THEIR PLATE AS WELL. ALSO A REMINDER THAT THE JUDICIARY COMMITTEE...AM2394 WAS DEFEATED. NOW THAT AMENDMENT WAS 39 PAGES LONG AND COMPLETELY REWROTE THE BILL. SO THE BILL WAS COMPLETELY CHANGED. WE DEFEATED THAT. SO NOW IT'S JUST TIME TO PUT THIS ENTIRE THING TO BED AND MOVE ON WITH THE REST OF THE AGENDA. THANK YOU, MR. PRESIDENT. [LB1103]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE ALLOWED FIVE MINUTES TO RESPOND TO THE IPP MOTION. [LB1103]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER. AND I RISE IN OPPOSITION TO INDEFINITELY POSTPONING THIS BILL. ADDRESSING SPECIFICS AS SOME OF THE REASONING THAT WAS ADVANCED BY SENATOR SCHNOOR: PEOPLE PUT THEIR HOUSE, SOME OTHER PROPERTY, IN A LIFE TENANCY WHERE THEY GIVE IT

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TO THEIR KIDS BUT RESERVE THE RIGHT TO LIVE THERE FOR THE REST OF THEIR LIFE, ESSENTIALLY, THE LIFE ESTATE ACTS LIKE A WILL. THEN THEY GO ONTO MEDICAID, RUN UP A \$100,000, \$200,000 BILL. LET'S SAY THE HOUSE IS WORTH \$200,000. THEY PASS AWAY. UNDER...AND THEN THE KIDS VERY QUICKLY SELL THE HOUSE PRIOR TO THE ABILITY OF DHHS TO INTERVENE. KIDS HAVE GOT THE CASH. THERE'S NO LIEN ON THE HOUSE UNDER EXISTING SYSTEM EVEN THOUGH UNDER LB72 THE KIDS MIGHT BE PURSUED FOR THE CASH THAT THEY GOT FROM THE HOUSE. THAT'S ALREADY EXISTING LAW. AND WHAT LB72 DOES IS ALLOW...OR LB1103, AS AMENDED WOULD BE, ALLOWS FOR DHHS TO SAY, LOOK, THAT HOUSE DOESN'T PASS TO THE KIDS UNTIL THE BILL IS PAID. THIS IS A PHILOSOPHICAL ISSUE. IT IS THE CORE OF LB72 AND THIS IMPLEMENTATION BILL, LB1103. SHOULD PEOPLE BE ALLOWED TO FUNNEL ASSETS TO THEIR KIDS, THEN GO ONTO THE MEDICAID SYSTEM? NOW ONE THING THAT WE CAN'T CHANGE, LB72 DIDN'T CHANGE, LB1103 DOESN'T CHANGE, IS IF THEY ABSOLUTELY GIVE IT AWAY AND WAIT OUT FIVE YEARS, THEY'RE HOME FREE. THAT'S A BIG LOOPHOLE, STILL EXISTS. BUT IF THEY USE A LIFE ESTATE OR A TRUST OR A TRANSFER-ON-DEATH DEED AS AN ALTERNATIVE TO A WILL AND SAY, OKAY, I'M GOING TO GIVE IT TO THE KIDS, KIDS, YOU HAVE IT, BUT I WANT ALL THE BENEFITS FROM IT OR I WANT BENEFITS FROM IT, THEN THEY'RE RETAINING POSSESSION. AND IF IN THE FUTURE THEY DO THAT, THEN THAT PARTICULAR THING CAN BE BROUGHT BACK. AS FAR AS DHHS BEING INVOLVED IN EVERY ESTATE PLAN? NO! DHHS, THE ONLY REQUIREMENT IN THIS BILL IS THAT IF YOU DO ONE OF THESE DEEDS ON REAL ESTATE, YOU NOTIFY DHHS AT THE FRONT END SO THEY CAN WATCH TO SEE IF YOU EVER APPLY FOR MEDICAID LATER ON AND MAKE THE ADMINISTRATIVE PROCEDURE OF CHASING YOU DOWN A LITTLE BIT EASIER, AND TO CHECK WHETHER OR NOT YOU LIE ON THE APPLICATION FOR MEDICAID TO BEGIN WITH. AND THAT APPLICATION RIGHT NOW, THEY'RE SPREAD SO THIN THEY'RE NOT DOING A GOOD JOB OF SCREENING IT. AND THEIR LEGAL DEPARTMENT, FOLKS ASSOCIATED THERE, TELL ME THERE'S ONLY TWO PEOPLE DOWN THERE, THEY ARE SWAMPED BY THE WORK THEY HAVE TO DO AND THE SOPHISTICATION OF SOME OF THESE LEGAL MANEUVERS IN ORDER TO ACCOMPLISH PUTTING THE ASSETS IN THE KIDS WITH A RETAINED INTEREST OF SOME DESCRIPTION, AND THEN PUTTING MOM OR DAD ON THE STATE'S TOLL. THIS IS A BIG NUMBER. IN 2004 THE STATE LEGISLATURE COMMISSIONED A STUDY, CONCLUDED BACK THEN, AND THAT WAS BEFORE THE WAVE HIT, THAT \$12 MILLION A YEAR WOULD BE SAVED. FISCAL OFFICE IS UNABLE TO GUESSTIMATE BECAUSE YOU DON'T KNOW HOW MUCH, HOW GOOD THE FISHING IS UNTIL YOU DROP A LINE IN THE WATER. AND EVERY INDICATION IS THAT THIS WOULD BE A SUBSTANTIAL

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AMOUNT OF MONEY THAT COULD BE RECOVERED OR DETERRED FROM EVER HAPPENING... [LB1103 LB72]

SPEAKER HADLEY: ONE MINUTE. [LB1103]

SENATOR SCHUMACHER: ...BECAUSE IT'S VERY EASY TO BEAT THE SYSTEM RIGHT NOW. THERE WERE...DHHS WAS NEUTRAL, AS WAS THE BAR ASSOCIATION, AS WAS THE TITLE ASSOCIATION, AS WAS THE BANKERS ASSOCIATION AT THE TIME OF THE HEARING. WE WERE WORKING ON THE GREEN COPY. WE WERE REFINING IT. WE WORKED VERY DILIGENTLY, AND THIS IS IN ORDER TO GET THIS INTO PROPER FORM. THIS WILL SAVE THE TAXPAYERS MONEY; IT WILL ASSIST DHHS. IT WILL NOT COMPLICATE ANYBODY WHO DOESN'T HAVE A PLAN OR AN IDEA OR A CONTINGENCY TO GO ON WELFARE AND LEAVE THEIR PROPERTY TO THEIR KIDS. IT IS PROSPECTIVE, NOT REVERSAL IN NATURE, AS FAR AS ANY OF THESE LIENS ARE CONCERNED, AND IT IS A VERY EFFECTIVE TOOL. BUT ONE OF THE REASONS IT MAY BE BEING OPPOSED IS IT IS SO EFFECTIVE. [LB1103]

SPEAKER HADLEY: TIME, SENATOR. [LB1103]

SENATOR SCHUMACHER: THANK YOU. [LB1103]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1103]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WOULD CHARACTERIZE WHAT WE'RE DEALING WITH HERE AS THE DANCE OF THE SCORPIONS. MOST PEOPLE DO NOT UNDERSTAND ESTATE PLANNING, SO THEY GO TO A LAWYER. WHEN THESE STRATAGEMS ARE PUT TOGETHER TO HOODWINK THE STATE AND BAMBOOZLE THE TAXPAYERS, LAWYERS ARE INVOLVED. IN THE CONSTRUCTION OF THIS BILL, ALL OF THOSE ENTITIES, AGENCIES, INDIVIDUALS WHO HAVE AN INTEREST, EVEN TANGENTIALLY, IN ESTATE PLANNING WAS AT THE TABLE, WERE AT THE TABLE. THERE IS SOMETHING THAT I WANT TO PUT INTO THE RECORD, AND THIS IS ONE TIME I WISH MY COLLEAGUES WOULD LISTEN. FIRST OF ALL, I HAVE NO INTEREST IN THIS BILL PERSONALLY. THERE IS A PRINCIPLE IN LAW CHARACTERIZED AND SUMMED UP IN ONE WORD. THAT ONE WORD IS "NOTICE." YOU GIVE NOTICE OR INFORMATION OR CALL ATTENTION TO A PARTICULAR THING. AND ONCE NOTICE IS GIVEN, A PERSON AFFECTED BY WHATEVER YOU'RE TALKING ABOUT CANNOT PLEAD LACK OF KNOWLEDGE. WHEN THIS BILL BECOMES LAW, ANY AND EVERY LAWYER WHO DEALS WITH ESTATE

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PLANNING WILL HAVE NOTICE. EVERY LAWYER WILL KNOW THAT THE STRATAGEMS THAT USED TO COULD BE EMPLOYED CAN NO LONGER EXPECT TO JUST SLIDE THROUGH UNSCATHED. EVERY LAWYER WHO DEALS WITH ESTATE PLANNING, EVERY ENTITY THAT MIGHT UNDERTAKE ESTATE PLANNING, WILL HAVE NOTICE OF WHAT THE RULES OF THE GAME NOW ARE. SELDOM, IF EVER, DURING MY FOUR DECADES IN THE LEGISLATURE HAVE I SEEN SO MANY ENTITIES COME TOGETHER TO WORK FOR THE FORMULATION OF A BILL SUCH AS THIS, TO CRAFT IT CAREFULLY SO THAT IF THE ONLY SPACE THAT A WRONGDOER MIGHT NAVIGATE IN WOULD BE TO TAKE A HAIR AND SPLIT IT BETWEEN THE NORTH AND THE NORTHWEST SIDE, AND THAT LITTLE SPACE IS WHERE THE EVILDOER IS GOING TO MOVE. THIS BILL HAS BEEN CRAFTED SO CAREFULLY AND WITH SUCH PRECISION THAT IT WILL ONLY AFFECT THE ONES WHO ARE BETWEEN OR WITHIN THAT SPACE BETWEEN THE NORTH AND THE NORTHWEST SIDE OF A HAIR. THIS IS NOT A SLEDGEHAMMER APPROACH. THIS IS NOT GOING TO ENSNARE THE UNWARY OR THE INNOCENT. IT WILL PUT ON GUARD THOSE WHO WILL TRY TO DO THIS, AND THEN THEY WILL SEE IT'S NOT WORTH THE EFFORT. I HOPE THAT PEOPLE, BECAUSE THEY DON'T PERSONALLY UNDERSTAND ALL OF THIS, WILL NOT SAY THEY'LL KILL IT OR VOTE TO KILL IT. MANY ISSUES COME UP ON THIS FLOOR WHICH MANY OF US DO NOT PERSONALLY UNDERSTAND, SO WE'LL LOOK TO THOSE WHO HAVE HAD A ROLE TO PLAY IN BRINGING IT BEFORE US. IF THOSE PEOPLE HAVE BEEN CREDIBLE UP TO THE PRESENT AND THEY HAVE NEVER BEEN SHOWN TO HOODWINK THE LEGISLATURE, THEN WE MIGHT REPOSE TRUST AND CONFIDENCE IN THOSE PEOPLE AND SAY, IF THEY SAY THAT IT'S ALL RIGHT, THEY PUT THE IMPRIMATUR ON IT, THEN I WILL GO ALONG WITH IT. THIS IS AN AREA OF LAW WHERE PEOPLE ARE INVOLVED, AND HAVE BEEN INVOLVED, WHOM I DON'T JUST TAKE AT FACE VALUE, WHOM I JUST TRUST, SAY THEY WENT TO SCHOOL, THEY HAVE EXPERIENCE, THEY HAVE CREDENTIALS. THERE ARE PEOPLE WITH THOSE CREDENTIALS WHO ARE THIEVES, WHO ARE CROOKS, WHO ARE FRAUD FEASORS, FRAUDMONGERS. SO I HAVE LOOKED AT THEM. I HAVE CONSIDERED WHAT IT IS THAT THEY PUT TOGETHER AND HAVE WORKED TO BRING BEFORE US. I THINK IT WAS ILL-ADVISED TO DEFEAT THE JUDICIARY COMMITTEE AMENDMENT. WHAT AMAZES ME, AND I HAVE TO GO BACK TO A SCRIPTURE-- BEFORE YOU TRIED TO TAKE THE MOTE OUT OF YOUR BROTHER'S EYE, REMOVE THE BEAN FROM YOUR OWN EYE--THE LEGISLATURE HAS DEALT WITH THAT MOTE WHEN THEY'RE WORRIED... [LB1103]

SPEAKER HADLEY: TIME, SENATOR. THANK YOU, SENATOR CHAMBERS. [LB1103]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB1103]



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SPEAKER HADLEY: (VISITORS INTRODUCED.) THOSE IN THE QUEUE ARE SENATORS COASH, LARSON, KRIST, KOLTERMAN, KINTNER, CAMPBELL, AND OTHERS. SENATOR COASH, YOU'RE RECOGNIZED. [LB1103]

SENATOR COASH: THANK YOU, MR. PRESIDENT. COLLEAGUES, AS VICE CHAIR OF THE COMMITTEE, I JUST WANT TO SPEAK A LITTLE BIT ABOUT THE COMMITTEE AMENDMENT THAT WAS NOT ADOPTED YESTERDAY AND MAKE SURE THE BODY UNDERSTANDS WHERE THAT LEAVES THIS BILL AND THE SUPPORT, OR LACK THEREOF, OF IT. LAST NIGHT WHEN THE COMMITTEE AMENDMENT FAILED TO ADVANCE, IT TOOK WITH IT SUPPORT OF THE BAR ASSOCIATION AND THE BANKERS ASSOCIATION. THOSE WERE TWO ENTITIES WHICH HAD A HAND IN THE CRAFTING OF THAT COMMITTEE AMENDMENT. IF YOU LOOK AT YOUR COMMITTEE...AT THE COMMITTEE STATEMENT ON LB1103, YOU WILL SEE THAT THOSE TWO ENTITIES CAME IN, IN A NEUTRAL CAPACITY. AND WHAT I RECALL FROM THAT HEARING WAS THEY HAD CONCERNS OF THE GREEN COPY OF THE BILL BUT WERE WILLING TO WORK TO ADDRESS THOSE CONCERNS. THE COMMITTEE AMENDMENT IS WHAT DID THAT. FAILURE TO ADOPT THE COMMITTEE AMENDMENT CHANGES THE DYNAMICS OF THIS BILL. IT IS IMPORTANT THAT WE REALIZE THAT, THAT ANY TYPE OF HARMONY THAT SENATOR SCHUMACHER WAS ABLE TO PUT TOGETHER ON THIS PARTICULAR BILL WITH THOSE ENTITIES WENT AWAY WITH THE COMMITTEE AMENDMENT VOTE LAST NIGHT. IF THERE'S A PATH FORWARD ON THIS BILL THAT...THOSE PROVISIONS WOULD NEED TO RETURN. THANK YOU, MR. PRESIDENT. [LB1103]

SPEAKER HADLEY: THANK YOU, SENATOR COASH. SENATOR LARSON, YOU'RE RECOGNIZED. [LB1103]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF SENATOR SCHNOOR'S IPP MOTION. I WATCHED THE DEBATE LAST NIGHT, AS I HAD TO PICK UP MY FOUR-YEAR-OLD FROM DAY CARE EARLY BECAUSE HE WASN'T FEELING WELL. AND I WISH I COULD HAVE BEEN HERE TO HELP LAST NIGHT. I THINK LB1103 HAS FAR TOO MANY QUESTIONS THAN ANSWERS. I UNDERSTAND, AS I HEARD SENATOR KUEHN CLOSE ON HIS BRACKET MOTION, THAT THIS IS A CONCERN TO MEMBERS OF THE BODY. BUT THIS LB1103 IS NOT THE RIGHT APPROACH. I LISTENED TO SENATOR HOWARD ASK SOME REALLY GOOD QUESTIONS LAST NIGHT ABOUT THE INNER WORKINGS WITH HHS AND HOW THIS BILL WOULD WORK. SPECIFICALLY, AS I GET TO LOOK INTO IT AND WE CAN SET ASIDE THE CONCEPT OF PUTTING A LIEN ON A PROPERTY FOR LIFE, I KIND OF WANT TO GET A LITTLE MORE INTO THE PRIVACY ISSUE, SOMETHING THAT I CARE ABOUT. AS SENATOR HOWARD DESCRIBED, THEY'VE BEEN WORKING TO

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FUNNEL EVERYTHING WITHIN ACCESSNEBRASKA INTO ONE COMPUTER SYSTEM. SENATOR SCHUMACHER, AS I UNDERSTOOD FROM HIS QUESTIONING, TALKED ABOUT HHS CREATING A NEW OR SEPARATE SYSTEM. BUT, COLLEAGUES, WE HEAR ABOUT THE GOVERNMENT COLLECTING DATA FOR DATA'S SAKE. WE HEAR THIS ON THE FEDERAL GOVERNMENT LEVEL, NSA. OH, WE HAVE EDWARD SNOWDEN, ALL THESE DIFFERENT TYPES OF THINGS, THE GOVERNMENT COLLECTING DATA FOR DATA'S SAKE. I WONDER, YOU KNOW, ONE OF MY QUESTIONS IS, IS SO WE ARE TRACKING ALL THESE REAL ESTATE TRANSFERS AND THEY ARE GOING INTO A COMPUTER SYSTEM WITH HHS, DOES THAT MEAN EVERY ONE OF THESE PEOPLE ARE GOING TO HAVE A MEDICAID ID NUMBER NOW OR AN HHS ID NUMBER THAT CAN RELATE BACK IN CASE THEY EVER DO APPLY FOR MEDICAID? SO ARE WE OPENING UP A CASE FILE ON EVERYONE? HOW MUCH DOES THE COMPUTER SYSTEM COST TO KEEP AND MAINTAIN TO BE ABLE TO SEARCH THIS PDF DOCUMENT THAT SENATOR SCHUMACHER WAS JUST...SAID, WELL, WE JUST STORE A PDF. WELL, YOU HAVE TO BE ABLE TO SEARCH THAT PDF. WHAT IF THERE'S A MISSPELLING IN THE NAME? WHAT IF THERE'S A MISSPELLING IN THE APPLICATION FOR MEDICAID? WHAT IF THE ADDRESSES DON'T MATCH? ADDRESSES MIGHT NOT MATCH. WHAT ARE THE VERIFICATION TOOLS? IN SENATOR SCHUMACHER'S AMENDMENT IT TALKED ABOUT IT WAS THE RESPONSIBILITY OF THE INDIVIDUAL, NOT HHS, TO PROVE THE VALUE OF THE LAND WASN'T CORRECT. SO IS IT GOING TO BE THEIR RESPONSIBILITY TO SAY THAT THAT PARCEL OF LAND WASN'T EVER MINE? THE NAMES MATCH BUT THE ADDRESSES DON'T. BUT WITHOUT A MEDICAID ID NUMBER, THAT'S THE TRUE MATCHING MECHANISM WITHIN MEDICAID. IT'S KIND OF LIKE OUR VOTER ID NUMBER. WE HAVE ONE VOTER ID NUMBER THAT MATCHES US TO EVERYTHING. I'M GUESSING THERE MIGHT BE ANOTHER SUE CRAWFORD IN THE STATE OF NEBRASKA OR MAYBE ANOTHER KATHY CAMPBELL. THERE IS, SENATOR CAMPBELL SAYS. SO IF THAT KATHY CAMPBELL SELLS A PIECE OF LAND OR TRANSFERS IT DOWN THROUGH THIS IN THE AI SYSTEM THAT OUR COMPUTER JUST CREATES BECAUSE OUR GOVERNMENT HAS BEEN STORING DATA THAT...WHETHER OR NOT WE CAN SAY WHETHER OR NOT THEY SHOULD HAVE ACCESS TO, AND THIS KATHY CAMPBELL GOES INTO MEDICAID, HHS IS COMING BACK AND SAYING,... [LB1103]

SPEAKER HADLEY: ONE MINUTE. [LB1103]

SENATOR LARSON: ...WELL, YOU HAVE LIEN TRANSFER. AND SHE SAYS, NO, I DON'T, I NEVER DID THAT. WELL, THAT'S GOING TO BE HER RESPONSIBILITY UNDER THIS BILL TO PROVE THAT THAT WASN'T HER. THERE ARE A LOT OF QUESTIONS AND A LOT OF SCENARIOS IN THIS BILL THAT ARE NOT THOUGHT

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OUT. AS MUCH AS SENATOR SCHUMACHER WANTS TO SAY THAT HE WENT THROUGH THIS LINE BY LINE, IT IS EVIDENT THAT HE HAS NOT COMPLETELY GRASPED THE COMPUTER SYSTEM AND THE PRIVACY THAT IS NECESSARY WITH SOMETHING OF THIS NATURE. SHOULD GOVERNMENT BE COLLECTING ALL OF THIS DATA? NO. SO AS I SAID, I WILL SUPPORT THE IPP MOTION BY SENATOR SCHNOOR. THIS BILL IS NOT READY. THERE ARE TOO MANY QUESTIONS AND WE SHOULD MOVE ON. THANK YOU, MR. PRESIDENT. [LB1103]

SPEAKER HADLEY: THANK YOU, SENATOR LARSON. SENATOR KRIST, YOU'RE RECOGNIZED. [LB1103]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. GOOD MORNING, NEBRASKA. I DIDN'T GET A CHANCE TO SAY ANYTHING YESTERDAY BECAUSE I WAS BEING GAGGED IN THE CHAIR, SO I'M GOING TO MAKE MY COMMENTS TODAY. MANY OF YOU KNOW MY FATHER PASSED AWAY FROM MESOTHELIOMA. HE HAD DIFFERENT KINDS OF TRUSTS AND PROPERTIES AND ASSETS. WHEN THE MESOTHELIOMA TRUST AWARDED MY FAMILY...HAS AWARDED MY FAMILY MONIES, GUESS WHAT HAPPENS? MEDICAID, SENATOR LARSON, THAT USES A SOCIAL SECURITY NUMBER--IT'S NOT A WHOLE NEW NUMBER ASSIGNED--LOOKS AT ALL OF YOUR ASSETS, LOOKS AT ALL OF YOUR WEALTH, LOOKS AT ALL OF YOUR OBLIGATIONS, AND THEN THEY TAKE OBLIGATIONS THAT YOU...IF YOU WERE TREATED IN THAT MESOTHELIOMA PROCESS, IF YOU SPENT MEDICAID DOLLARS, THAT'S TAKEN RIGHT OFF THE TOP OF THE AWARD THAT COMES FROM THE TRUST. THE FEDERAL GOVERNMENT CURRENTLY--CURRENTLY, FOLKS--IS LOOKING AT THE MEDICAID PROGRAMS AND WHAT YOU SPEND. AND IF THEY COME BACK AND FIND OUT THAT YOU ARE NOT ELIGIBLE FOR THOSE PROGRAMS OR THE TRUST THAT'S PAYING ABOVE AND BEYOND...AND THEN GUESS WHAT THEY DID. JUST IN THE PAST YEAR OR SO, THEY ALLOW THE INSURANCE COMPANIES, IF YOU HAD A LONG-TERM INSURANCE PLAN AND YOU PULL DOWN MEDICAID AND NOW YOU HAVE TRUST MONEY COMING IN, THEY EVALUATE THAT PROCESS. THEY'RE ALREADY DOING IT. THE ONLY PEOPLE THAT AREN'T DOING IT IS THE STATE OF NEBRASKA. SO I MAY HAVE JUST PUT A TARGET ON MYSELF, BUT I GOT TO TELL YOU, THE FEDERAL GOVERNMENT IS TAKING EVERY DIME BACK THAT MY DAD SPENT FOR MEDICAID WHILE HE WAS SICK FOR TWO YEARS WITH MESOTHELIOMA, DYING. AND THE STATE OF NEBRASKA HAD A PORTION OF THAT, AND THEY HAVEN'T GONE AFTER THE ESTATE YET. AGAIN, I'M PUTTING A TARGET ON MYSELF, BUT I'M TELLING YOU IT'S COMING, AND THAT HAPPENED RIGHT AFTER OBAMACARE WAS PASSED. WE GOT TO FUND THIS PROGRAM SOMEHOW, SO WE'RE GOING TO REPLENISH CMS MONEY AND MEDICAID MONEY EVERY CHANCE WE GET. NOW I

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WANT YOU TO THINK ABOUT PULLING THE IPP MOTION AND TAKING AN UP OR DOWN VOTE ON WHAT'S LEFT. AND IF IT GETS BETWEEN GENERAL AND SELECT, WE CAN PUT THE AMENDMENT ON, IF THAT'S YOUR CHOOSING, BUT GIVE IT AN UP OR DOWN VOTE. AND WHAT I WANT THE UP OR DOWN VOTE TO REFLECT FOR THE PEOPLE IN NEBRASKA IS THIS AND THIS ALONE: YOU ALL DON'T WANT TO SPEND ANY MORE MEDICAID DOLLARS. YOU DON'T WANT TO SPEND ANY MORE MEDICAID DOLLARS. YOU DON'T WANT TO EXPAND MEDICAID. BUT WHEN IT COMES TO THE MEDICAID MONEY YOU ARE SPENDING FOR GRANDMA AND GRANDPA IN THE NURSING HOME, YOU DON'T WANT TO BE ACCOUNTABLE FOR IT. I THINK THAT'S IRONIC. I THINK IT'S SAD. WE GOT A SYSTEM THAT WE KNOW IS BEING ABUSED AT DIFFERENT LEVELS. NOW, I WILL GRANT YOU, SENATOR SCHUMACHER'S BILL IS COMPLICATED, IT'S COMPLEX, IT'S LONG, BUT, YOU KNOW, YOU'RE ALL INTELLIGENT PEOPLE, YOU CAN READ. IT DEALS WITH THOSE WHO WOULD CHEAT THE GOVERNMENT WHEN, IN FACT, THEY CAN PAY FOR THEIR OWN WAY. THAT'S THE BOTTOM LINE. SO WHEN YOU TAKE THE VOTE, EITHER FOR THE IPP MOTION OR THE UP OR DOWN, AS I'VE ASKED SENATOR SCHNOOR TO DO, PULL HIS AMENDMENT...OR PULL HIS MOTION SO WE CAN HAVE AN UP OR DOWN ON THIS, THAT'S WHAT THAT VOTE WILL REFLECT: NO, I DON'T WANT TO SPEND ANY MORE MEDICAID DOLLARS IN THE STATE OF NEBRASKA; I DON'T WANT TO EXPAND THE PROGRAM; I DON'T WANT TO INSURE 70,000 TO 100,000 PEOPLE; I DON'T WANT TO DO ANY OF THAT; AND BY THE WAY, I REALLY DON'T CARE IF THE MEDICAID SYSTEM IS BEING ABUSED AND THE AMOUNT OF MONEY THE STATE IS PAYING... [LB1103]

SPEAKER HADLEY: ONE MINUTE. [LB1103]

SENATOR KRIST: ...THAT THEY SHOULDN'T BE PAYING--REALLY IRONIC. I THINK THE COURTESY HERE IS AN UP OR DOWN VOTE ON SCHUMACHER'S BILL, ON LB1103 AS IT EXISTS IN GREEN COPY. THAT WILL TELL US WHETHER WE HAVE TO DO ANY MORE WORK TO PUT ANYTHING BACK ON BETWEEN GENERAL AND SELECT. AND IT'S A COURTESY, A PROFESSIONAL COURTESY, I WOULD HOLD, TO MY COLLEAGUE, SENATOR SCHUMACHER. THANK YOU FOR LISTENING. [LB1103]

SPEAKER HADLEY: THANK YOU, SENATOR KRIST. THOSE IN THE QUEUE: SENATORS KOLTERMAN, KINTNER, CAMPBELL, BLOOMFIELD, WILLIAMS, PANSING BROOKS, AND OTHERS. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB1103]

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SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I PASSED OUT... YESTERDAY I TALKED A LITTLE BIT ABOUT SOME OF THE CONCERNS THAT I HAVE. AND THERE ARE CHALLENGES HERE, FOLKS, WITH THIS, WITH THE WAY WE'RE COVERING PEOPLE THAT ARE IN THE NURSING HOMES TODAY. YESTERDAY I TOLD YOU THAT I'VE BEEN TOLD THERE WAS APPROXIMATELY SOMEWHERE BETWEEN 40 TO 50 PERCENT OF THE PEOPLE THAT ARE IN THE NURSING HOMES ARE COVERED BY MEDICAID. WELL, I GOT THE ACCURATE INFORMATION THIS MORNING, AND I RECEIVED IT. THIS IS FROM CMS. IT'S BASED ON THE 2015 FIRST QUARTER DATA, MARCH OF 2015. IT'S THE MOST RECENT DATA AVAILABLE. IN NEBRASKA, 52.4 PERCENT OF THE PEOPLE IN NURSING HOMES ARE COVERED BY MEDICAID, AS COMPARED TO THE UNITED STATES AT 62.6 PERCENT. MEDICARE COUNTS FOR 12.4 PERCENT OF THE COST OF THE PATIENTS, AND THE OTHER 35 PERCENT IS PRIVATE PAY. IN NEBRASKA, MEDICAID PAYS A NURSING FACILITY RATE OF \$161.87 PER DAY. BUT THESE HOMES THAT ARE PROVIDING THE CARE, THE ACTUAL COST TO PROVIDE THE CARE IS \$186.93 A DAY, WHICH GIVES EACH HOME THAT'S BEING PAID MEDICAID REIMBURSEMENT A SHORTFALL OF \$25.06 PER DAY. ALONG WITH THAT INFORMATION, AND I'M GIVING YOU THIS INFORMATION JUST TO LET YOU KNOW THAT WE'RE HEADED FOR A CRISIS, IF THAT CONTINUES TO INCREASE, WE'RE GOING TO BE PAYING OUT A LOT OF MONEY AND MEDICAID IS JUST GOING TO CONTINUE TO GROW. IT'S A CONCERN I'VE HAD ABOUT WHY WE CAN'T EXPAND MEDICAID TO HEALTH INSURANCE. I ALSO PASSED OUT A SHEET THAT SHOWS YOU WHAT A 60-YEAR-OLD HUSBAND AND WIFE IT WOULD COST THEM, IF THEY COULD QUALIFY. NOW BEAR IN MIND, VERY FEW PEOPLE ARE QUALIFYING ANYMORE FOR LONG-TERM CARE INSURANCE. BUT THE SHEET THAT I PASSED OUT SHOWS YOU THAT THE RANGE IS ANYWHERE FROM AN INDIVIDUAL OF \$1,980 UP TO \$4,000, DEPENDING ON WHAT YOU BUY. FOR A JOINT PREMIUM IT RANGES ANYWHERE FROM \$5,000 TO \$10,000 A YEAR. THESE ARE REAL COSTS. THIS ISSUE IS NOT GOING AWAY. THE ISSUE HERE REALLY IS WE DON'T KNOW HOW MANY PEOPLE ARE ABUSING THE SYSTEM, BUT WE KNOW IT'S BEING ABUSED. I'VE HAD PEOPLE COME INTO MY OFFICE AND SAY, TELL ME HOW TO FIX, HOW CAN I AVOID, HOW CAN I GIVE MY ASSETS AWAY AND HAVE THE STATE PAY FOR MY LONG-TERM CARE? AND THERE ARE ATTORNEYS THAT PRACTICE LAW SPECIFICALLY TO ADDRESS THAT ISSUE. NOW WE CAN CONTINUE JUST GOING DOWN THE ROAD WE'RE GOING DOWN AND ALLOW PEOPLE TO ABUSE THE SYSTEM, OR WE CAN TAKE A METHODOICAL APPROACH, WHICH I BELIEVE SENATOR SCHUMACHER'S DONE HERE. IT IS COMPLICATED. I TOLD YOU YESTERDAY I WASN'T SURE HOW I'D VOTE ON THE BILL. I'M STILL CONFUSED A LITTLE BIT ABOUT IF THIS IS THE RIGHT ANSWER. BUT WE HAVE TO START SOMEWHERE. WE HAVE A REAL CHALLENGE HERE. I DON'T BELIEVE WE OUGHT TO INDEFINITELY POSTPONE THIS BILL. IF IT NEEDS

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TO BE CHANGED, IF IT NEEDS TO HAVE SOME FIXES TO IT, I THINK WE OUGHT TO TAKE A LOOK AT THOSE FIXES. BUT I CAN'T SUPPORT THE IDEA OF IPPING THIS BILL. A LOT OF HARD WORK, A LOT OF RESEARCH HAS GONE INTO THIS. WE HAVE A PROBLEM. WE NEED TO FIX IT, AND THIS IS JUST A START TOWARDS THAT FIX. [LB1103]

SENATOR KRIST PRESIDING

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR KOLTERMAN: SO WITH THAT LAST MINUTE, I'D GIVE IT TO SENATOR SCHUMACHER IF HE WANTS SOME TIME. THANK YOU. [LB1103]

SENATOR KRIST: SENATOR SCHUMACHER, 1:00. [LB1103]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT. JUST REALLY BRIEFLY COMMENTING ON SOME OF THE THINGS, I THINK THAT SENATOR HOWARD IS CHECKING IN WITH SOME FOLKS OVER AT DHHS ON HER VIEW OF HOW THEY HANDLE DATA VERSUS THEIRS, PRIVACY ISSUE, ALL OF THE DEEDS THAT WOULD BE SUBJECT TO HAVING LIENS ON, IF ANY, ALREADY PUBLICLY FILED IN THE PUBLIC DOCUMENTS OF THIS STATE IN THE REGISTER OF DEEDS OFFICE. THE FEDERAL EXEMPTION, I WANT TO POINT OUT THAT SENATOR KRIST INDICATED THAT THE FEDERAL GOVERNMENT DOES. IN FACT, WHEN I GET A CHANCE TO TALK AGAIN, I'LL TALK HOW DHHS CAME TO ME, AND TOGETHER WITH THE TRIAL ATTORNEYS, TO WORK OUT A PORTION OF THIS BILL TO MAKE SURE THAT THE STATE COULD RECOVER MEDICAID ADVANCED IN THE CASE OF AN ACCIDENT OR A CLAIM AGAINST A NEGLIGENT THIRD PARTY. THAT'S PART OF THIS BILL. IN FACT... [LB1103]

SENATOR KRIST: TIME, SENATOR. THANK YOU, SENATOR SCHUMACHER. (VISITORS INTRODUCED.) MR. CLERK. [LB1103]

CLERK: MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR MORFELD WOULD MOVE TO RECONSIDER THE VOTE WITH RESPECT TO THE ADOPTION OF THE COMMITTEE AMENDMENT, AM2304, TO LB1103. [LB1103]

SENATOR KRIST: SENATOR MORFELD, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LB1103]

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SENATOR MORFELD: THANK YOU, MR. PRESIDENT. FIRST OFF, I WANT TO APOLOGIZE TO THE BODY FOR NOT BEING HERE LAST NIGHT. I'VE BEEN HERE EVERY DAY OF THE LEGISLATIVE SESSION, AND I TAKE A LOT OF PRIDE IN THAT. HOWEVER, THE ORGANIZATION THAT I RUN AND PAYS MY FULL-TIME PAYCHECK WAS HAVING THEIR ANNUAL EVENT OF THE YEAR AND I HAD TO BE GONE LAST EVENING. AS A MEMBER OF THE JUDICIARY COMMITTEE, THIS WAS AN ISSUE THAT I WAS NOT AWARE OF UNTIL SENATOR SCHUMACHER BROUGHT IT TO MY ATTENTION. AND WITH ANY PUBLIC FUNDS I THINK EVERYONE SHOULD BE ACCOUNTABLE, AND I THINK THIS IS A SERIOUS ISSUE THAT WE MUST ADDRESS. NOW I'M IN FAVOR OF MOVING THIS FORWARD ON GENERAL FILE AND THEN PUTTING THESE COMMITTEE AMENDMENTS BACK ON, ON SELECT, IF THAT'S WHAT WE NEED TO DO. THAT BEING SAID, I THINK THAT WE NEED TO HAVE THIS DEBATE ONE MORE TIME, BECAUSE OF THE SERIOUSNESS OF THIS ISSUE, AND ATTACH THE COMMITTEE AMENDMENTS TODAY. WITH THAT BEING SAID, I'D LIKE TO YIELD THE REMAINDER OF MY TIME TO SENATOR SCHUMACHER, IF HE SO PLEASES. THANK YOU. [LB1103]

SENATOR KRIST: SENATOR SCHUMACHER, 9:00. [LB1103]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER. THANK YOU, SENATOR MORFELD. THERE MAY BE LIFE AFTER DEATH, AFTER ALL. THIS IS AN OPPORTUNITY FOR US TO REALLY THINK THROUGH WHAT WAS DONE LAST NIGHT. FOLKS, SOME OF THE BEST ESTATE-PLANNING ATTORNEYS IN THE STATE SAT ONE NIGHT IN MY OFFICE, FOR THREE HOURS, WORKING THROUGH THIS SO THAT IT WOULD NOT ADVERSELY IMPACT THEIR PROFESSION IF WHAT THEY WERE DOING WAS NOT TRYING TO GET THEIR CLIENTS ONTO MEDICAID UNRIGHTFULLY. WE HONED LANGUAGE. WE CHANGED THE POSITION OF PERIODS AND COMMAS. WE DID ALL THOSE THINGS THAT LAWYERS DO, AND WE ADDED PARAGRAPHS FOR CLARIFICATION. WHAT STARTED OUT WAS A SIMPLE SENTENCE AND A SIMPLE IDEA, WHEN A LAWYER GETS THROUGH WITH IT, CAN BE TWO OR THREE PAGES. THAT'S PART OF THE REASON THE BILL HAS GOT A MEATY MIDDLE SECTION, BECAUSE THAT'S WHERE THAT WORK WENT INTO IT. THE BANKERS ASSOCIATION IS OUTSIDE. IF THEY...THEY WENT THROUGH THIS BACKWARD AND FORWARD AND WANTED EVERY PARTICULAR PART OF COMMERCE COVERED SO IT WOULDN'T BE IMPEDED BY THIS. IF THEY THOUGHT THIS WAS NOT THE CASE, YOU KNOW THAT YOU'D BE RECEIVING WHITE NOTES FROM THEM SO THEY COULD EXPLAIN THAT IT WAS DEFECTIVE. THEY ARE NOT. IT WAS A HIGHLY PROFESSIONAL AMENDMENT THAT IS ADOPTED, IF IT IS ADOPTED AND BECOMES PART OF THIS BILL. WHAT THIS DOES IS THREE ESSENTIAL THINGS, AND THEN A LOT OF THE PAPERWORK AMENDS EXISTING

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STATUTES TO BRING CONFORMITY. NUMBER ONE, IT BEEFS UP THE APPLICATION PROCESS SO THAT DHHS KNOWS BEFORE THEY EVER PUT ANY MONEY OUT WHETHER OR NOT THERE IS A SCHEME AFOOT, OR A MISTAKE AFOOT IN SOME CASES, TO GET SOMEBODY WHO HAS ASSETS ONTO THE DOLE. THAT'S A BIG STEP. IN DOING SO, IT ADDS SOME ADDITIONAL HELP. BUT ALL THIS IS AN INVESTMENT IN A BIGGER RETURN, THE EXTENT OF WHICH WE DON'T KNOW FOR SURE BECAUSE YOU DON'T KNOW WHAT YOU DON'T KNOW, BUT YOU KNOW IT HAS TO BE BIG FROM A LOT OF INDICATIONS, INCLUDING THAT \$12 MILLION A YEAR STUDY THAT THE LEGISLATURE PAID FOR IN 2004, WHICH NOW HAS GROWN, I'M SURE, MANY TIMES. SO IT PREVENTS SOME OF THIS UP-FRONT. LAWYERS, WHO PEOPLE GO TO AND SAY, LOOK, I WANT MY KIDS TO HAVE MY HOUSE OR MY FARM AND I WANT TO BE ABLE TO HAVE THE ESTATE PAY MY NURSING HOME BILLS, I DON'T WANT THE NURSING HOME TO TAKE IT, THEY WILL KNOW THAT IT IS NOT SIMPLE AS WRITING A SIMPLE LIFE ESTATE DEED. AND THEY WILL HAVE A REASON, THE ETHICAL ONES, TO TELL THEIR CLIENTS, YOU KNOW, THAT DOESN'T WORK ANYMORE; OR IF THEY TELL THEM THAT NOW, OR AT LEAST BEFORE LB72 IN SOME CASES, THEY JUST GO DOWN THE STREET AND FIND A LAWYER WHO WOULD DO IT. SECONDLY, IT DECLARES CLEARLY FOR THE LAWYERS AND THE BANKING COMMUNITY AND THE TITLE PEOPLE WHAT IS INCLUDED WITHIN THIS THING CALLED AN EXPANDED ESTATE THAT WE ADOPTED LAST YEAR SO THAT THE LAWYERS AND THE ACCOUNTANTS AND WHATNOT DON'T HAVE TO GO READ THE FEDERAL LAW TO UNDERSTAND THE FULL PURPORT OF THAT, CITING THINGS AS LIFE ESTATE, JOINT TENANCY CONTRACTS, PAYABLE-ON-DEATH THINGS, AND ANY MECHANISM BY WHICH YOU TRANSFER ASSETS TO YOUR KIDS AFTER THE DATE OF THIS ACT WHERE YOU RETAIN POWER OR CONTROL OVER THEM. REMEMBER, WE DO NOT CHANGE THE LAW HERE WHERE YOU TRANSFER AN ASSET ABSOLUTELY AND COMPLETELY TO SOMEBODY AND THEN BACK AWAY FOR FIVE YEARS AND THEN APPLY. THAT REMAINS COMPLETELY UNCHANGED. ALSO, THIS APPLIES PROSPECTIVELY, NOT RETROACTIVELY. IF IT ISN'T IN THE NET WHEN...ON THE DATE OF THIS BILL'S ADOPTION, IT WON'T BE IN THE NET. BUT IF YOU DO THE TRICK AFTERWARD, IT HAS TO BE...CONFORM WITH THE NET. AND FINALLY, SO THAT AN HEIR WHO RECEIVES A PIECE OF PROPERTY BY VIRTUE OF YOUR DEATH, BE IT LIFE ESTATE OR BE A TRANSFER-ON-DEATH DEED OR ANY OF THOSE OTHER THINGS, IF YOU DIE AND A DAY AFTER YOU DIE THE HEIR SELLS THE PROPERTY, WITHOUT A LIEN THEY CAN TRANSFER GOOD TITLE. BUT IF DHHS, WHEN YOU APPLY FOR MEDICAID, SAY, OH, THIS PERSON HAS MADE ONE OF THESE TRANSFERS AFTER THE DATE OF LB1103, AND PUTS NOTICE ON RECORD, AS SENATOR CHAMBERS SAID, THAT THEY HAVE A CLAIM, THAT NOTICE WILL SUPERSEDE THAT LATER TRANSFER TO TRY TO SQUIRREL AWAY



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THE HEIRS OR THE LAND BY THE HEIRS, WON'T GET AHEAD OF THE BANKERS-- THE BANKERS HAVE PROTECTED THEMSELVES--WON'T GET AHEAD OF THOSE CREDITORS. BUT IT WILL STOP THE HEIR FROM BEING ABLE TO QUICKLY, BEFORE DHHS HAS A CHANCE TO MOVE, TRANSFER THE LAND TO A BONA FIDE PURCHASER FOR VALUE. AND THEN DHHS IS IN A POSITION TO TRY TO TRACE DOWN THE CASH THAT THEY RECEIVED AND THAT BECOMES VERY DIFFICULT AND VERY HARD SOMETIMES. ANOTHER THING THAT THIS PARTICULAR THING DOES--AND I'LL TALK A LITTLE BIT ON SENATOR KRIST--AND SHOWS THE DEGREE OF COOPERATION I HAD, PRIOR TO YESTERDAY APPARENTLY, WITH DHHS, THE TRIAL LAWYERS SAID, LOOK, WE'VE GOT AN ISSUE BECAUSE LET'S SAY SOMEBODY ON MEDICAID IS HIT BY A CAR, BY A DRUNK DRIVER, AND THEY GOT A LOT OF INSURANCE, OKAY, AND THAT PERSON ON MEDICAID HAS A LAWSUIT AGAINST THE PERSON WHO HIT THEM, AND IT'S A GOOD LAWSUIT. WELL, THAT PERSON HAS NO INCENTIVE TO SUE AND TO COOPERATE WITH US AS TRIAL ATTORNEYS BECAUSE DHHS WILL JUST TAKE ALL THE PROCEEDS, SO THEY'D JUST AS WELL SIT IN THE NURSING HOME AND WATCH TELEVISION. WE WANT TO MAKE SURE THAT WE HAVE THE ABILITY TO SUE, WITH DHHS CONSENT, AND GET A REASONABLE FEE. AND I THOUGHT IT WOULD BE KIND OF HARD TO GET THAT OUT OF DHHS. BUT DHHS CAME FORWARD AND THEY SAID: HEY, WE'RE GOING TO EVEN GIVE YOU MORE; WE WILL NOT ONLY GO ALONG WITH WHAT THE TRIAL ATTORNEYS WANT, BUT WE KNOW HOW HARD IT IS TO GET THESE PEOPLE TO TESTIFY IN THESE CASES BECAUSE THEY FEEL THEY'RE GOING TO GET TO KEEP NOTHING; AND SO EVEN IF WE PAY THE ATTORNEYS SOMETHING THESE FOLKS WILL FEEL THEY'RE NOT GOING TO GET TO KEEP ANYTHING, SO WHY COOPERATE, WHY EVEN TRY TO REMEMBER WHAT'S GOING ON, TRY BE...TO SHOW UP FOR HEARINGS AND THINGS? WE SUGGEST THAT THEY GET TO KEEP, I THINK THE NUMBER IS 25 PERCENT OUTSIDE, SO WE STILL GET A GOOD CHUNK AFTER THE ATTORNEYS ARE PAID; THE STATE COMES OUT A WINNER. THAT WAS A DHHS SUGGESTION. IT WAS A GOOD ONE. TO SOME EXTENT I KIND OF THOUGHT IT WAS A FISH JUMPING INTO THE BOAT FOR THE TRIAL ATTORNEYS. BUT THEY THOUGHT THIS THROUGH. THEY'VE SEEN THAT THE STATE LOSES MONEY,... [LB1103 LB72]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR SCHUMACHER: ...THAT THE STATE IS NOT IN A POSITION TO BE AS AGGRESSIVE. THE YOUNG FOLKS WHO ARE IN THAT, TWO PEOPLE ONLY, FACING ALL THE ESTATE PLANNING ATTORNEYS IN THE STATE RIGHT NOW TRYING TO COLLECT WRONGFULLY ADVANCED FEES, THEY'LL HONESTLY TELL YOU, WE CAN'T DO IT, WE'RE SHORTHANDED, WE DON'T HAVE THE LEGAL TOOLS THAT

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LB1103 GIVES US. WE NEED TO GET AGGRESSIVE, THEY SAY, BECAUSE THAT BILL THAT SENATOR KOLTERMAN TALKED ABOUT IS ONLY GOING TO GET BIGGER. AND EVERY YEAR WE DO NOT PUT THIS MECHANISM IN PLACE, AND WE MAY HAVE TO DO IT PROSPECTIVELY, WE LOSE A YEAR. WE CAN'T GO BACK AND GRAB WHAT'S GOTTEN THROUGH THE NET. THIS IS IMPORTANT TO DO EARLY AND NOW. WE'RE ALREADY 14 YEARS BEHIND THE TIMES, OR 12, I GUESS. SO, FOLKS, THIS IS A GOOD MEASURE TO RECONSIDER. THIS IS A HIGHLY THOUGHT-OUT BILL. IF YOU HAVE ANY QUESTIONS ABOUT THE LEGITIMACY OF THE LAW, I THINK THAT THERE ARE FOLKS WHO, INSIDE OF THE GLASS AND OUTSIDE OF THE GLASS, WOULD BE HAPPY TO ANSWER YOUR QUESTIONS, INCLUDING MYSELF. THANK YOU. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR SCHUMACHER. THERE WAS A QUESTION ABOUT THE RECONSIDERATION MOTION. I WOULD REFER YOU TO PAGE 48 OF YOUR RULE BOOK, SECTION 3, IN THE ORDER OF MOTIONS THAT EXISTS, a THROUGH i, ON PAGE 49. STILL WISHING TO SPEAK: SENATOR KINTNER, CAMPBELL, BLOOMFIELD, WILLIAMS, AND OTHERS. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB1103]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. AND ONLY SENATOR SCHUMACHER COULD COME UP WITH A BILL THAT HAS PERPLEXED THE BODY LIKE THIS ONE--I THINK THE LAST VOTE WAS 20-19 LAST NIGHT, AND ONLY SENATOR SCHUMACHER COULD DO THAT--CERTAINLY AN ISSUE THAT NEEDS TO BE ADDRESSED. AND, SENATOR SCHUMACHER, I KNOW YOU'VE BEEN DRILLED, GRILLED, AND FRIED, BUT COULD YOU YIELD TO ANOTHER QUESTION OR TWO? [LB1103]

SENATOR KRIST: SENATOR SCHUMACHER, WILL YOU YIELD? [LB1103]

SENATOR SCHUMACHER: CERTAINLY, SENATOR KINTNER. [LB1103]

SENATOR KINTNER: YOU SAID THAT THE "DEPARTMENT OF HEALTH AND HUMAN SUFFERING" HAS BEEN HELPING YOU ON THIS. WHAT WAS THEIR ROLE IN THIS, IN HELPING DEVELOP THIS? [LB1103]

SENATOR SCHUMACHER: THE INITIAL CONTACT WAS AN INFORMAL DISCUSSION SOMETIME LAST FALL. I HAD SEVERAL MEETINGS WITH THEIR LEGAL PEOPLE, FAIRLY LONG MEETINGS. THEY SUBMITTED SUGGESTIONS, CHANGES IN LANGUAGE, PROBLEMS THAT THEY SAW THAT NEEDED TO BE CORRECTED,

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CONCERNS ABOUT WHETHER OR NOT THEIR DEATH CERTIFICATE SYSTEM, HOW MUCH IT WOULD COST TO UPDATE THAT. IT WOULD BE A ONE-TIME UPDATE FEE. [LB1103]

SENATOR KINTNER: SO THEY PROVIDE TECHNICAL HELP, IS THAT CORRECT? [LB1103]

SENATOR SCHUMACHER: THEY ALSO PROVIDED, AS I JUST DESCRIBED IN THE CASE OF THE TRIAL ATTORNEYS, VERY DIRECT ADVICE AS TO WHAT THEY'D LIKE TO SEE IN IT. [LB1103]

SENATOR KINTNER: OKAY. GOOD, GOOD. BUT IT'S NOT AN...THEY DID NOT ENDORSE IT, THEY JUST HELPED YOU TO GET TO WHERE YOU NEED TO BE, RIGHT? [LB1103]

SENATOR SCHUMACHER: WELL, YOU KNOW, SOMETIMES POLITICS WILL NOT SAY...LET SOMEBODY SAY ENDORSED, BUT THE WAY THEY BEHAVE YOU KNOW THEY'RE FOR IT. [LB1103]

SENATOR KINTNER: IS...WELL, THEY HAVEN'T COMMUNICATED THAT TO ME. IS THE FISCAL NOTE STILL WHAT IT READS WHEN I PULL IT UP ON MY COMPUTER? HAS IT CHANGED ANY? [LB1103]

SENATOR SCHUMACHER: I DON'T THINK THAT IT HAS. I THINK THERE MAY BE ADDED INTO IT AT SOME POINT. THEY WERE CONCERNED IF THEY'D HAVE TO HAVE A NEW COMPUTER SYSTEM TO LOG IN THE DEATH CERTIFICATE NUMBERS OR WHETHER OR NOT THEY COULD DO THAT REMOTELY. SINCE THE COMMITTEE AMENDMENT HAS NOT BEEN ADOPTED, I DON'T THINK THAT THAT'S BEEN COMPUTED IN. AND CLEARLY, ON THE INCOME SIDE OF IT, THERE'S...VERY HARD TO GUESS HOW MANY FISH ARE IN THAT SEA, BUT THE SEA IS CHURNING AND THERE MUST BE A LOT OF THEM DOWN THERE. [LB1103]

SENATOR KINTNER: OKAY, THANK YOU VERY MUCH, SENATOR SCHUMACHER. I KNOW THAT OTHER STATES ARE STRUGGLING WITH THIS. THEY'RE FACING THE SAME THINGS WE'RE FACING. I JUST THINK THERE'S GOT TO BE AN EASIER WAY TO DO THIS THAT'S NOT AS CUMBERSOME AS THIS. WHAT IT IS, I DO NOT KNOW, BUT WE KNOW THERE'S A BUNCH OF OTHER STATES DOING IT. I WOULD LOVE TO KNOW WHAT THEY'RE DOING. AND WITH THAT, I WILL YIELD THE REMAINDER

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OF MY TIME TO SENATOR SCHUMACHER IF HE NEEDS TO SAY ANYTHING ELSE.  
[LB1103]

SENATOR KRIST: SENATOR SCHUMACHER, YOU'VE BEEN YIELDED 2:00. [LB1103]

SENATOR SCHUMACHER: I THINK IT'S OVER...THANK YOU, MR. CHAIRMAN.  
THANK YOU, SENATOR KINTNER. I BELIEVE IT'S NOW OVER 25 STATES THAT HAVE  
GOTTEN AGGRESSIVE; 25, OR LESS THAN 25 THEN, ARE KIND OF WHERE  
NEBRASKA WAS UP TO LB72. IT'S BECOMING AN INCREASING PROBLEM. AND A  
LOT OF THE FRAMEWORK FOR THIS, AFTER THE ISSUE WAS AMPLIFIED IN MY  
MIND BY ESTATE-PLANNING ATTORNEYS WHO FELT REALLY UNCOMFORTABLE  
DOING THESE THINGS BUT DID THEM ANYWAY BECAUSE OF COMPETITION FROM  
THE GUY DOWN THE STREET, CAME FROM A SEMINAR THAT I ATTENDED. AND  
THE GUY WHO WAS TEACHING THE SEMINAR... [LB1103 LB72]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR SCHUMACHER: ...WAS TEACHING THE TRICKS OF THE TRADE AND WAS  
SAYING SOME OF THE THINGS WHICH WERE...HE WAS FEARING WOULD HAPPEN  
THAT WOULD BLOCK LOOPHOLES THAT WOULD DEVELOP IN THE LAW, OR WERE  
DEVELOPING IN THE LAW, AND THAT ESTATE PLANNING ATTORNEYS STILL, THE  
UNETHICAL ONES, WERE USING. SO SOME OF THOSE MECHANISMS FROM THAT  
LECTURE ARE IN THIS BILL BECAUSE WE'RE FIRST OUT OF THE CHUTE IN ORDER  
TO THWART SOME OF THOSE THINGS AND TO TAKE IT TO THE POINT THAT WE  
ARE SERIOUS. YOUR ASSETS GO FIRST TO PAY YOUR NURSING HOME BILL AND  
THEN TO THE HEIRS IF THERE'S ANYTHING LEFTOVER. THAT'S THE ONLY THING  
THAT'S FAIR, PEOPLE. WE CANNOT GIVE EVERYBODY FREE NURSING HOMES AND  
WE CANNOT PROVIDE NURSING HOME INSURANCE FOR EVERYBODY. YOUR  
ASSETS HAVE TO BE SPENT FIRST. WE SPEND MORE ON THIS THAN ANY OTHER  
PART OF MEDICAID. [LB1103]

SENATOR KRIST: TIME, SENATOR. THANK YOU, SENATOR KINTNER AND SENATOR  
SCHUMACHER. SPEAKER HADLEY, YOU'RE RECOGNIZED. [LB1103]

SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, AS YOU KNOW, WE  
MUST REMAIN FLEXIBLE TO GET OUR WORK DONE HERE. AT THIS POINT IN TIME,  
MY PLAN IS TO STAY UNTIL WE GET THIS BILL DISPOSED OF AND THE NEXT BILL,  
SO WE WILL STAY. I WILL ASK THE CLERK'S OFFICE THAT ANYONE THAT WANTS

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TO CHECK OUT FOR THE DAY TO COME AND VISIT WITH ME. THANK YOU, MR. PRESIDENT. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR HADLEY. THOSE STILL WISHING TO SPEAK: SENATOR CAMPBELL, BLOOMFIELD, WILLIAMS, PANSING BROOKS, AND OTHERS. SENATOR CAMPBELL, YOU ARE RECOGNIZED. [LB1103]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. LAST NIGHT, I SEEMED TO BE IN THE QUEUE FAR ENOUGH DOWN AND THEN WE'D TAKE A VOTE AND I NEVER COULD QUITE GET IN. AND ON MY WAY HOME LAST NIGHT, I BEGAN TO THINK ABOUT THE DISCUSSION OF THIS, AND I VERY MUCH APPRECIATE SENATOR KRIST'S COMMENTS THAT WILL SAVE ME THE TIME OF MAKING THOSE SAME COMMENTS. THIS ISSUE HAS BEEN WITH US FOR A LONG PERIOD OF TIME. IN 2003 AND 2004, AT THE BEGINNING OF THE MEDICAID REFORM COUNCIL, THE CHAIR OF THAT GROUP WAS FORMER STATE SENATOR DON PETERSON, AN ATTORNEY FROM NORTH PLATTE. AND SENATOR PETERSON BEGAN TALKING TO US ON THE REFORM COUNCIL ABOUT THIS ISSUE OF HOW PEOPLE WOULD WALK IN AND SAY--HOW DO I PROTECT THE ASSETS? SO FOR A LONG PERIOD OF TIME WE HAVE LOOKED AT THIS ISSUE. BUT TO SENATOR SCHUMACHER'S CREDIT, HE SAID WE'RE GOING TO DO SOMETHING ABOUT THIS. LAST YEAR, WE ENACTED THE FIRST PART OF WHAT WE ARE ATTEMPTING TO WORK THROUGH IN THE NEBRASKA STATUTES--LB72. WE'VE ALREADY TAKEN THE STEP TO BE INVOLVED IN THIS ISSUE. WE ARE NOW AT STEP B. ONE OF THE ISSUES THAT WAS BROUGHT UP LAST NIGHT WAS THAT THERE ARE 235,000 NEBRASKANS ON MEDICAID, WHICH IS ROUGHLY CORRECT; I MEAN, THE NUMBER FLUCTUATES. BUT I WANT TO SAY FOR THE RECORD THAT THE LARGEST NUMBER IN MEDICAID ARE CHILDREN. BUT AS HAS BEEN EXPRESSED, THE LARGEST EXPENSE IS IN THE AGED, BLIND, AND DISABLED CATEGORIES. WE HAVE SPENT TIME IN THIS LEGISLATURE WITH SENATOR BOLZ'S BILLS, OVER THE LAST COUPLE OF YEARS, ON THE AGING NEBRASKAN'S TASK FORCE, ALSO LOOKING AT THIS ISSUE AND TAKING ACTION AS A LEGISLATURE TO ENSURE THAT WE BEGIN TO SERVE MORE PEOPLE AT HOME AND KEEPING THEM IN THEIR HOMES. SO WE'VE ALREADY BEEN WORKING ON THIS. THIS IS A PIECE OF IT. I WANT TO SAY THAT THE DEPARTMENT, AT THE MEETINGS THAT SENATOR SCHUMACHER HAD, AND THAT I WAS ABLE TO SIT DOWN AND LISTEN, THE DEPARTMENT WAS THERE EACH AND EVERY TIME. AND THEY WERE AFFIRMING TO SENATOR SCHUMACHER ON THE PROCESS THAT HE WAS UNDERTAKING AND EXPLAINING TO HIM HOW THIS WOULD WORK AND SO FORTH. SENATOR HOWARD AND I HAD AN OFF-THE-MIKE DISCUSSION, AND SHE CONTINUES TO WORK WITH THE DEPARTMENT. WE ARE SLOWLY CLARIFYING HOW THE COMPUTER RECORDS WILL WORK. BUT TO

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THINK THAT THE DEPARTMENT CAME IN ON A NEUTRAL POSITION, I WANT TO SAY THAT...AND MANY ISSUES BEFORE THE HEALTH AND HUMAN SERVICES COMMITTEE THIS YEAR, THE DEPARTMENT DID NOT EVEN COME IN, IN ANY POSITION. THEY ALLOWED THE COMMITTEE TO WORK THROUGH THE BILLS, OR THEY SENT A LETTER PARTICULARLY IF THERE WERE TECHNICAL DIFFICULTIES. THE DEPARTMENT HAS TRIED TO REACH OUT WITH EVERY SENATOR INSTEAD OF JUST SAYING--NO, WE'RE OPPOSED TO THAT; BUT SAY--HOW CAN WE WORK THROUGH THIS? HOW CAN WE GET TO THAT POINT? AND WE'VE MADE CHANGES IN BILLS AND AMENDMENTS BASED ON WHAT THE DEPARTMENT CAME FORWARD. [LB1103 LB72]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. MY EMPHASIS TO ALL OF YOU IS THAT WITH THE ATTITUDE POSITIVE, CHANGING ATTITUDE THAT WE ARE SEEING IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, I FIND IT DIFFICULT TO BELIEVE THAT THEY WERE ANYTHING BUT NEUTRAL IN THE SENSE OF WORKING WITH SENATOR SCHUMACHER THROUGH THE ISSUES AND UNDERSTANDING THAT THIS IS A STEP WE NEED TO TAKE. THE VAST MAJORITY OF NEBRASKANS CARE FOR GRANDMA. THEY TAKE THAT RESPONSIBILITY. WHAT WE ARE DEALING WITH IS MAKING SURE THAT OUR MEDICAID DOLLARS ARE SPENT AS EFFECTIVELY AND WISELY AS WE CAN INTO THE FUTURE. AND GOING BACK TO SENATOR GROENE'S POINT YESTERDAY, THAT EVERYONE WHO NEEDS MEDICAID GETS IT, BUT NOT THOSE WHO ARE TRYING TO CIRCUMVENT THE SYSTEM. [LB1103]

SENATOR KRIST: TIME, SENATOR. [LB1103]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR CAMPBELL. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB1103]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, TAKE A LOOK AT THE CONVOLUTED TRAIL WE'RE GOING DOWN TO TRY TO SAVE THIS BILL. IT CRAWLED OUT OF COMMITTEE ON BARE MINIMUM VOTES NECESSARY TO GET IT OUT. IT HAD 23 VOTES TO BRACKET IT. SENATOR LARSON WASN'T HERE, THERE WOULD HAVE BEEN 24. THE AMENDMENT WAS VOTED DOWN. THIS THING HAS BEEN ON LIFE SUPPORT SINCE IT ENTERED INTO THE COMMITTEE

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DISCUSSION. I REMIND YOU, 23 VOTES TO BRACKET. I DON'T KNOW OF ANY ONE OF US THAT VOTED FOR THAT BRACKET MOTION THAT HAS CHANGED OUR MIND. I DON'T KNOW HOW YOU GO FROM 23 TO HAVING 33 TO OVERCOME A CLOTURE VOTE. AND I DON'T KNOW ANY OF US THAT ARE OPPOSED TO THIS BILL THAT INTEND TO BACK OFF OF THAT. SO WE CAN SPEND THE REST OF THE DAY ON THIS, OR NOT QUITE THE REST OF THE DAY BECAUSE WE'RE GOING TO DO ANOTHER BILL AFTER THIS, OR WE CAN PUT THE THING WHERE IT NEEDS TO BE, AND THAT'S AWAY SOMEWHERE AND MAYBE A STUDY OVER THE INTERIM. BUT WE'RE JUMPING THROUGH SO MANY HOOPS AND CIRCLES TRYING TO SAVE A BILL HERE THAT TO AT LEAST 24 OF US IS BADLY, BADLY FLAWED. I GUESS IT MAKES SOME DIFFERENCE WHO LIKES THE BILL AND WHO DOESN'T AS TO WHETHER OR NOT WE HAVE TIME TO SPEND ON IT. I COULDN'T GET 10 MINUTES THIS MORNING TO ATTEMPT TO PUT AN AMENDMENT ON A BILL, BUT WE'RE GOING TO SPEND FOUR HOURS ON THIS. SO WE'RE GOING TO MOVE FORWARD. THE RECONSIDERATION MOTION IS IN ORDER. WHEN WE GET TO THE VOTE ON THAT, I ASK THAT YOU NOT VOTE TO RECONSIDER, AND THEN WE'LL GO THROUGH THE CONVOLUTED HOOP OF TRYING TO BRING IT BACK THROUGH PUTTING ON AN AMENDMENT THAT'S ALREADY BEEN DEFEATED ONCE. LET'S LOOK AT WHAT WE'RE DOING HERE. WE TALK ABOUT BEING SHORT ON TIME, TALK ABOUT SPINNING OUR WHEELS, WELL, WE'VE GOT ALL THE WHEELS OFF THE GROUND AND THEY'RE SPINNING AND THERE'S A GOOD, STRONG SIDE WIND ABOUT TO BLOW US OVER. THANK YOU, MR. PRESIDENT. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR BLOOMFIELD. SENATOR WILLIAMS, YOU ARE RECOGNIZED. [LB1103]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I RISE CONTINUING TO BE IN SUPPORT OF THE UNDERLYING BILL WITH THE COMMITTEE AMENDMENT, OF COURSE. WE'VE HAD GOOD DEBATE ON THIS AS WE HAVE TALKED BEFORE, THIS BODY IN THE JUDGMENT OF MANY HAS THE ABILITY TO TAKE THE SIMPLE AND MAKE IT COMPLICATED, AND THE COMPLICATED AND MAKE IT SIMPLE, AND THIS IS SOMEWHERE IN BETWEEN. BUT SENATOR SCHUMACHER HAS DONE WHAT SENATOR CAMPBELL TALKED ABOUT. HE HAS ATTEMPTED TO TAKE ACTION ON AN ISSUE THAT WE KNOW EXISTS. AND TALK TO ANY OF THE BANKERS AROUND HERE OR ANY OF THE LAWYERS AROUND HERE AND THEY CAN TELL YOU ABOUT DISCUSSIONS THAT HAVE HAPPENED OVER THE YEARS IN THEIR OFFICES ON THIS. SENATOR SCHUMACHER WAS ASKED A SIGNIFICANT NUMBER OF QUESTIONS YESTERDAY DURING THE DEBATE INTO THE EVENING LAST NIGHT, AND I WOULD SUGGEST THAT HE ANSWERED THOSE QUESTIONS VERY WELL AND BROUGHT CLARITY TO

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THIS ISSUE. THERE HAS BEEN A LOT OF DISCUSSION ABOUT THIS BEING VERY COMPLICATED. IT ISN'T AS COMPLICATED AS SOME PEOPLE ARE TRYING TO MAKE IT, IN MY JUDGMENT. FOR THOSE ATTORNEYS THAT SPECIALIZE IN THE AREA OF ESTATE PLANNING, THEY WILL WELCOME THIS KIND OF CHANGE, MOST OF THE TIME, AND FOR THEM THIS IS NOT A COMPLICATED CHANGE AT ALL. I REMIND YOU OF THE DISCUSSION THAT I HAD ON THE MICROPHONE LAST EVENING ABOUT THE ETHICAL CONSIDERATIONS THAT ARE INVOLVED. FIRST OF ALL, THERE'S THE ETHICAL CONSIDERATION THAT WE HAVE TO THE TAXPAYERS OF THIS STATE. IT IS OUR RESPONSIBILITY TO PROTECT THE TAXPAYER'S DOLLARS. THE SECOND THING IS THE ETHICAL DILEMMA THAT ATTORNEYS FIND THEMSELVES IN WHEN THEY ARE DEALING WITH THAT CLIENT THAT THEY REPRESENT THAT COMES IN AND SAYS--I WANT TO FIGURE OUT A WAY TO ESCAPE THE COST OF PAYING FOR THESE FEES AT THE NURSING HOME OUT OF MY OWN CHECKING ACCOUNT AND THE ETHICAL DILEMMA THAT THAT ATTORNEY IS IN WHEN HE KNOWS WHAT HE CAN DO TO, IN ESSENCE, CHEAT THE SYSTEM BUT FOLLOW THE WISHES OF HIS CLIENT. THIS BILL REMOVES THAT, AT LEAST A GREAT PORTION OF THAT ETHICAL PROBLEM, AND THE LAWYERS WILL FOLLOW THAT THE WAY THEY NEED TO. SENATOR SCHUMACHER, WOULD YOU YIELD TO A COUPLE OF QUICK QUESTIONS? [LB1103]

SENATOR KRIST: SENATOR SCHUMACHER, WILL YOU YIELD? [LB1103]

SENATOR SCHUMACHER: BE HAPPY TO. [LB1103]

SENATOR WILLIAMS: FIRST OF ALL, SENATOR SCHUMACHER, DOES...DOES...WITH THE COMMITTEE AMENDMENT, DOES THIS ELIMINATE ANY OF THE ESTATE PLANNING TECHNIQUES THAT ARE CURRENTLY BEING USED BY THE ATTORNEYS IN OUR STATE? [LB1103]

SENATOR SCHUMACHER: NONE. [LB1103]

SENATOR WILLIAMS: WHAT EFFECT DOES IT HAVE ON THOSE WHO WANT TO RISK GIVING AWAY THEIR PROPERTY AND WAITING THE FIVE-YEAR FEDERAL WINDOW? [LB1103]

SENATOR SCHUMACHER: THEY GIVE AWAY ABSOLUTELY AND WAITS THE WINDOW--NONE. [LB1103]



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SENATOR WILLIAMS: THERE'S BEEN SOME DISCUSSION ABOUT PRIVACY. AND AS I UNDERSTAND IT, THE INFORMATION THAT WOULD BE SUBMITTED OR DELIVERED OR TRANSMITTED TO HHS HAS TO DO WITH THE DEEDS AND WHAT'S ON THE DEEDS OF THOSE TRANSFER STATEMENTS CONCERNING RETAINED INTEREST OR LIFE ESTATES, IS THAT CORRECT? [LB1103]

SENATOR SCHUMACHER: BASICALLY, IT'S EXACTLY WHAT'S ON FILE WITH THE REGISTER OF DEEDS OFFICE. [LB1103]

SENATOR WILLIAMS: SO THAT'S THE POINT; THE INFORMATION IS ALREADY IN THE PUBLIC DOMAIN. [LB1103]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR SCHUMACHER: RIGHT. ALL DEEDS ARE RECORDED IF THEY'RE ANY GOOD. [LB1103]

SENATOR WILLIAMS: OKAY, THANK YOU. AGAIN, COLLEAGUES, WE ARE TRYING TO DO SOMETHING THAT IS IMPORTANT. WE HAVE AN ISSUE, WE HAVE A GROWING PROBLEM. IT'S NOT GOING TO GO AWAY. I WOULD YIELD THE BALANCE OF MY TIME TO SENATOR McCOLLISTER. [LB1103]

SENATOR KRIST: SENATOR McCOLLISTER, 34 SECONDS. [LB1103]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. I'LL BE BRIEF. WE HAVE A FIDUCIARY RESPONSIBILITY, THE CITIZENS OF NEBRASKA, TO RECOVER THIS MONEY IF POSSIBLE. FINANCES ARE SHORT, AND WE NEED TO GATHER THE MONEY, IF WE CAN. AND AS HAS BEEN STATED, 25 STATES HAVE SIMILAR KINDS OF STATUTES. THIS IS NOT ROCKET SCIENCE. IT'S BEEN VETTED BY THE BANKERS AND THE LAWYERS IN THE LOBBY, SO I'M CERTAIN THAT THE LAW WOULD WORK. FINALLY, FINANCES IN THE STATE ARE SHORT SUPPLY, PARTICULARLY MEDICAID. SO IF THERE'S A WAY WE CAN RECOVER THOSE FINANCES WITH VERY LITTLE COST, IT'S INCUMBENT UPON US TO FOLLOW THROUGH AND PASS THIS LAW. SO PLEASE VOTE GREEN FOR LB1103, THE AMENDMENT THAT WILL ACCOMPANY LB1103, AND LET'S MOVE THIS BILL INTO SELECT. [LB1103]

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SENATOR KRIST: THANK YOU, SENATOR McCOLLISTER; THANK YOU, SENATOR WILLIAMS, AND SENATOR SCHUMACHER. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB1103]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB1103. THIS IS A BILL, MY FRIENDS, TO SUPPORT AND PROTECT STATE DOLLARS. AS WE HEARD, IT WILL SAVE AT LEAST \$12 MILLION PER YEAR AND PROBABLY A LOT MORE. USING MEDICAID AS A MANEUVER FOR ESTATE PLANNING IS UNREASONABLE. IF WEALTHY PEOPLE ARE IMPOVERISHING THEIR PARENTS AND LIVING ON THE STATE'S DIME, THAT'S AT A COST TO MEDICAID RECIPIENTS AND PEOPLE WHO ARE IN REAL NEED. I NOW HAVE A LITTLE BIT OF AN UNDERSTANDING ABOUT WHY THIS BODY IS RELUCTANT TO EXPAND MEDICAID. I THINK IT'S VERY INTERESTING THAT THERE'S THIS DECISION THAT WE AREN'T REALLY WORRIED ABOUT THE PEOPLE WHO ARE UNDER 64 WITH REAL HEALTH NEEDS, BUT INSTEAD WE SEEM TO BE WORRIED ABOUT THE WEALTHY PEOPLE WHO CAN USE IT FOR ESTATE PLANNING PURPOSES. THIS IS A BILL ABOUT TRANSPARENCY. IT'S ABOUT THE CONSERVATIVE USE AND PROTECTION OF IMPORTANT STATE DOLLARS. SENATOR KOLTERMAN JUST SAID THAT WE'RE HEADED FOR A CRISIS WITH OUR MEDICAID DOLLARS. SO, AGAIN, IT'S NO WONDER WE CAN'T EXPAND MEDICAID TO THOSE WHO ARE ACTUALLY IN NEED, BECAUSE WE HAVE TO USE THESE DOLLARS FOR ESTATE PLANNING USES. AND TO SAY IT'S NOT BEING DONE IS JUST NOT TRUE. THIS IS A LEGAL LOOPHOLE WHICH ALLOWS FAMILIES TO IMPOVERISH A PARENT AND PLACE THEM ON MEDICAID. WE KNOW IT'S BEING DONE. TO SAY IT'S TOO COMPLICATED OR HOW CAN WE POSSIBLY KEEP TRACK OF IT IN THIS ERA OF COMPUTERIZATION? THOSE ARE JUST ARGUMENTS THAT AREN'T ARGUMENTS. LAST NIGHT, WE HAD AN AMAZING COMBINATION OF SUPPORT: SENATOR GROENE, SENATOR RIEPE, SENATOR CHAMBERS; WE HAD CONSERVATIVES, PROGRESSIVES, WE HAD PEOPLE IN THE MIDDLE ON THIS. THAT WAS A VOTE TO PROTECT OUR PRECIOUS STATE DOLLARS. MY FRIENDS, EITHER PEOPLE ARE MISUSING THE LOOPHOLES IN MEDICAID OR THEY'RE NOT. IF THEY'RE NOT, NO PROBLEM. BUT IF THEY ARE, WHAT IS THE PROBLEM WITH STOPPING THE UNINTENDED USE OF MEDICAID DOLLARS? I'M WONDERING WHETHER OR NOT THIS ISSUE IS JUST HITTING TOO CLOSE TO HOME. THESE ARE PRECIOUS STATE DOLLARS THAT WE NEED TO PROTECT. SO I ASK YOU TO SUPPORT LB1103, SENATOR MORFELD'S RECONSIDERATION A MOMENT (SIC-MOTION), AND I AM AGAINST THE ATTEMPT TO BRACKET. IS IT BRACKET OR IPP? ANYWAY, I WILL GIVE THE REST OF MY TIME TO SENATOR BOLZ. THANK YOU, MR. PRESIDENT. [LB1103]

SENATOR KRIST: SENATOR BOLZ, 2 MINUTES. [LB1103]

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SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I WANT TO PAUSE AND TAKE THE CONVERSATION IN A SLIGHTLY DIFFERENT DIRECTION FOR A MINUTE. AS THE CHAIR OF THE AGING NEBRASKAN TASK FORCE, WE'VE THOUGHT ABOUT THIS ISSUE AND WE'VE THOUGHT ABOUT BOTH CARROTS AND STICKS. AND YOU ALL WILL HAVE TO DO YOUR OWN DISCERNMENT ABOUT WHETHER OR NOT THE SCHUMACHER STRATEGY IS RIGHT FOR YOU AND YOUR CONSTITUENCY. BUT I WANT TO TALK A LITTLE BIT ABOUT THE CARROT SIDE OF THIS EQUATION. ONE OF THE PROBLEMS IS THAT PEOPLE DON'T HAVE ENOUGH ALTERNATIVES FOR THEIR ESTATE PLANNING. WE NEED MORE LONG-TERM CARE INSURANCE AND IT NEEDS TO BE MORE AFFORDABLE, AND WE NEED MORE EDUCATION OF OUR CONSTITUENCIES IN OUR COMMUNITIES TO MAKE SURE THAT THEY KNOW AND THEY UNDERSTAND. ONLY ONE IN FIVE BABY BOOMERS HAS PLANNED FOR THEIR LONG-TERM CARE NEEDS. THAT IS A PROBLEM. THIS YEAR I BROUGHT LB701... [LB1103 LB701]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR BOLZ: ...WHICH WOULD HAVE CREATED AN EDUCATIONAL INITIATIVE THROUGH THE DEPARTMENT OF INSURANCE TO MAKE SURE THAT PEOPLE WHO SHOULD BE PLANNING FOR THEIR LONG-TERM CARE NEEDS ARE DOING SO. SO, COLLEAGUES, IF YOU CARE ABOUT THIS ISSUE, IF YOU'RE DEBATING THIS ISSUE ON THE FLOOR, IF YOU'RE LISTENING, I WANT YOU TO LISTEN NEXT YEAR WHEN I PLAN TO BRING TWO INITIATIVES: ONE INITIATIVE TO BRING BACK THE EDUCATIONAL EFFORTS BECAUSE PEOPLE SIMPLY DON'T KNOW AND THEY ARE NOT TAKING ACTION TO CARE FOR THEIR ASSETS AND TO CARE FOR THEIR FAMILIES; AND, TWO, A STRATEGY THAT WE HAVE WORKED ON WITH LEADINGAGE NATIONALLY, A NATIONAL AGING ORGANIZATION, THAT TELLS US THAT INCENTIVES FOR THE FIRST-TIME PURCHASE OF LONG-TERM CARE INSURANCE CAN MOVE THE DIAL, BECAUSE ONCE PEOPLE PURCHASE IT, THEY USE IT AND THEY KEEP IT. SO, COLLEAGUES, MAKE YOUR OWN DECISION TODAY. BUT NEXT YEAR, I REALLY HOPE THAT YOU THINK ABOUT AND YOU LISTEN TO THESE TWO STRATEGIES WHICH PROVIDE THE CARROTS FOR PEOPLE TO TAKE RESPONSIBILITY FOR THEIR OWN FUTURE AND MAKE SURE THAT THEY'RE PLANNING FOR THEMSELVES AND THEIR NEEDS. ONE QUICK STATISTIC IF I'VE GOT A COUPLE MORE SECONDS IS THAT ONLY ONE IN TEN... [LB1103]

SENATOR KRIST: TIME. [LB1103]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. [LB1103]

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SENATOR KRIST: THANK YOU, SENATOR BOLZ AND SENATOR PANSING BROOKS. AND LET'S TRY TO USE OUR INSIDE VOICES, PLEASE. SENATOR CRAIGHEAD, YOU ARE RECOGNIZED. [LB1103]

SENATOR CRAIGHEAD: THANK YOU, MR. PRESIDENT; GOOD AFTERNOON, COLLEAGUES. I WOULD LIKE TO KNOW IF SENATOR SCHUMACHER WOULD YIELD TO A COUPLE QUESTIONS, PLEASE? [LB1103]

SENATOR KRIST: SENATOR SCHUMACHER, WILL YOU YIELD? [LB1103]

SENATOR SCHUMACHER: YES, I WILL. [LB1103]

SENATOR CRAIGHEAD: THANK YOU. YESTERDAY, AS YOU WERE TALKING, YOU MENTIONED THAT THE UNIVERSITY OF NEBRASKA WOULD PARTNER WITH AND ASSIST HHS WITH CMAs AND BPOs OF ASSETS. AND I WAS A LITTLE QUESTIONING OF THAT COMMENT. I WANT TO KNOW IF THESE PEOPLE ARE LICENSED REALTORS; ARE THEY FINANCIAL PLANNERS? WHAT WOULD BE THEIR EXPERTISE AND THEIR QUALIFICATIONS TO BE ABLE TO ASSIST WITH THIS? [LB1103]

SENATOR SCHUMACHER: THERE ARE TWO THINGS IN THE BILL THAT ADDRESSES THAT. BY RULE AND REGULATION, THE DEPARTMENT SUGGESTED THAT PART OF THOSE RULES WOULD REFER TO INDICES THAT ARE PRODUCED BY THE UNIVERSITY OF NEBRASKA. THE DEPARTMENT HAS THE ABILITY, IF IT'S IN A DISAGREEMENT WITH THE HEIRS OR WITH THE APPLICANT, TO PROVIDE FOR LICENSE-APPROPRIATE APPRAISERS UNDER THOSE RULES AND REGULATIONS. EVEN THOUGH THIS BILL GOT INTO SOME DETAIL, WE KNEW THAT IT WOULD BE PAGES LONGER IF WE TRIED TO SAY EXACTLY WHAT THE REQUIREMENTS FOR APPRAISING THERE. ASSUME ALL OTHER STATE LAW WOULD APPLY JUST AS IT ALWAYS DOES TO EVERY BILL. [LB1103]

SENATOR CRAIGHEAD: OKAY, THAT'S SOMETHING WE MAY WANT TO LOOK AT. ALSO, HOW MANY CASES OF FRAUD WOULD YOU ESTIMATE THAT WE'RE DEALING...HOW MANY PEOPLE ARE WE TALKING ABOUT HERE? [LB1103]

SENATOR SCHUMACHER: I THINK WE'RE TALKING ABOUT A LOT. IN TALKING...AND RIGHT NOW THERE'S TWO ATTORNEYS, I UNDERSTAND, IN THE RECOVERY DIVISION, AND THEY ARE SWAMPED. SO THERE IS MORE THAN TWO

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ATTORNEYS CAN HANDLE. AND IF THEY WERE TO BEEF UP, THE PLAN IS TO FOLLOW THE PATTERN OF THE STATE OF IOWA, PROPORTIONATELY ADJUST IT TO OUR STATE TO HAVE...THAT HAS SUFFICIENT ATTORNEYS AND COLLECTION PEOPLE TO GO PURSUE THESE CLAIMS. THERE ARE A LOT. WOULD BE MORE IF THEY HAD THE RESOURCES TO KNOW WHAT'S GOING ON AND THE ASSISTANCE THIS BILL GIVES IN IDENTIFYING ABUSERS. [LB1103]

SENATOR CRAIGHEAD: HAVE WE EVER DONE AN INTERIM STUDY ON THIS TOPIC? [LB1103]

SENATOR SCHUMACHER: NO, WE HAVE NOT. [LB1103]

SENATOR CRAIGHEAD: OKAY, SINCE WE HAVE SO MANY QUESTIONS, MAYBE WOULDN'T IT MAKE SENSE TO START AT THAT POINT? [LB1103]

SENATOR SCHUMACHER: THE QUESTIONS, WHAT WOULD THEY BE, SENATOR? [LB1103]

SENATOR CRAIGHEAD: WELL, THERE ARE A LOT OF THINGS. I BROUGHT UP A FEW AND THERE HAVE BEEN SO MANY QUESTIONS ON THE FLOOR THAT IT SEEMS LIKE I AGREE WITH YOU TOTALLY WITH THE CONCEPT, BUT I THINK THERE ARE SO MANY ISSUES THAT WE DON'T, AGAIN, HOW MANY CASES ARE WE TALKING ABOUT? WE'RE ASSUMING, WE HAVE NO IDEA. SO WHY DON'T WE BACK UP AND GO BACK TO THE DRAWING BOARD AND GET SOME MORE INFORMATION AND THEN COME BACK WITH THE BILL? [LB1103]

SENATOR SCHUMACHER: IN 2004, THERE WERE ENOUGH CASES TO EQUAL \$12 MILLION A YEAR. THAT NUMBER IS HIGHER NOW. TWELVE MILLION DOLLARS A YEAR IS A LOT OF MONEY AND A LOT OF CASES. AND EVERY YEAR WE DO NOT ACT, WE GRANDFATHER, SO TO SPEAK, MORE ABUSERS. [LB1103]

SENATOR CRAIGHEAD: THANK YOU, SENATOR SCHUMACHER. PERSONALLY, I THINK WE'RE LOOKING FOR A NEEDLE IN A HAY STACK ON THIS ONE. AND I KNOW THAT MANY OF US IN THIS BODY HAVE DONE A LOT OF ELDER-CARE PLANNING FOR OUR PARENTS, ESTATE PLANNING. WE'VE BEEN POAs, MEDICAL AND DURABLE; WE'VE BEEN EXECUTORS OF ESTATES, AND WE HAVE LEARNED A TREMENDOUS AMOUNT BY GOING THROUGH THIS. I WAS TALKING TO ONE OF MY COLLEAGUES AND HE SAID I THINK WE'RE LOOKING AT PEOPLE WITH HALF

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A MILLION DOLLARS IN ASSETS. OKAY, THAT'S A NICE, LITTLE CHUNK OF CHANGE. HOWEVER, THERE ARE A LOT OF SENIORS WHO MAYBE HAVE A TINY HOME THAT'S BEEN PAID FOR; THEY HAVE A LITTLE BIT OF CASH, AND THEY WORRY ABOUT GOING THROUGH THAT, THEY KNOW WHAT'S GOING TO HAPPEN. THESE ARE PEOPLE WHO... [LB1103]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR CRAIGHEAD: ...THANK YOU...WHO HAVE WORKED A LONG, LONG TIME. I CAN GIVE YOU EXAMPLES OF PEOPLE, I'M GOING TO RUN OUT OF TIME TO DO THIS, BUT I THINK WHAT WE NEED TO DO IS WE NEED TO LOOK AT SHIFTING OUR MEDICAID DOLLARS TO THE ELDERLY, TO THE NEEDY. LET'S GET THE ABLE-BODIED PEOPLE WHO ARE ON MEDICAID WHO DON'T NEED TO BE ON THERE. THOSE PEOPLE WHO WORK JUST ENOUGH TO KEEP THEIR BENEFITS AND THEY SELL THEIR SNAP BENEFITS FOR DOUBLE THE AMOUNT. THOSE ARE NOT THE PEOPLE TO BE ON MEDICAID. WHY DON'T WE CONSIDER DOING A SHIFT OF OUR MEDICAID DOLLARS? I AGREE THIS IS A HUGE ISSUE. WE NEED TO ADDRESS IT. BUT I THINK IT NEEDS MORE WORK. THANK YOU, MR. PRESIDENT. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR CRAIGHEAD AND SENATOR SCHUMACHER. SENATOR SCHUMACHER, YOU'RE NEXT IN THE QUEUE. [LB1103]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT. IS SENATOR BURKE HARR IN THE CHAMBER? SENATOR HARR, ARE YOU IN THE CHAMBER? [LB1103]

SENATOR KRIST: SENATOR HARR, ARE YOU IN THE CHAMBER? SORRY, SENATOR SCHUMACHER, I DO NOT SEE HIM. [LB1103]

SENATOR SCHUMACHER: OKAY, HERE HE IS. [LB1103]

SENATOR KRIST: ALAS, THERE HE IS. [LB1103]

SENATOR SCHUMACHER: I WOULD YIELD MY TIME TO SENATOR BURKE HARR. [LB1103]

SENATOR KRIST: SENATOR HARR, YOU'VE BEEN YIELDED 4:30. [LB1103]

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SENATOR HARR: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR SCHUMACHER, FOR YIELDING ME SOME TIME. THIS IS THE FIRST TIME I'VE SPOKEN ON THIS ISSUE, AND I THINK THIS BILL IS VERY IMPORTANT. AS A LAWYER, I DO A LOT OF REAL ESTATE TRANSACTIONS. AND SO WE'VE SEEN...I'VE LOOKED AT THE REQUIREMENTS OF THIS BILL. I ACTUALLY TALKED TO A TITLE INSURANCE ATTORNEY ABOUT WHAT IS REQUIRED AND ARE THESE REQUIREMENTS ONEROUS? ARE THEY CONFUSING? ARE THEY DIFFICULT TO DO? AND BY AND LARGE, WE SPENT SOME TIME LOOKING AT IT AND TRYING TO FIGURE THE BILL OUT; AND IT TOOK ABOUT THREE, THREE AND A HALF HOURS. AND THE RESPONSE WAS--THIS IS NOT DIFFICULT AT ALL. FOLKS, ONCE IT BECOMES PART OF THE GENERAL OPERATING PROCEDURE OF ANY REAL ESTATE LAWYER, THIS IS NOT DIFFICULT AT ALL. THIS IS THE RIGHT THING FOR US, AS A STATE, TO DO. WE'VE SPENT A LOT OF TIME EARLIER THIS YEAR TALKING ABOUT EXPANDED MEDICAID. AND WE TALKED ABOUT THE HIGH, HIGH, HIGH COST OF MEDICAID. AND WE HAVE TO FIND WAYS TO CONTROL THAT COST, NOT TO BROADEN THAT COST. WELL, THIS IS A BILL THAT DOES THAT. WE SPENT A LOT OF TIME EARLIER THIS SESSION WORRIED ABOUT FRAUD WITHIN OUR SNAP PROGRAM, THAT THERE MAY BE SOMEBODY WHO MAY HAVE A DRUG PROBLEM WHO MAY BE RECEIVING SNAP, \$253 A MONTH. AND SO WE SAID, WE CAN'T DO THAT. AND NOW WE HAVE A SITUATION WHERE WE MAY HAVE INDIVIDUALS WHO MAY BE DEFRAUDING THE SYSTEM, MAY NOT. AND MY QUESTION IS IF YOU HAVE NOTHING TO HIDE AND NO CONCERNS, WHY ARE YOU SO CONCERNED ABOUT THIS? WHY IS THIS SUCH A BURDEN? I HEAR GOOD CONCEPT, ILL-CONCEIVED. THAT SEEMS TO BE THE GENERAL CONSENSUS OF THE OTHER SIDE WHO IS AGAINST THIS, AND THAT'S FINE. IF THIS IS GOOD IDEA, ILL-CONCEIVED, WHY AREN'T YOU COMING WITH AMENDMENTS THAT SAY LET'S TRY TO FIX THIS...LET'S TRY TO MAKE THIS BETTER? I'M NOT SURE IF I BUY THE ARGUMENT--GOOD IDEA, ILL-CONCEIVED, BECAUSE YOU WOULD BE WORKING TO MAKE THIS BILL BETTER. I HEARD SENATOR KINTNER EARLIER SAY, THERE ARE 25 STATES, I DON'T KNOW WHAT THEY WANT TO DO; I'D SURE LIKE TO KNOW. AND YET I DON'T SEE ANY RESEARCH BEING DONE. I DON'T SEE ANY WORK BEING DONE TO SEE WHAT OTHER STATES DO. THE REALITY IS, THERE'S BEEN A FREE RIDE FOR A LONG TIME, AND WE'VE ENJOYED THAT FREE RIDE. BUT THE TIME FOR THAT FREE RIDE HAS COME TO AN END. REMEMBER, IF THIS IS YOUR LAND, YOU'RE NOT THE ONE PAYING FOR IT, YOUR HEIRS ARE. BUT YOU, THE OWNER OF THE PROPERTY, ARE THE ONES WHO HAVE RECEIVED THE BENEFIT OF THAT NURSING CARE, NURSING HOME CARE. YOU SHOULD PAY FOR WHAT YOU RECEIVE IF YOU HAVE THE ABILITY. I'M GOING TO SUPPORT THE RECONSIDER MOTION. I'M GOING TO SUPPORT THE JUDICIARY AMENDMENT. THIS CAME OUT OF COMMITTEE. I WAS KIND OF SURPRISED TO SEE SOME OF THE VOTES OUT THERE. BECAUSE IF

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WE REALLY ARE SERIOUS ABOUT OUR HEALTHCARE AND CONTROLLING COST, THIS IS THE FIRST STEP TO CONTROLLING COST... [LB1103]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR HARR: ...THANK YOU...ELIMINATING FRAUD IN THE SYSTEM. LET'S ENFORCE AND GIVE ENFORCEMENT MECHANISMS TO WHAT IS ALREADY IN THE SYSTEM SO THAT WE DON'T HAVE FRAUD. I WANT TO THANK SENATOR SCHUMACHER FOR YIELDING ME HIS TIME. SORRY IT'S TAKEN ME SO LONG TO SPEAK ON THIS. I WAS, TO BE HONEST, QUITE SURPRISED THAT THIS HAS GARNERED AS MUCH DEBATE AS IT HAS, THAT PEOPLE SAY IT'S COMPLICATED, BUT CAN'T REALLY STATE HOW OR WHY IT'S TOO COMPLICATED. THE BANKERS ARE OKAY WITH IT. THE TITLE INSURANCE PEOPLE ARE OKAY WITH IT. THE BAR, THE LAWYERS ARE OKAY WITH IT. I HAVEN'T SEEN A LEGITIMATE CONCERN VOICED YET OTHER THAN IT'S TOO COMPLICATED, BUT I CAN'T SAY WHY. THANK YOU, MR. PRESIDENT. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR HARR AND SENATOR SCHUMACHER. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1103]

SENATOR CHAMBERS: THANK YOU. AND MR....I KNOW THAT MR. CHAIRMAN, THAT I'LL BE WARNED WHEN ONE MINUTE IS LEFT, BUT I WANT TO BE SURE THAT I GET THAT WARNING THIS TIME. MEMBERS OF THE LEGISLATURE, WITH REFERENCE TO COMPLEXITY AND SENATOR SCHNOOR, YOU CANNOT JUDGE THE QUALITY OF LEGISLATIVE WORK OR THE PRECISION OF IT BY THE NUMBER OF PAGES THAT AN AMENDMENT CONSISTS OF. THIS IS LIKE A MANUAL, A MANUAL FOR LAWYERS AND OTHERS WHO DEAL WITH ESTATE PLANNING. IT IS A GAME RIGHT NOW THAT THEY UNDERSTAND. THIS WILL BE LIKE ABC TO THEM. THE MEMBERS OF THE BODY DON'T HAVE TO UNDERSTAND EVERYTHING IN THIS BECAUSE IT IS TECHNICAL INFORMATION. AND WHEN YOU HAVE ALL OF THE ENTITIES, THE BANKERS, THEY HAVE TRUST DEPARTMENTS, THEY UNDERSTAND EVERYTHING THAT THIS AMENDMENT ADDRESSES. THE DEFENSE ATTORNEYS UNDERSTAND THEY REPRESENT PEOPLE WHO ARE BEING ON THE OTHER SIDE OF AN ISSUE. ALL OF THOSE WHO DEAL WITH ESTATE PLANNING KNOW WHAT IS BEING DONE HERE AND THEY AGREE WITH THE COMMITTEE AMENDMENT. THERE IS AN ISSUE OUT THERE. IT CURRENTLY IS NOT BEING ADDRESSED BY THE LAW. THIS DOES THAT. THE VERY COMPLEXITY SHOULD LET YOU KNOW THE CARE WITH WHICH THIS LEGISLATION WAS CRAFTED. IT'S SOMETHING LIKE WHAT JESUS SAID: YOU STRAIN AT A GNAT AND YOU SWALLOW A CAMEL. IF WE



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WERE TALKING ABOUT SOMEBODY MAYBE GETTING FOOD STAMPS WHO WE THOUGHT SHOULDN'T, THEN WE'D BE FIGHTING TOOTH AND NAIL TO MAKE SURE THAT THAT STATE PROGRAM WAS NOT MISUSED AND YOU'RE TALKING LITERALLY ABOUT PEANUTS. BUT THEN WHEN WE'RE TALKING ABOUT THE POSSIBILITY OF TENS AND MAYBE HUNDREDS OF THOUSANDS OF DOLLARS, THEN YOU WANT TO SAY THAT'S TOO COMPLICATED FOR US TO DEAL WITH. YOU DON'T WANT TO EXPAND MEDICAID WHEN THERE'S GOING TO BE A BILLION DOLLARS MADE AVAILABLE, AND I'M SIMPLIFYING IT, THAT THE STATE COULD TAKE ADVANTAGE OF, AND YOU DIDN'T WANT TO DO THAT BECAUSE OF SOME COST DOWN THE ROAD. YET, WE HAVE AN ISSUE RIGHT HERE, RIGHT NOW, BEING ADDRESSED, AND THE BODY WITHOUT UNDERSTANDING THE ISSUE ARE SAYING, NO, WE CAN'T DO THAT BECAUSE THERE ARE TOO MANY PAGES IN THE AMENDMENT. I'M NOT SAYING THAT TO DISPARAGE ANYBODY, BUT TO TRY TO CALL YOUR ATTENTION TO THE FACT THAT YOU HAVE VERY DISPARATE GROUPS AND INDIVIDUALS WHO HAVE COME TOGETHER AND HAVE AGREED ON THIS AMENDMENT THAT WE'RE RECONSIDERING. YOU ARE NOT GOING TO HURT ANYBODY WHO IS HONEST. WHEN I WAS IN THE ARMY, WE HAD DUFFEL BAGS. YOU PUT LITTLE LOCKS ON IT AND WHAT THEY SAID, THOSE LOCKS KEEP HONEST PEOPLE OUT. SOMEBODY WHO'S REALLY GOING TO STEAL, THEY'LL TAKE THE DUFFEL BAG AND THEY'LL TAKE YOUR FOOTLOCKER TOO. THE PEOPLE WHO ARE HONEST ARE NOT GOING TO HAVE ANY PROBLEM FROM THIS AT ALL. THE ONLY ONES WHO WOULD HAVE A PROBLEM ARE THOSE WHO WOULD TAKE THE DUFFEL BAG, THE FOOTLOCKER, AND MAYBE PART OF THE BARRACK'S WALL. IF I HAD ANY DOUBTS ABOUT IT, I WOULD BE VERY VOCIFEROUS IN EXPRESSING THOSE DOUBTS. WHETHER YOU'VE NOTICED IT OR NOT, THIS MORNING I'VE BEEN SPEAKING IN MEASURED TONES; I'VE TRIED TO EXPLAIN, NOT DO ANYTHING OTHER THAN TO EMPHASIZE THE POSITIVES ABOUT WHAT WE ARE DOING AS A LEGISLATURE. [LB1103]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR CHAMBERS: IT IS A RESPONSIBLE ACTION. AND, MR. SPEAKER, I WOULD YIELD THAT TO SENATOR HOWARD. [LB1103]

SENATOR KRIST: SENATOR HOWARD, ONE MINUTE. [LB1103]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT; AND THANK YOU, SENATOR CHAMBERS, FOR YIELDING ME TIME. I'VE SPENT A FEW MINUTES ON THE TELEPHONE WITH OUR DIRECTOR OF MEDICAID AND LONG-TERM CARE,

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CALDER LYNCH, TO CLARIFY SOME OF THE FACETS OF THIS BILL. WHILE IT IS COMPLEX, IT IS OPERATIONALLY, I THINK, VERY DOABLE, AND I THINK THE CHANGES THAT WE NEED TO MAKE CAN BE MADE BETWEEN GENERAL AND SELECT FILE. SO I WOULD URGE THE BODY IS A GREEN VOTE ON THE RECONSIDERATION MOTION AND A GREEN VOTE ON THE JUDICIARY AMENDMENT. THE BILL DOES REQUIRE A NEW DATABASE TO BE CREATED. THERE ARE THREE STAFF ASSISTANT FTEs ALLOCATED FOR THAT WORK. AND JUST TO CLARIFY, THE QUERY INTO THAT DATABASE WOULD BE TRIGGERED BY A NEW REQUIREMENT TO THE DIVISION OF PUBLIC HEALTH. THAT PUBLIC HEALTH PUT A MARK ON THE DEATH CERTIFICATE UPON THE DEMISE OF A MEDICAID BENEFICIARY SO WHEN A MEDICAID BENEFICIARY DIES, THAT WOULD TRIGGER A QUERY INTO THIS REAL ESTATE TRANSACTION DATABASE THAT HAS BEEN CREATED IN THE DIVISION OF MEDICAID AND LONG-TERM CARE WHICH WOULD, OBVIOUSLY, THEN TRIGGER THE LIEN PRIORITY FOR... [LB1103]

SENATOR KRIST: TIME, SENATOR. [LB1103]

SENATOR HOWARD: THANK YOU. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS AND SENATOR HOWARD. SENATOR GROENE, YOU'RE RECOGNIZED. [LB1103]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. JUST SOME POINTS: THIS IS A SIMPLE BILL. IF YOU DO NOT PLAN TO DEFRAUD MEDICAID, THIS BILL DOES NOT HARM YOU. TWO, IF YOU ARE AN HONEST LAWYER, YOU WANT THIS BILL TO GIVE YOU REASON TO RESIST YOUR CLIENT'S WISHES TO DEFRAUD MEDICAID. THREE, IF YOU ARE A TAX PERSON, YOU WANT THIS BILL SO THAT YOU KNOW YOUR TAX DOLLARS ARE BEING USED FOR THOSE WHO REALLY DESERVE IT THAT YOU WANT TO HELP. ESPECIALLY FROM MY ANGLE, FROM MY BACKGROUND, IF YOU'RE A SMALL BUSINESSMAN AND HONEST; IF YOU ARE A FARMER AND HONEST; IF YOU ARE NOT AS PROFESSIONAL WHO HAS CREATED SOME WEALTH, YOU WANT THIS BILL TO CLEAR YOUR NAME FROM THOSE WHO DISPARAGE YOUR NAME BY DEFRAUDING MEDICAID, BY GIVING THEIR WEALTH AWAY SO THAT THEY CAN HAVE FREE EXTENDED-LIFE COVERAGE. THIS IS SIMPLE. IF YOU BELIEVE IN GOOD GOVERNMENT, IF YOU ARE A FISCAL CONSERVATIVE AND A SENATOR HERE YOU WANT THIS BILL BECAUSE IT HELPS KEEP THE COST OF OUR MEDICAID SHARE DOWN. WE JUST FOUGHT MEDICAID EXPANSION BECAUSE OF THAT REASON. THIS IS HUGE. YOU HEARD SENATOR KOLTERMAN TELL US HOW MANY PEOPLE ARE ON MEDICAID IN OUR ASSISTED

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LIVING HOMES. I SEE NO REASON TO NOT PASS THIS BILL. IF YOU DO NOT PLAN ON DEFRAUDING MEDICAID, THIS DOES YOU NO HARM. THE DETAILS, THE LEGAL STUFF, AND I CAN'T READ...I TOLD ANOTHER SENATOR I LIKE IT WHEN A BILL IS WRITTEN BY A LAY PERSON AND NOT A LAWYER BECAUSE I CAN UNDERSTAND THE BILL. SENATOR SCHUMACHER WROTE THIS BILL WITH THE ASSISTANCE OF ATTORNEYS AND RETIREMENT PROFESSIONALS. IT IS A GOOD BILL. THEY ALL AGREE. IF YOU'RE GETTING CALLS FROM ATTORNEYS WHO SAY I HATE THIS BILL, THEY PROBABLY ARE MAKING A PRETTY GOOD LIVING HELPING PEOPLE DEFRAUD MEDICAID...JUST AN ASSUMPTION. SO PLEASE SUPPORT THE RECONSIDER MOTION OF SENATOR MORFELD. LET'S DO THE RIGHT THING. MY AG FRIENDS, LET'S TAKE AWAY THAT SUSPICION THAT THIS IS COMMON IN RURAL AREAS, IN AGRICULTURE. LET'S SAY, NO, IT IS NOT. IT DOES HAPPEN, BUT THE MAJORITY OF US ARE HONEST INDIVIDUALS WHO UNDERSTAND THE GOOD LORD GAVE YOU THE ABILITY OF WORK ETHIC AND YOU WERE SUCCESSFUL IN A GREAT COUNTRY, PAY YOUR BILLS. DON'T TRY TO DEFRAUD TAXPAYERS. I CAN'T THINK OF A SENATOR IN HERE FROM AG THAT WOULD DO THAT. THEY'RE ALL HONEST PEOPLE I KNOW, BUT I'VE LIVED IN AG ALL MY LIFE, I'VE SEEN IT HAPPEN. I'M GOING TO BE HONEST WITH YOU; I'VE SEEN IT HAPPEN. I'VE SEEN IT HAPPEN IN SMALL BUSINESSMEN. I'VE SEEN IT HAPPEN WITH PROFESSIONAL PEOPLE. I'VE BEEN AROUND THE BLOCK A COUPLE OF TIMES. IT HAPPENS. JUST DON'T GIVE US A BLACK EYE BY OPPOSING THIS. LET'S JUST PASS IT AND GET IT DOWN THE ROAD AND IT WILL NEVER AFFECT US BECAUSE WE'RE HONEST. THANK YOU. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR GROENE. THOSE STILL WISHING TO SPEAK: SENATOR LARSON, MORFELD, BLOOMFIELD, BURKE HARR, AND OTHERS. SENATOR LARSON, YOU'RE RECOGNIZED. [LB1103]

SENATOR LARSON: QUESTION. [LB1103]

SENATOR KRIST: QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED NAY. PLEASE RECORD, MR. CLERK. [LB1103]

CLERK: 27 AYES, 0 NAYS, MR. PRESIDENT, TO CEASE DEBATE. [LB1103]

SENATOR KRIST: DEBATE DOES CEASE. SENATOR MORFELD, YOU'RE RECOGNIZED TO CLOSE ON YOUR MOTION. [LB1103]

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SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I APPRECIATE EVERYBODY TAKING ANOTHER LOOK AT THIS, AS I THINK MANY PEOPLE HAVE STOOD UP ON THIS ISSUE. IT'S AN IMPORTANT ISSUE. WHILE THE BILL IS LONG, THAT DOES NOT MEAN THE FIX IS COMPLEX. AND WITH THAT BEING SAID, I'D LIKE TO YIELD THE REMINDER OF MY TIME TO SENATOR HOWARD. [LB1103]

SENATOR KRIST: SENATOR HOWARD, 4:44. [LB1103]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. AND THANK YOU, SENATOR CHAMBERS AND SENATOR MORFELD, FOR YIELDING ME TIME. THE ONE CHANGE THAT I DO THINK THAT WE NEED TO MAKE BETWEEN GENERAL AND SELECT FILE IS THAT WHILE WE ARE QUERYING THE REAL ESTATE TRANSACTION DATABASE UPON THE DEMISE OF THE BENEFICIARY, WE SHOULD ALSO ASK THAT THEY QUERY UPON THE APPLICATION SO THAT PRIOR TO RECEIVING BENEFITS AT THE TIME OF THE APPLICATION THE ACCESS NEBRASKA STAFF ARE ABLE TO QUERY IN A SEPARATE QUERY FUNCTION IN N-FOCUS TO LOOK AT THAT REAL ESTATE TRANSACTION TO DETERMINE ELIGIBILITY. WITH THAT, I WOULD URGE THE BODY'S ADOPTION OF THE RECONSIDERATION MOTION, AS WELL AS THE JUDICIARY AMENDMENT, AND WE SHOULD MOVE LB1103 TO SELECT SO THAT WE CAN MAKE THOSE CHANGES. THANK YOU, MR. PRESIDENT. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR MORFELD AND SENATOR HOWARD, FOR THE CLOSING. SO TO BE CLEAR, THE QUESTION IS THE RECONSIDERATION MOTION IN FRONT OF YOU. ALL THOSE IN FAVOR VOTE AYE; OPPOSED NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB1103]

CLERK: 27 AYES, 13 NAYS, MR. PRESIDENT, ON THE MOTION TO RECONSIDER. [LB1103]

SENATOR KRIST: MOTION SUCCEEDS. SO WE ARE BACK TO THE JUDICIARY AMENDMENT, AM2304, IN THE DEBATE. THOSE STILL WISHING TO SPEAK: SENATOR MORFELD, BLOOMFIELD, BURKE HARR, AND BOLZ. SENATOR MORFELD, YOU ARE RECOGNIZED. [LB1103]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I'LL MAKE MY COMMENTS BRIEF. IT WAS JUST IN RESPONSE TO SENATOR BLOOMFIELD, WHICH IT SOUNDS LIKE HE'LL BE ABLE TO RESPOND HERE IN JUST A MOMENT. BUT IN RESPONSE TO HIS COMMENT THAT ON THE BRACKET MOTION HAD 23 VOTES, SO WHY ARE WE EVEN MOVING FORWARD? I WOULD JUST LIKE TO POINT OUT THAT NOT

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EVERY BILL OF SUBSTANCE IN THIS BODY NEEDS TO HAVE 33 VOTES. WE SHOULDN'T DEVOLVE INTO WASHINGTON, D.C., WHERE YOU HAVE TO HAVE A SUPERMAJORITY OF VOTES TO TACKLE ANY ISSUE OF SUBSTANCE IN THIS BODY. SO I WOULD JUST ENCOURAGE MEMBERS TO KEEP THAT IN MIND. THERE ARE ISSUES THAT WE'RE ALL PASSIONATE ABOUT. THERE'S BEEN A FEW THAT I HAVE BEEN. BUT IT DOESN'T NECESSARILY NEED TO BE EVERY ISSUE. THANK YOU, MR. PRESIDENT. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR MORFELD. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB1103]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. SENATOR MORFELD IS 100 PERCENT COMPLETELY CORRECT. NOT EVERY ISSUE NEEDS TO HAVE 33 VOTES. THIS ONE DOES, BECAUSE WE'VE GONE SO LONG ON IT NOW, THERE'S NO REASON TO WALK AWAY FROM IT AT THIS POINT. I THINK CLOTURE IS AT 3:13, IF I'M CORRECT, OR 3:14, SOMEWHERE IN THAT NEIGHBORHOOD. IT'S NOT THAT FAR TO GO. I WOULD REMIND YOU AGAIN, LOOKING AT YOUR GADGET, OF THE COMMITTEE STATEMENT. SENATOR SCHUMACHER, THE INTRODUCER, WAS THE ONLY TESTIFIER IN SUPPORT. THE INTRODUCER WAS THE ONLY TESTIFIER IN SUPPORT. THERE WERE OPPONENTS AND THERE WERE NEUTRAL. IF THE ATTORNEYS LOVED THIS SO MUCH, HHS LOVED IT SO MUCH, WHERE WERE THEY? WHY WEREN'T THEY IN THERE ENCOURAGING THIS? WHY IS IT WHEN YOU GO OUT AND TALK TO FOLKS OUT THERE NOW SOME OF THEM THAT HELPED WITH THE LANGUAGE IN THIS AREN'T ALL THAT WILD ABOUT IT? WHEN WE COME OUT OF COMMITTEE WITH THE BARE MINIMUM OF VOTES, I BELIEVE IT'S ALTOGETHER FITTING ON SOMETHING THIS CONTROVERSIAL THAT IT GO TO CLOTURE AT THIS POINT. AFTER THE AMENDMENT WAS VOTED DOWN AND RESURRECTED, I SEE NO REASON NOT TO GO THE DISTANCE ON IT. IT'S NOT THAT LONG. YOU'LL GET HOME A COUPLE HOURS LATER, WE'LL ALL SURVIVE IT. MAYBE WE SHOULD HAVE SAVED SOME TIME EARLIER ON BY NOT FILIBUSTERING BILLS THAT REALLY DIDN'T NEED TO GO THERE. IT'S TOO LATE FOR THAT ARGUMENT NOW. SO, MR. PRESIDENT, LET US CONTINUE. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR BLOOMFIELD. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB1103]

SENATOR HARR: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. TO FOLLOW UP ON SENATOR BLOOMFIELD'S STATEMENTS EARLIER: THE SOONER WE GET OUT OF HERE THE SOONER I CAN GET HOME TO MY KIDS, SO I'M HAPPY

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TO STAY AS LONG AS YOU WANT. (LAUGHTER) THAT BEING SAID, I DON'T THINK WE NEED TO STAY HERE THAT LONG. I UNDERSTAND HIS CONCERNS, BUT ARE WE GOING TO START TAKING EVERY BILL TO 33 VOTES? ARE WE GOING TO MAKE OURSELVES LIKE CONGRESS? WE ALREADY HAD TO SHORTEN THE RULES FOR FAIR DEBATE FROM EIGHT TO SIX BECAUSE WE'RE FILIBUSTERING SO MUCH. I'M A LITTLE WORRIED ABOUT THAT. WHAT ARE WE GOING TO DO NEXT YEAR? FOUR? ARE WE GOING TO BECOME LIKE THE U.S. SENATE AND EVENTUALLY JUST SAY--WELL, IF I CAN GET 33 PEOPLE TO SIGN A PIECE OF PAPER, WE WON'T EVEN BRING IT UP; WE WON'T DEBATE IT? I GET THAT THERE ARE A MAJORITY HERE THAT LIKE IT AND THERE IS A MINORITY THAT DO NOT LIKE IT. AND I ALSO APPRECIATE THE ABILITY TO FILIBUSTER. BUT THERE'S ALSO A TIME FOR WAR AND A TIME FOR PEACE. AND THE QUESTION IS, WHEN IS THE RIGHT TIME TO PICK A FIGHT? IS THIS A BILL THAT YOU WANT TO GO SIX HOURS OVER? WHAT ARE WE TRYING TO STOP? WHAT'S THE OBJECTIVE OF THIS BILL? WE'RE TRYING TO STOP MEDICAID FRAUD. IS IT A LITTLE BIT CUMBERSOME? ANY LAW CAN BE CUMBERSOME IN THE BEGINNING. BUT ONCE YOU FIGURE OUT THE RULES AND REGS AND THE LAW ITSELF, IT'S NOT THAT DIFFICULT. IT TOOK ME THREE HOURS, AND I'M...I THINK EVERYONE WILL CONCEDE, SLOWER THAN THE AVERAGE BEAR. AND IF I CAN FIGURE THIS OUT, I THINK ANYONE IN THIS BODY CAN FIGURE IT OUT. SO I UNDERSTAND SOME OF THE CONCERNS OUT THERE, AND THERE HAVE BEEN A LOT OF QUESTIONS, AND TO BE HONEST, REALLY, REALLY GOOD QUESTIONS. I'VE BEEN IMPRESSED BY THE LEVEL OF QUESTIONS THAT HAVE COME ON THIS BILL, MUCH BETTER THAN A LOT OF OTHER BILLS. I ALSO WILL CONCEDE, SENATOR SCHUMACHER WAS A HECK OF A LOT MORE PREPARED FOR THIS THAN MOST PEOPLE...THAN I, I'LL SAY IT MYSELF, AM FOR MOST OF MY BILLS AND WAS READY AND HAS BEEN ABLE TO ANSWER EVERY QUESTION. THERE'S BEEN A LOT OF QUESTIONS THROWN AT THIS BILL. I'VE LISTENED TO THE DEBATE, AND I THINK HE'S DONE A GREAT JOB DEFENDING. AND SO WITH THAT I'M GOING TO GO AHEAD AND YIELD THE REMAINDER OF MY TIME TO SENATOR SCHUMACHER. [LB1103]

SENATOR KRIST: SENATOR SCHUMACHER, 2:19. [LB1103]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR HARR, FOR YIELDING TIME. I AGREE WITH THE SENATOR HARR, IT WOULD BE WELL TO GET OUT OF HERE AS SOON AS POSSIBLE. THIS MORNING WHEN I CAME IN HERE, QUITE HONESTLY, I WAS WILLING TO SAY, WHAT THE HECK. IF NOBODY CARES ABOUT LOSING THIS KIND OF MONEY, IF MEDICAID MONEY IS SO EASY COME, EASY GO THAT WE HAD THE KIND OF VOTE THAT WE HAD YESTERDAY AFTERNOON, MAYBE JUST THROW IN THE TOWEL AND MOVE ON AND SAVE

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EVERYBODY SOME TIME. AND I WAS ABOUT TWO MILLIMETERS AWAY FROM DOING THAT. IT SURE WOULD HAVE BEEN A LOT EASIER FOR ALL OF US. BUT THE FOLKS THAT I WORKED WITH, WITH THE PROFESSIONS, DIDN'T ENCOURAGE THAT. THEY PUT A LOT OF TIME INTO THIS FOR THEIR PROFESSIONS TO CLEAR UP THE UNCERTAINTIES OF OUR PRESENT PROCEDURE OF IMPLEMENTING LB72 WHICH IS IN EFFECT AND HAS MUCH OF THE SCOPE, IN SOME RESPECTS, MAYBE GREATER SCOPE THAN LB103 (SIC-LB1103). [LB1103 LB72]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR SCHUMACHER: THEY ENCOURAGED ME. MANY OF YOU SAID, THIS IS JUST TOO IMPORTANT FOR US TO WALK AWAY WITH WITHOUT MAKING SURE THAT EVERYONE UNDERSTANDS THE ISSUES, AND IF THEY HAVE MISGIVINGS, THEY'VE HAD AT LEAST A GOOD CHANCE TO CLEAR THEM UP. I WAS MOST ENCOURAGED BY THAT LAST VOTE. I KNOW AFTER TALKING WITH SENATOR HOWARD THAT SHE BELIEVES, AND I'VE AGREED TO WORK WITH HER, ON TWEAKING ANY OF THE TECHNICAL COMPUTER POLLING QUERY ISSUES, WE CAN WORK THAT OUT. WE'VE COME A LONG WAY WITH THIS. AND, YES, I'VE CARRIED THE TORCH, BUT NOT ALONE. WHILE I MIGHT HAVE BEEN OUT IN FRONT, THERE WAS A LOT OF UNDERCURRENTS OF SUPPORT THAT WERE DRIVING THIS: THE LAWYERS, THE BANKERS, THE PEOPLE WHO ARE HONEST, AS SENATOR GROENE SAYS IN THE AG COMMUNITY; THERE ARE A LOT OF PEOPLE. AND THAT REFLECTED IN THE FACT THAT THIS LEGISLATURE IS WORKING; THIS SYSTEM IS WORKING. WE ARE IN A CRUNCH TIME HERE. THANK YOU SO MUCH FOR PUTTING UP WITH THIS AND KEEPING AN OPEN MIND TO THIS POINT. I ASK YOU TO ADVANCE THIS BILL. WE'LL WORK OUT ANY WRINKLES OR UNCERTAINTY. AND AT THAT PARTICULAR POINT, HOPEFULLY, DO SOMETHING GOOD FOR THE PEOPLE OF NEBRASKA. THANK YOU. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR SCHUMACHER AND SENATOR HARR. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB1103]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I WANT TO TAKE THIS OPPORTUNITY TO JUST SHARE SOME INFORMATION THAT I THINK MIGHT BE HELPFUL AND INFORMATIVE IN RESPONSE TO COMMENTS THAT HAVE BEEN MADE ON THE FLOOR TODAY. I AGREE THERE IS POTENTIAL FOR REBALANCING IN OUR MEDICAID PROGRAM. BUT I WOULD ARGUE, COLLEAGUES, THAT IT IS NOT REBALANCING FROM THOSE WHO ARE DESERVING OR UNDESERVING, BUT RATHER REBALANCING IN THE EFFECTIVENESS AND EFFICIENCY OF THE WAY

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THAT WE USE OUR MEDICAID DOLLARS. THERE IS STATISTICAL, EFFICIENT, EVIDENCE-BASED INFORMATION THAT THE SNAP PROGRAM IS ONE OF THE MOST EFFICIENT IN THE NATION. WE HAVE A LESS THAN 3 PERCENT ERROR RATE, AND THAT INCLUDES BOTH UNDERPAYMENTS AND OVERPAYMENTS. IN ADDITION TO THAT, ONLY 7.5 PERCENT OF THE INDIVIDUALS WHO ARE ON MEDICAID ARE ADULTS. TWENTY PERCENT ARE THOSE WHO ARE AGED; 44 PERCENT ARE THE BLIND AND DISABLED; 27 PERCENT ARE CHILDREN. SO, COLLEAGUES, I WOULD ARGUE THAT IN TERMS OF THE BENEFICIARIES, WE ARE USING MEDICAID DOLLARS APPROPRIATELY, AND WE ARE SEEING LOW RATES OF FRAUD AND ABUSE. AND EVEN THOSE RATES OF FRAUD AND ABUSE HAVE RECOUPMENT STRATEGIES THAT WE SEE FLOW BACK IN OUR REVENUE STREAMS IN THE APPROPRIATIONS COMMITTEE. BUT I DO WANT TO TAKE THIS OPPORTUNITY TO MAKE THE ARGUMENT THAT THERE IS AN OPPORTUNITY TO REBALANCE HERE. AND THE REBALANCING COMES, NOT BASED ON THE BENEFICIARIES, BUT BASED ON OUR STRATEGIES. WE NEED TO MOVE PEOPLE FROM THE HIGH-COST NURSING FACILITY LEVEL OF CARE, WHICH EVEN IN A SEMIPRIVATE ROOM CAN REACH \$80,000 A YEAR, TO MORE COMMUNITY-BASED STRATEGIES LIKE ADULT DAY CARE WHICH COSTS CLOSER TO \$17,000 YEAR. SO COLLEAGUES, I JUST...I FEEL LIKE IT'S IMPORTANT THAT WE GET ACCURATE INFORMATION ON THE FLOOR. AND I THINK IT'S IMPORTANT THAT WE REPRESENT GOVERNMENT PROGRAMS FAIRLY AND ACCURATELY. BUT I ALSO THINK THE POINT THAT REBALANCING IN OUR MEDICAID PROGRAM IS NECESSARY AND CAN CREATE COST-SAVINGS IS A GOOD ONE, RATHER IT'S REBALANCING FROM MORE EXPENSIVE TO LESS EXPENSIVE. IT CAN BE DONE AND WE'LL CONTINUE WORKING ON IT IN THE NEXT LEGISLATIVE SESSION. THANK YOU, MR. PRESIDENT. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR BOLZ. SENATOR JOHNSON, YOU ARE RECOGNIZED. [LB1103]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. FIRST TIME I'VE SPOKEN ON THIS AND YESTERDAY I WAS PROBABLY NOT AS ENGAGED AS I SHOULD HAVE BEEN. AND THINKING THROUGH THIS AND DIGESTING SOME OF IT LAST NIGHT, AND SOME OF THE COMMENTS THIS MORNING NOW, SAID THIS IS A CONTROVERSIAL BILL. PEOPLE HAVE MADE IT CONTROVERSIAL AND NOT LOOKED AT THE TRUE MEANING OF WHAT THIS BILL CAN DO, WHAT EFFECT IT CAN HAVE IF IT'S NOT PASSED. IT'S NOT CONTROVERSIAL. I THINK IT'S UNDER...NOT UNDERSTOOD. I WAS IN THAT POINT YESTERDAY WHEN I VOTED AGAINST IT. I HAD SOME CONCERNS ABOUT WHO IS GOING TO HANDLE ALL THE PAPERWORK AND HOW IT WAS GOING TO BE HANDLED. IS THAT AGENCY READY



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TO TAKE IT ON? THE COST OF IT? AND THEN I START LISTENING TO PEOPLE WHO TALK ABOUT THE POTENTIAL OUT THERE OF THE FRAUD. AND TO ME, I UNDERSTAND IT BETTER NOW. MANY, MANY YEARS AGO, I KNEW A FAMILY THAT DIVERSED THEIR PARENTS OF MOST OF THE ASSETS; IT WAS PART OF THE FAMILY PLAN. PARENTS MOVED FROM A NICE HOME ON THE FARM, MOVED INTO TOWN, LIVED IN PRETTY MUCH OF A MEDIOCRE HOME BECAUSE THEY DIDN'T HAVE ANY ASSETS LEFT; THEY TRANSFERRED IT ALL. AND AT THAT POINT, EVERYBODY SAID, WELL, THE FOLKS WILL GO ON THE COUNTY. THERE WAS NO PRIDE AT ALL THERE. I HOPE WE'RE NOT DOING THAT NOW, BUT THERE'S THAT POTENTIAL. WE NEED TO BE ABLE TO MOVE THIS FORWARD AND CONTINUE TO WORK ON IT. I THINK IT WILL BE IMPROVED ONCE WE MOVE PAST THIS AND GET IT ON TO REVISIONS AND GET IT ON TO SELECT. SO I WILL SUPPORT THIS. I WAS SUPPOSED TO BE WITH THE GOVERNOR THIS AFTERNOON; I CANCELED THAT. WE'LL GO FROM THERE. SO, THANK YOU. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR JOHNSON. MR. CLERK. [LB1103]

CLERK: MR. PRESIDENT, I HAVE RECEIVED A PRIORITY MOTION. SENATOR LARSON WOULD MOVE TO RECONSIDER THE MOTION WITH RESPECT TO BRACKETING THE BILL YESTERDAY THAT FAILED. AND THAT WAS SENATOR KUEHN'S MOTION, MO249. SENATOR LARSON IS MOVING TO RECONSIDER THAT. [LB1103]

SENATOR KRIST: SO JUST TO REVIEW, WE HAVE A BRACKET MOTION WHICH TAKES PRIORITY OVER DISCUSSING THE JUDICIARY COMMITTEE, AND WE STILL HAVE AN IPP MOTION AFTER WE DISPENSE WITH BOTH OF THESE. SO, SENATOR LARSON, YOU'RE RECOGNIZED ON YOUR MOTION. [LB1103]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. THIS IS A RECONSIDERATION OF THE BRACKET MOTION FROM LAST NIGHT THAT FAILED WITH 20-SOME VOTES. I UNDERSTAND THAT SENATOR SCHUMACHER WOULD LIKE TO SEE THIS ADVANCE ON. I DON'T THINK THE VOTES ARE THERE. ACTUALLY, I WOULD PROBABLY BET TO SAY THAT THEY ABSOLUTELY AREN'T THERE. SO WE CAN SIT AND DEBATE THIS, BUT THIS DOES NOT HAVE THE VOTES TO DEFEAT A CLOTURE MOTION AND GET OFF OF GENERAL FILE. AND IF THAT MEANS TWO AND A HALF HOURS HERE INSTEAD OF FOUR ON SELECT, THEN I WOULD SAY THAT'S TIME WELL SPENT HERE BECAUSE THAT'S OUR OPTION. WE CAN DO IT HERE OR ON SELECT. THERE'S LESS TIME LEFT HERE. FRANKLY, WE CAN END IT QUICKLY BECAUSE WE KNOW THE VOTES AREN'T THERE, WHICH WE'VE DONE TO MANY BILLS THIS

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YEAR, AND TO FACE OF A FILIBUSTER WHEN THE VOTES ABSOLUTELY WEREN'T THERE WE'VE EITHER PUT IT DOWN OR TRIED TO PULL IT. AS INTRODUCER, I'VE DONE IT THREE TIMES, I THINK. COLLEAGUES, LB1103, WHETHER YOU LIKE IT OR NOT, DOESN'T HAVE THE VOTES TO MOVE. IT'S AS SIMPLE AS THAT. IT'S FRIDAY, I KNOW A LOT OF US ARE JUST REALLY ENJOYING THIS. I CAN UNDERSTAND THAT SENATOR HARR HAS A MOTIVE TO BE HERE. BUT A LOT OF US WOULD LIKE TO MOVE ON TO LB975 AND SENATOR KOLTERMAN. AND KNOWING THAT THIS DOESN'T HAVE THE VOTES, I THINK WE SHOULD DO THAT. THERE'S A LOT OF QUESTIONS LEFT; THERE'S A LOT OF THINGS TO DO IN LB1103. SENATOR CRAIGHEAD TALKED ABOUT FURTHER LOOKING AT IT INTO THE SUMMER. THIS CAN BE QUICK; IT CAN BE EASY, AND WE CAN MOVE ON KNOWING THAT WE DON'T HAVE THE VOTES TO TRULY MOVE LB1103 ON TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB1103 LB975]

SENATOR KRIST: SENATOR LARSON, WOULD YOU APPROACH THE CHAIR, PLEASE. SO, COLLEAGUES, YOU'RE GOING TO SEE THE BOARD CHANGE. WHAT YOU JUST HEARD WILL COUNT AS A MOTION OR AN OPENING ON A MOTION FOR A BRAND NEW BRACKET MOTION BECAUSE THE RECONSIDER MOTION WAS NOT REQUIRED IN ORDER TO DO WHAT SENATOR LARSON WANTS TO DO. SO YOU'VE HEARD THE OPENING NOW ON A NEW BRACKET MOTION BY SENATOR LARSON. THOSE WISHING TO SPEAK: SENATOR CHAMBERS, GLOOR, SCHEER, BLOOMFIELD, AND OTHERS. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1103]

SENATOR CHAMBERS: MR. PRESIDENT, THIS CAN BE HANDLED QUICKLY, AND BY THIS, I'M REFERRING TO SENATOR LARSON'S MOTION. NOW, I DON'T MAKE BOOK, BUT I WATCH WHAT HAPPENS HERE. AND THERE WERE 27 VOTES TO RECONSIDER WITHOUT A CALL OF THE HOUSE, AND NOT EVERYBODY WAS HERE. SO IF YOU WANT TO DISCUSS HIS MOTION FOR A LONG TIME, YOU CAN, OR ANY OTHER PROPOSITION. BUT I DO THINK THE VOTES ARE HERE NOW THAT THERE'S BEEN THE DISCUSSION, PEOPLE BETTER UNDERSTAND THE BILL. AND I'M GOING TO SAY ON THE MIKE WHAT I SAID TO SENATOR GROENE. WHEN HE SPOKE, HE HIT THE POINTS ONE RIGHT AFTER THE OTHER, MADE THEM VERY CLEAR AND SUCCINCT, AND THE BIG POINT WAS DO NOT LET THE RURAL AREA GET A BLACK EYE BY FIGHTING THIS IN SUCH A WAY THAT IT SEEMS LIKE THIS IS COMMON, THIS KIND OF FRAUD, AND THAT THE FRAUD FEASORS ARE THE ONES THAT HAVE TO BE PROTECTED. THIS BILL, AS HE POINTED OUT, DOES NOT HURT ANYBODY WHO IS HONEST. IT DOES NOT HURT ANYBODY WHO DOES NOT INTEND TO DEFRAUD. AND THEN THE ONE COMMENT I'M GOING TO MAKE, AND I'M NOT EVEN GOING TO TAKE MY FIVE MINUTES. EVERYBODY, EVERY ENTITY

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THAT DOES ANYTHING WITH REFERENCE TO ESTATE PLANNING IS IN FAVOR OF THIS BILL. A LAWYER HAS THE DUTY TO REPRESENT HIS OR HER CLIENT ZEALOUSLY. IF A PERSON COMES TO THE LAWYER WITH A STRATAGEM, THE LAWYER CAN KNOW THAT THIS IS SHAKY. THIS BILL TAKES ALL OF THAT AWAY, AND THE LAWYER WOULD SIMPLY SAY, THIS CANNOT BE DONE UNDER THE LAW, AND THAT TAKES CARE OF IT. SO THE HONEST PEOPLE HAVE NO PROBLEM WITH THIS BILL. AND IN THE INTEREST OF LETTING PEOPLE HAVE ALL THE TIME THEY WANT TO DO WHATEVER THEY CHOOSE TO DO, I AM THROUGH AT THIS POINT. THANK YOU, MR. PRESIDENT. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB1103]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT; GOOD AFTERNOON, MEMBERS. I'M WEARING MORE COMFORTABLE SHOES TODAY, SINCE I WAS RUNNING AROUND SO MUCH YESTERDAY ON LB958, AND I HAVE KIND OF BIDED MY TIME ON THIS BILL. BUT, ULTIMATELY, I FEEL A NEED TO SAY SOMETHING, BECAUSE I'VE SPENT A CONSIDERABLE AMOUNT OF MY TIME, AS HAS SENATOR CAMPBELL, ON ISSUES AROUND MEDICAID, TRYING TO IMPROVE OUR SYSTEM, TRYING TO IMPROVE HEALTHCARE DELIVERY, AND ALSO TRYING TO IMPROVE COSTS AND BRING A LITTLE PLANNING AND FOCUS TO CONTROLLING MEDICAID EXPENDITURES IN THIS STATE. SO WHY WOULD I NOT BE IN SUPPORT OF LB1103, WHICH IS AN ATTEMPT TO DO THE SAME SORT OF THING? MEMBERS, I HAVE TO TELL YOU, ALL POLICIES THAT WE GET INVOLVED IN, IN SOME WAY, ARE, AND I'VE SAID THIS ON MIKE, I'LL PROBABLY SAY IT AGAIN BEFORE THE END OF SESSION, ARE HEALTH POLICIES. AND MOST OF THE DECISIONS THAT WE MAKE ARE INFLUENCED FROM THE DOLLARS AND CENTS STANDPOINT BY HEALTH POLICIES WE CHOOSE TO MAKE OR NOT MAKE IN THIS STATE, BECAUSE OTHER THAN K-12 EDUCATION, WE SPEND, I BELIEVE, THE SECOND LARGEST CHUNK OF OUR BUDGET ON MEDICAID EXPENDITURES. AND UNFORTUNATELY, DISCUSSIONS ON MEDICAID HAVE BEEN CAPTURED BY EXPANSION OF MEDICAID. AND ONCE WE TALK ABOUT THAT, IT'S AS IF WE EXHAUST OUR ABILITY TO GRAB A HOLD OF WHAT A THREAT THIS IS TO POLICYMAKING IN THE FUTURE BECAUSE MEDICAID EXPENDITURES CONTINUE TO GROW AND GROW AND GROW. AND IN MY DISCUSSION ON THE TOBACCO TAX INCREASE, IT GETS CAPTURED BY--IT'S A TAX INCREASE, OR THE TAX INCREASE ITSELF; WHEN, IN FACT, A LARGE PORTION OF THAT IS TRYING TO SLOW DOWN THE GROWTH OF MEDICAID EXPENDITURES BECAUSE OF TOBACCO-RELATED DISEASES. I SPENT TIME WITH A FOCUS ON CHRONIC DISEASE MANAGEMENT--PATIENT-CENTERED MEDICAL HOME--AND DOING THAT UNDER LEGISLATIVE

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RESOLUTIONS, NOT EVEN BRINGING BILLS TO THIS BODY, BECAUSE OF MY CONCERN OVER REJECTION, BUT TRYING TO DO IT IN THE BACKGROUND, STILL UNDER THE UMBRELLA OF THE LEGISLATURE TO TRY AND CONTROL MEDICAID EXPENDITURES. I BELIEVE AS THE PROBLEM MEDICAID EXPENDITURES CONTINUES TO GROW AND CONTINUES TO GROW, WE'LL LOOK AT THIS BILL IN THE FUTURE, FIVE OR SIX YEARS, AND THAT LEGISLATURE WILL WONDER WHY DIDN'T THEY JUMP TO THIS BILL SOONER? AND I UNDERSTAND THE CHALLENGES OF GETTING THE VOTES TO GET CLOTURE TO MOVE THIS FORWARD, BUT I FEEL A NEED TO POINT OUT THE FACT THAT MEDICAID, WHETHER IT'S ISSUES AROUND MEDICAID ABUSE; MEDICAID COSTS, WHICH CLEARLY ARE PART OF THE ABUSE PROBLEM, IS GOING TO BE AN EVER-INCREASING PROBLEM THAT THIS BODY CAN'T IGNORE. IN THE FUTURE, MY PLEA TO YOU WOULD BE DON'T LET MEDICAID EXPANSION CAPTURE THE DIALOGUE. WE'VE GOT TO DO MORE TO CONTROL THE EXPENSE OF MEDICAID EXPENDITURES; LONG-TERM CARE BEING AN INCREDIBLY EXPENSIVE PART OF THE DECISIONS THAT HAVE TO BE MADE BY THIS BODY. WHY WOULD I NOT, WITH THE EFFORT THAT I PUT IN TO TRYING TO CONTROL MEDICAID EXPENDITURES THROUGH THE EIGHT YEARS OF MY EFFORTS DOWN HERE, NOT CONTINUE TO TAKE A LOOK AT SOMETHING LIKE LB1103 AND SAY, TINY, TINY PART OF WHAT WE'RE TRYING TO DO WITH MEDICAID EXPENDITURES, BUT NO LESS IMPORTANT. AND I'LL CONTINUE TO HANG, AS I DID YESTERDAY, WITH SENATOR LARSON...EXCUSE ME, NOT WITH SENATOR LARSON IN THIS CASE, BUT WITH SENATOR SCHUMACHER AND HIS EFFORTS... [LB1103 LB958]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR GLOOR: ...TO MOVE TOWARDS CONTROLLING, AGAIN, A SMALL PART OF MEDICAID COSTS THAT WILL GOBBLE UP OUR AGENDAS IN THE FUTURE. THANK YOU, MR. PRESIDENT. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR GLOOR. SENATOR SCHEER, YOU ARE RECOGNIZED. AND REMAINING IN THE QUEUE ARE: BLOOMFIELD, EBKE, STINNER. [LB1103]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. MY APOLOGIES, COLLEAGUES. I DON'T DISAGREE WITH SENATOR CHAMBERS. AND IN THAT LIGHT, IF SENATOR SCHUMACHER WOULD YIELD TO A QUESTION, PLEASE. [LB1103]

SENATOR KRIST: SENATOR SCHUMACHER, WILL YOU YIELD? [LB1103]

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SENATOR SCHUMACHER: YES, I WILL. [LB1103]

SENATOR SCHEER: THANK YOU, SENATOR SCHUMACHER. YOU AND I HAD A CONVERSATION EARLIER, AND I GUESS, JUST IN THE ESSENCE OF TIME AND TRANSPARENCY, LISTENING TO SENATOR CHAMBERS FULLY BELIEVES THAT YOU HAVE 33 VOTES IN ORDER TO MOVE THIS FORWARD. IF THAT IS NOT THE CASE ON THIS VOTE, WHAT NUMBER AT WHAT POINT IS IT 17 OR 20 OR WHAT IS YOUR NUMBER THAT WILL SUFFICE TO PULL THE BILL AND WE CAN MOVE FORWARD? I'M NOT SAYING IT'S A BAD BILL, NOT SAYING IT'S A GOOD BIG, JUST BEING PRAGMATIC ABOUT IT. IF WE HAVE THIS VOTE KNOWING THAT WE'RE ALREADY FOUR AND A HALF HOURS OR THREE AND A HALF HOURS IN, IT LOOKS LIKE A COMMITMENT ON EVERYONE'S POINT TO STAY HERE, IS THAT INDEED YOUR INTENT; ONE, TO GO SIX HOURS, AND IF NOT, AT WHAT POINT WOULD YOU FEEL THAT YOU WOULD NOT? [LB1103]

SENATOR SCHUMACHER: I THINK THERE'S SOME FOLKS WHO HAVE SOME PERTINENT COMMENTS, YET. AND I THINK THAT A LONGSTANDING SENATOR HAS...WHO IS NO LONGER IN THE BODY, INFORMED ME OF A PROCEDURE BY WHICH WE COULD MOVE THIS BILL AND AVOID CLOTURE. THAT'S AN OPTION YET. SO I'M NOT GOING TO SHARE STRATEGY AT THIS POINT, SENATOR. BUT THERE HAS BEEN PROCEDURES USED IN THIS BODY IN THE PAST WHERE THE PUBLIC INTEREST IS GREAT AND THE OPPOSITION IS ABUSING THE FILIBUSTER PROCESS WITH OBSTRUCTION THAT WE COULD USE, AND I HAVEN'T RULED THAT OUT. THANK YOU. [LB1103]

SENATOR SCHEER: THANK YOU, SENATOR SCHUMACHER. COLLEAGUES, THAT'S FINE, SENATOR SCHUMACHER HAS TO DO WHAT HE'S DOING. I'VE JUST TRIED TO LOOK AT THIS IN A MORE PRAGMATIC WAY. WE'VE BEEN HERE FOR QUITE A LENGTH OF TIME AND IF THERE'S ANOTHER WAY AROUND IT, THEN MORE POWER TO SENATOR SCHUMACHER, BECAUSE THAT WILL THEN JUST TURN INTO THE RULE OF LAW ON THE FLOOR FOR THE REMAINING PORTION OF WHOEVER'S TIME IS STILL HERE AND REMEMBERS IT. SO I GUESS I WOULD BE CAREFUL FOR WHAT WE WISH FOR BECAUSE ADDING ANOTHER TOOL TO EVERYBODY'S ARSENAL I'M NOT SURE IS SOMETHING THAT WE WANT TO DO AT THIS POINT IN TIME. BUT IF IT'S WITHIN THE RULES, THAT'S FINE. BUT I THINK WE NEED TO BE CAREFUL, AS WELL, AS HOW WE GO ABOUT THINGS AS WE MOVE FORWARD. THANK YOU, MR. PRESIDENT. [LB1103]

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SENATOR KRIST: THANK YOU, SENATOR SCHEER AND SENATOR SCHUMACHER. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB1103]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I BELIEVE WHAT SENATOR SCHUMACHER IS TALKING ABOUT IS PROBABLY SUSPENDING THE RULES. I CONSIDERED THAT ON LB900. BUT THE PRECEDENT THAT IT SETS IS NOT SOMEPLACE WE WANT TO GO. IT TAKES 25 VOTES, I BELIEVE, TO DO THAT. AND HE MIGHT BE ABLE TO MOVE IT THROUGH WITH THAT. HAVING DONE SO ON THIS BILL, EVERY CONTROVERSIAL BILL GOING FORWARD WILL BE LOOKING AT THE SAME THING. I CONSIDERED IT; DID NOT GO THERE BECAUSE I DID NOT WANT TO SET THE PRECEDENT. IF THAT'S A PRECEDENT YOU WANT TO SET IN THIS BUSY, OH BOY, WILL IT BE EASIER TO GET THE HELMET BILL PASSED NEXT YEAR. AND THE HELMET BILL WILL BE BACK, I'VE ALREADY TALKED TO PEOPLE WHO ARE GOING TO TAKE CARE OF THAT. BUT IF THAT'S WHERE WE WANT TO GO WITH THIS, IT'S A PATH, IT CERTAINLY IS. THE CONSEQUENCES WILL BE FACED AND PAID NEXT YEAR WHEN I WON'T BE HERE. THANK YOU, MR. PRESIDENT. [LB1103 LB900]

SENATOR KRIST: THANK YOU, SENATOR BLOOMFIELD. SENATOR EBKE, YOU'RE RECOGNIZED. [LB1103]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. AND I HAVEN'T SAID ANYTHING ON THIS TODAY. I DID TALK A LITTLE BIT ABOUT IT YESTERDAY. LET ME JUST SAY, I AM GOBSMACKED. MEMBERS OF THIS LEGISLATURE WERE WILLING TO GET HHS INVOLVED IN CORRECTIONS BY DRUG TESTING SNAP...FOR SNAP CARDS FOR PEOPLE WHO HAD RECENTLY BEEN RELEASED FROM PRISON--\$250 A MONTH. PEOPLE IN THIS BODY AND CONSERVATIVE FRIENDS, I'M ONE OF THOSE AS WELL, HAVE SAID THAT WE AREN'T WILLING TO EXPAND MEDICAID IN LARGE PART BECAUSE OF COST. AND YET YOU DON'T WANT TO MONITOR THE ELIGIBILITY OF POTENTIAL MEDICAID PATIENTS WHO WILL COST US AND OUR CHILDREN \$5,000 OR MORE A MONTH? REMEMBER, IF YOU DON'T PLAN ON DEFRAUDING THE SYSTEM AND IF YOU DON'T PLAN ON...AND IF YOU DON'T APPLY FOR MEDICAID, THIS DOESN'T AFFECT YOU. FILIBUSTERING A GOOD GOVERNMENT BILL IS A BAD IDEA. AND I DON'T UNDERSTAND WHY PEOPLE ARE DOING THIS. SO I'M NOT GOING TO GO TOO MUCH FURTHER, BUT I THINK WE NEED TO THINK SERIOUSLY ABOUT WHAT WE'RE DOING HERE, FOLKS, AND THINK ABOUT THE CREDIBILITY THAT IT LEAVES US IN THE FUTURE. THANK YOU, MR. PRESIDENT. [LB1103]

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SENATOR KRIST: THANK YOU, SENATOR EBKE. SENATOR STINNER, YOU'RE RECOGNIZED. [LB1103]

SENATOR STINNER: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I'VE BEEN SITTING BACK AND LISTENING TO THE DISCUSSION. AND GOBSMACKED, HUH? THAT'S A NEW ONE ON ME. THIS IS IMPORTANT LEGISLATION AND IT REALLY CLOSES THAT LAST LOOPHOLE THAT PEOPLE ARE AFFORDED AS IT RELATES TO MEDICAID. AND LET'S JUST WALK THROUGH THIS ONE TIME. WE HAVE PROBATION ESTATES WHEN YOU DIE. YOU DO HAVE TO FILE A NOTIFICATION TO DHHS. TRUSTS, WHICH I HAVE A TRUST DEPARTMENT. IF I HAVE SOMEBODY IN TRUST THAT IS NOW RECEIVING MEDICAID, I HAVE TO FILE A NOTICE. AND THEN WHEN THAT PERSON PERISHES, WE LIQUIDATE THE ASSETS AND PAY BACK THE MEDICAID, OR WHATEVER THEY'VE...WHATEVER IS DUE. PERSONAL INJURY CASES, I THINK WE TOUCHED ON THAT. YOU KNOW, YOU HAVE A WRECK, YOU ALL OF A SUDDEN YOU'RE IN THE HOSPITAL, YOU'RE UNDER MEDICAID, YOU'RE TAKING DOWN BENEFITS, THAT HAS TO HAVE A NOTIFICATION. THE ONLY THING THAT DOESN'T REQUIRE NOTIFICATION RIGHT NOW IS LIFE ESTATES. AND I THINK SENATOR GROENE TALKED ABOUT IT, A LOT OF PEOPLE HAVE TALKED ABOUT IT. IF YOU HAVE ASSETS AND YOU DEPLOY A STRATEGY TO DEFRAUD THE FEDERAL GOVERNMENT, BASICALLY, OF...OR NOT THE FEDERAL GOVERNMENT BUT THE STATE GOVERNMENT, AND YOUR INTENTION IS TO PASS THOSE ASSETS TO HEIRS, EVEN THOUGH YOU'VE INCURRED COSTS THAT NEED TO BE PAID BACK, THAT'S FRAUD. THAT'S WHAT WE'RE TRYING TO CLOSE HERE. THAT'S WHY THIS LEGISLATION IS IMPORTANT. I WOULD HOPE THAT A LOT OF PEOPLE THAT WOULD BE LISTENING IN RIGHT NOW WOULD CHANGE THEIR VOTE TO SUPPORT THIS. THIS IS IMPORTANT LEGISLATION. I THINK THAT WHEN YOU TALK TO ATTORNEYS, AND I HAVE TALKED TO LOCAL ATTORNEYS, THEY TALK ABOUT PEOPLE THAT SPECIFICALLY COME IN FOR THIS KIND OF FINANCIAL MANEUVERING SO THAT THEIR PERSON, WHETHER IT BE A CHILD OR WHETHER IT BE PARENTS, THAT ARE GOING INTO A NURSING HOME, THEY CAN PASS THOSE ASSETS TO THEM AND STILL PULL DOWN MEDICAID. THAT'S THE WRONG WAY, THAT'S THE WRONG WAY TO GO. I THINK WE NEED TO PROTECT MEDICAID. I THINK KATE BOLZ TALKED ABOUT THE AGING POPULATION AND THAT DEMOGRAPHIC; IT'S ONLY GETTING LARGER AND LARGER. AND, OF COURSE, WE ALSO HAVE THAT LAST THREE TO SIX MONTHS OF LIFE IS VERY EXPENSIVE. SO I WOULD ENCOURAGE YOU TO VOTE TO...FOR LB1103 AND THE ACCOMPANYING AMENDMENT THAT, OH BY THE WAY, WAS SUPPORTED BY THE ATTORNEYS AND BY THE ACCOUNTANTS AND BY THE NEBRASKA BANKERS AFTER THE AMENDMENT WAS PUT TOGETHER. AND ANYTIME YOU GET ACCOUNTANTS AND BANKERS AND LAWYERS TOGETHER,

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YOU'RE GOING TO GET 39 PAGES OF LEGISLATION. SO THAT'S MY COMMENT.  
THANK YOU VERY MUCH, MR. PRESIDENT. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR STINNER. THOSE STILL WISHING TO  
SPEAK: SENATORS SCHNOOR, BRASCH, AND BLOOMFIELD. SENATOR SCHNOOR,  
YOU'RE RECOGNIZED. [LB1103]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. I WILL SUPPORT THE  
BRACKET MOTION BY SENATOR LARSON. I'D LIKE TO JUST POINT OUT A COUPLE  
THINGS, KIND OF REACTING TO SOME COMMENTS THAT HAVE BEEN MADE. AND  
THE LAST INTERIM STUDY THAT WE HAVE FOUND WAS DONE IN 2004 ON THIS  
ISSUE. SO AS WE STARTED IN THE BEGINNING OF THIS DEBATE, AND COMING  
FROM SENATOR SCHUMACHER THAT THIS HAS NOT BEEN ON ANYBODY'S RADAR,  
SO THIS HAS NOT BEEN A CRITICAL ISSUE. DOES IT HAPPEN? I WOULD AGREE  
THAT IT DOES. SENATOR HOWARD AND SENATOR BOLZ TALKED; SENATOR  
HOWARD SAID HOW SHE HAD JUST TALKED WITH CALDER LYNCH. AND,  
OBVIOUSLY, AS THINGS GO ON, THERE'S THINGS START TO SURFACE AND WE  
START MAKING PHONE CALLS AND START GETTING ANSWERS TO OUR  
QUESTIONS, BUT IT JUST SHOWS THAT WE NEED TO STUDY THIS AND COME UP  
WITH A GOOD PLAN. ALONG WITH WHAT SENATOR BOLZ HAD SAID THAT WE  
NEED TO REBALANCE, WE NEED TO LOOK AT THIS OVERALL PLAN. SO DO  
CHANGES NEED TO BE MADE? YES, I THINK THEY DO. IS THERE PEOPLE  
COMMITTING...OR ARE THERE PEOPLE COMMITTING FRAUD? I'M SURE THERE  
ARE. BUT I THINK WE SHOULD STEP BACK, WE SHOULD LOOK AT THIS. THIS  
SHOULD BE STUDIED, AND THEN COME UP WITH A GOOD OBJECTIVE PLAN OF  
HOW TO FIX THIS PROBLEM. SO I WILL SUPPORT THE BRACKET MOTION AND ASK  
THAT WE JUST MOVE ON WITH THE AGENDA. THANK YOU. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR SCHNOOR. SENATOR BRASCH, YOU'RE  
RECOGNIZED. [LB1103]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT; AND THANK YOU,  
COLLEAGUES. AND I HAVEN'T SPOKEN ON THIS YET TODAY, BUT MY POSITION  
HAS NOT CHANGED. ONCE AGAIN, AND I THINK AS SENATOR BLOOMFIELD MADE  
A GOOD POINT, WHEN YOU LOOK AT THE COMMITTEE STATEMENT, ALL OF THE  
ENTITIES THAT HELPED CRAFT THIS BEHIND THE SCENES, CONVERSATIONS,  
DIALOGUE, FINE TUNING, THEY WERE NOT TESTIFYING. ALL OF THIS IS  
ELECTRONIC OR PHONE OR SOMETHING. I WOULD LOVE TO SEE THE  
TRANSCRIPT OF THE CONVERSATIONS THAT HAVE OCCURRED. AND WHAT'S



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MOST TROUBLING, I BELIEVE, IS THE TREND I AM PERCEIVING OR SEEING THAT WITHIN THIS BODY OR PERHAPS WITHIN THE COUNTRY IS THAT WE ARE GOING TO SAY EVERYONE NOW IS GUILTY UNTIL PROVEN INNOCENT. THINGS USED TO BE THE OTHER WAY; YOU WERE INNOCENT UNTIL PROVEN GUILTY. AND WHAT WE DO IS WE FIND GUILTY PARTIES, BUT IT SOUNDS LIKE EVERYONE OUT THERE, IF YOU DON'T SUPPORT THIS BILL THAT YOU'RE ABUSING THE SYSTEM, YOU'RE CHEATING, YOU'RE...GOVERNMENT HAS SO MUCH OVERREACH, IT'S INCREDIBLE. WE SEE IT MORE AND MORE. AND EVERY TIME WE INVOLVE GOVERNMENT, WE ALSO MAKE A MANDATE, THERE'S A COST WITH THIS, AND COSTS KEEP SOARING. I ASKED SENATOR EBKE A QUESTION IN THE HALLWAY THE OTHER DAY: SO WHY ARE THESE...WHY ARE NURSING HOMES SO EXPENSIVE? WHY IS MEDICAID SO EXPENSIVE? HER RESPONSE YESTERDAY WAS--REGULATIONS. IT'S THE REGULATIONS, THE CARE PROVIDERS, YOU KNOW, THE COST THERE, YOU KNOW, ARE THEY SKYROCKETING BEYOND WHAT A PERSON CAN PAY? THERE'S SOMETHING WRONG WITH THAT. AND WE'RE THROWING IN MORE REGULATION. MAYBE THERE SHOULD BE A PENALTY FOR ATTORNEYS WHO...IS THIS BILL TO PROTECT ATTORNEYS? I THINK THE BOTTOM LINE IS IT ALL ROLLS DOWNHILL AND TAXPAYERS END UP PAYING FOR IT ONE WAY OR THE OTHER. IT DOESN'T MATTER HOW MUCH THEY'VE HAD TAKEN OUT FOR SOCIAL SECURITY ANYMORE, HOW MUCH TAXES THEY HAVE PAID, WHAT THEY'VE INVESTED, BECAUSE WHATEVER TAXPAYERS HAVE, GOVERNMENT WANTS. I'M SORRY, I...AND I'M NOT A PERSON THAT HANGS ON TV WATCHING FOX NEWS OR OTHER ENTERTAINMENT, POLITICAL MEDIA. I JUST HEAR WHAT PEOPLE ARE TELLING ME, AND THAT WE ARE...TAXES ARE TOO HIGH. AND OUR FOCUS SHOULD BE IN MOVING THAT DIRECTION DOWNWARD. IF WE HAVE PROBLEMS IN OUR HEALTHCARE SYSTEM, WE NEED TO LOOK AT THE PROBLEMS AND NOT JUST WRITE CHECKS TO COVER IT. CHECKS THAT WE ALREADY PAID OVER AND OVER AND OVER. SO I AM IN FAVOR OF BRACKETING IT. I WOULD LOVE TO HAVE AN INTERIM STUDY, A PUBLIC HEARING, SOME FACTS DOWN THAT WE REALLY CAN LOOK AT AND TRY TO IDENTIFY THE PROBLEMS THAT ARE CREATING FRAUD,... [LB1103]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR BRASCH: ...IF THERE IS FRAUD TAKING PLACE. COLLEAGUES, I ASK YOU TO SUPPORT THE BRACKET. LET'S JUST NOT PASS SOMETHING BECAUSE IT SEEMS LIKE A GOOD IDEA. I HIGHLY DOUBT THAT THIS IS THE MAGIC TICKET THAT WILL BRING THE COST OF MEDICAID DOWN. I THINK WE'RE WAY PAST THAT POINT. EVERYONE, I ENCOURAGE YOU TO BE HONEST. WE...AS WE SHOULD BE,

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AND LET'S BRACKET THIS UNTIL WE HAVE MORE FACTS BEHIND US. THANK YOU, MR. PRESIDENT; AND THANK YOU, COLLEAGUES. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR BRASCH. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB1103]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. WE'VE HEARD SEVERAL PEOPLE ASK FOR MORE STUDY ON THIS. I THINK THAT'S A GOOD IDEA. WE COULD STUDY THIS. I WONDER IF SENATOR SCHUMACHER WOULD YIELD TO A RATHER FACETIOUS QUESTION? [LB1103]

SENATOR KRIST: SENATOR SCHUMACHER, WILL YOU YIELD TO A FACETIOUS QUESTION? (LAUGHTER) [LB1103]

SENATOR SCHUMACHER: ONLY IF IT'S REALLY FACETIOUS. [LB1103]

SENATOR BLOOMFIELD: IT IS. SENATOR, ARE WE GOING AFTER THE PERCEIVED FRAUD HERE BECAUSE DEAD PEOPLE ARE EASIER TO CATCH? [LB1103]

SENATOR SCHUMACHER: I'M SORRY, YOU ECHOED. [LB1103]

SENATOR BLOOMFIELD: I SAID: ARE WE GOING AFTER DEAD PEOPLE SUSPECTED FRAUD BECAUSE THE DEAD ARE EASIER TO CATCH? [LB1103]

SENATOR SCHUMACHER: WELL, YOU KNOW, LAZARUS IS STILL ALIVE HERE AT 1:29; SO, I'M NOT REALLY SURE, BUT THEN AGAIN, TODAY IS APRIL FOOL'S. [LB1103]

SENATOR BLOOMFIELD: IT IS INDEED. COLLEAGUES, I THINK THE CALL FOR MORE STUDY AND AN INTERIM STUDY IS A GOOD IDEA. AND INCLUDED IN THAT, WE COULD POSSIBLY LOOK AT FRAUD PERPETRATED BY THE LIVING AS WELL, BECAUSE THAT IS THERE TOO. LET'S DO A STUDY OVER THE SUMMER. WE'RE GOING ON NUMBERS THAT SENATOR SCHUMACHER PUT UP FROM 14 YEARS AGO WHEN THEY THOUGHT, MAYBE, THIS WAS GOING ON. NO HARD NUMBERS, NOTHING SOLID, BUT 14 YEARS AGO WE THOUGHT THIS WAS HAPPENING, AND MAYBE IT WAS 12 YEARS AGO. ANYWAY, IT'S OLD DATA. I THINK IT WOULD SERVE THE BODY AND THE STATE WELL TO RELAX A LITTLE ON THIS, STUDY IT, COME

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BACK NEXT YEAR AND ANSWER THE FRAUD QUESTION OF BOTH THE LIVING AND THE DEAD. MR. PRESIDENT, I'D YIELD TO SENATOR KUEHN. [LB1103]

SENATOR KRIST: SENATOR KUEHN, YOU'RE YIELDED 2:30. [LB1103]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT AND THANK YOU, SENATOR BLOOMFIELD. THERE HAVE BEEN A NUMBER OF ITEMS WHICH ARE BROUGHT UP IN TERMS OF THE UNDERLYING PHILOSOPHY AND THE UNDERLYING INTENTION OF LB1103. AND I DO NOT DISAGREE AT ALL WITH THE ASSERTIONS THAT WE HAVE NOTHING TO HIDE. BUT THERE IS, AND SHOULD BE, AN ACCEPTABLE OPPORTUNITY TO ENSURE THAT PEOPLE ARE NOT DEFRAUDING THE MEDICAID SYSTEM. THERE ARE, HOWEVER, FOR ME AND WHAT ORIGINALLY CAUGHT MY EYE IN THIS BILL AND THIS AMENDMENT ARE A NUMBER OF THE IMPLICATIONS OF SOME OF THE LANGUAGE THAT IS ASSOCIATED WITH ATTEMPTING TO DETERMINE WHAT IS FRAUD AND WHAT IS NOT. AND ALSO A REALLY SIGNIFICANT DISPARITY BETWEEN THOSE WHO WOULD BE INVOLVED IN REAL ESTATE AND OTHER FORMS OF EQUITY AND WEALTH THAT ARE NOT CAUGHT OR NOT CAPTURED IN LB1103, SUCH AS SECURITIES OR CASH OR OTHERS. SPECIFICALLY, FOR EXAMPLE, COLLEAGUES, I DIRECT YOUR ATTENTION TO PAGE 19 OF THE AMENDMENT WHICH STATES: IF INCOME IS DERIVED FROM A RELATED PARTY AS DESCRIBED IN SUBDIVISION 1(B) OF THIS SECTION, THE DEPARTMENT SHALL DETERMINE WHETHER THE INCOME IS, OR IN THE CASE OF A WRITTEN LEASE, THE TERMS OF THE LEASE AT THE TIME WERE ENTERED INTO WERE COMMERCIALLY REASONABLE AND CONSISTENT WITH INCOME DERIVED IN THE RELEVANT MARKET AREA AND NEGOTIATED AT ARMS LENGTH BETWEEN PARTIES WHO ARE NOT RELATED. IF THE DEPARTMENT DETERMINES THE INCOME OR LEASE FAILS TO MEET THESE REQUIREMENTS, THE DEPARTMENT SHALL IMPUTE THE SHORTFALL TO THE APPLICANT'S INCOME WHEN DETERMINING ELIGIBILITY FOR MEDICAL ASSISTANCE OR ANY SHARE OF COST AS OTHERWISE REQUIRED BY LAW. THE BURDEN OF PROOF... [LB1103]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR KUEHN: ...THANK YOU, MR. PRESIDENT...FOR COMMERCIAL REASONABLENESS RESTS WITH THE APPLICANT. SO FUNDAMENTALLY, A PARENT CAN PAY FOR THEIR CHILD'S COLLEGE EDUCATION TO GIVE THEM A LEG UP IN THEIR CAREER, AND THOSE COSTS ARE NOT IMPUTED FOR THAT ADULT CHILD IN THEIR CALCULATION FOR MEDICAID ELIGIBILITY. HOWEVER, IF A FARMER WANTS TO LEASE GROUND TO THEIR DAUGHTER AND HER SPOUSE TO GET

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STARTED FARMING AT HALF OR THREE-QUARTERS OF THE MARKET RATE AS A MEANS OF A LEG UP, THE COMMERCIAL VIABILITY OF THAT LEASE COMES UNDER SCRUTINY BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND CAN, ULTIMATELY, BE DETERMINED AS A LIABILITY AGAINST THEIR ELIGIBILITY FOR MEDICAID. NOT ONLY IS THAT JUST BLATANTLY UNFAIR, IT ALSO REPRESENTS A SIGNIFICANT CHANGE IN THE WAY THAT INTERGENERATIONAL BUSINESSES OPERATE AT THIS POINT IN TIME. AND IT IS A CONSIDERATION WHICH THIS BODY HAS NOT DELIBERATED. AND IT IS IN THE WRITING, IT IS IN THE LANGUAGE OF THIS PARTICULAR AMENDMENT. IT IS ONE THAT WE HAVE TO BE VERY CAUTIOUS ABOUT AS WE MOVE FORWARD. [LB1103]

SENATOR KRIST: TIME, SENATOR. [LB1103]

SENATOR KUEHN: THANK YOU, COLLEAGUES. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR KUEHN. SENATOR LARSON, YOU'RE RECOGNIZED. [LB1103]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. SENATOR SCHUMACHER HAD TWO OPTIONS TO AVOID CLOTURE. HE'S GOING AFTER THE SUSPENSION OF THE RULES. IT IS SOMETHING THAT HASN'T HAPPENED IN A LONG TIME. AND I'M NOT SURE LB1103 IS THE PRECEDENT HE WANTS TO SET ON THAT MOTION. BECAUSE ALL OF A SUDDEN, COLLEAGUES, YOU'RE GOING TO SEE PEOPLE INTRODUCING THEIR BILL ON DAY TWO WITH A SUSPENSION OF THE RULES FOR GENERAL, SELECT, AND FINAL READING RIGHT AWAY. THAT'S WHAT WILL HAPPEN. NOW, DOES THAT MEAN THAT YOU CAN'T AMEND THE BILL? YES, THAT BILL WILL BE UNAMENDABLE BECAUSE THE SECOND THAT YOU AMEND IT,...YOU HAVE TO PULL OUT THE SUSPENSION OF THE RULES. SENATOR CHAMBERS OR ANY ONE OF US WILL BE ABLE TO GO THROUGH EVERY ONE OF THE PRIORITY MOTIONS TO BRACKET, RECOMMIT, ALL OF THOSE. AND AFTER THOSE ARE DONE, SUSPENSION OF THE RULES WILL COME INTO PLAY. NOW, IF YOU'RE DOING IT BY YOURSELF, IF YOU'RE FILIBUSTERING BY YOURSELF, THEN MAYBE YOU'LL BE ABLE TO DO 25. BUT IN THE END, YOU HAVE A NUMBER OF PEOPLE FILIBUSTERING IT STILL MIGHT TAKE 33. BUT TO JUST FILE THAT MOTION IS A NUCLEAR OPTION. AND WAS LB1103 WORTH THAT? I'M GLAD HE DIDN'T USE THE OTHER OPTION. BUT IS THAT THE PRECEDENT THIS BODY IS WILLING TO SET THAT WE WILL ALL...IF WE FEEL A BILL IS COMFORTABLE ENOUGH THAT IT WILL NOT NEED AN AMENDMENT BUT WE KNOW WILL BE CONTROVERSIAL, TO JUST START FILING OUR SUSPENSION OF THE RULES RIGHT WHEN IT'S INTRODUCED?

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BECAUSE THAT'S WHAT WILL HAPPEN. WE WILL USE THE RULES TO OUR ADVANTAGE. THAT'S WHAT WE DO. SENATOR SCHUMACHER IS TRYING TO DO THAT NOW. HE KNOWS THE RULE. HE UNDERSTANDS IT. BUT THAT WILL SET A VERY DANGEROUS PRECEDENT IN THIS BODY. SENATOR KOLTERMAN IS SMILING LIKE IT'S AN EXCITING PRECEDENT. AND FOR SOME IT IS. BUT AS MUCH AS WE TALK ABOUT THE WAY WE DO THINGS AROUND HERE, IS THIS THE BILL YOU WANT TO TAKE THAT OPTION WITH? I DON'T THINK SO. SO WE'LL BE HERE, WE'LL GO THROUGH MY MOTION. IF IT FAILS, WE'LL GO THROUGH MY RECONSIDERATION MOTION. IF THAT FAILS, WE'LL GO THROUGH A RECOMMIT MOTION. IF THAT FAILS, WE'LL GO THROUGH A RECONSIDER OF THAT RECOMMIT MOTION UNTIL WE HIT 3:11. DO I FEEL THAT SENATOR SCHUMACHER EVER GETS TO HIS MOTION TO SUSPEND THE RULES? I HOPE NOT. I HOPE THAT WE DON'T HAVE THAT. [LB1103]

SENATOR KRIST: SENATOR, I MISSED YOUR ONE MINUTE CALL, BUT YOU'VE GOT ABOUT 30 SECONDS LEFT. [LB1103]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I THINK SENATOR KUEHN BROUGHT UP A GREAT POINT IN TERMS OF TALKING ABOUT HOW INTERGENERATIONAL FAMILIES WERE TO DO BUSINESS AND HOW THIS CAN BE DAMAGING TO THAT. HOW MUCH IS LB1103 WORTH TO THIS BODY? [LB1103]

SENATOR KRIST: TIME, SENATOR. [LB1103]

SENATOR LARSON: IS IT WORTH THE NUCLEAR OPTION? THANK YOU, MR. PRESIDENT. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR LARSON. (VISITORS INTRODUCED.) THOSE STILL WISHING TO SPEAK: SENATOR SCHEER, BAKER, SCHNOOR, KUEHN, BLOOMFIELD. SENATOR SCHEER, YOU ARE RECOGNIZED. [LB1103]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. I'M RISING NOT TO SPEAK IN RELATIONSHIP TO LB1103. I'M SPEAKING TO SENATOR SCHUMACHER'S MOTION TO SUSPEND THE RULES. THAT, TO ME, HAS TAKEN PRECEDENCE OVER THE DISCUSSION IN THE TENOR OF WHAT WE'RE LOOKING AT. IN TALKING TO MY FRIENDS THAT ARE GOING TO BE LEAVING THIS YEAR, THAT HAVE BEEN HERE FOR EIGHT YEARS, THIS HAS NEVER BEEN BROUGHT UP. IT'S CERTAINLY THERE, I'M NOT TRYING TO IMPLY THE RULE IS NOT THERE AND THAT IT'S NOT WITHIN SENATOR SCHUMACHER'S PREVIEW TO MAKE THAT MOTION TO SUSPEND THE

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RULES. BUT AS WE GO FORWARD AND WE LOOK AT THAT, AND IF WE DECIDE TO UTILIZE THAT, THEN IS THIS THE BAR WE WANT TO SET, THAT RULE COMING OUT OF HIBERNATION ON? IS THIS BILL THE BILL THAT IS OF UTMOST IMPORTANCE TO THE STATE OF NEBRASKA THAT IT ABSOLUTELY CANNOT LIVE WITHOUT IN ORDER TO SUSPEND THE RULES AND CIRCUMVENT THE SYSTEM THAT HAS WORKED AT LEAST FOR THE LAST EIGHT YEARS IN TALKING TO MY COLLEAGUES THAT...SENATOR COOK AND SENATOR HARR. I DO HAVE GRAVE CONCERNS ABOUT THIS. I UNDERSTAND THAT SENATOR SCHUMACHER IS PASSIONATE ABOUT THIS, BUT I'M NOT SURE THAT THIS IS THE HEIGHT OF THE BAR THAT WE SHOULD BE SETTING THIS AT. I LOOK BACK AT MY FIRST FOUR YEARS, AND LOOK AT THE ITEMS THAT WERE DISCUSSED AND WERE VOTED ON, AND THE RULES WERE UTILIZED, BUT NOT ONCE DID THIS COME OUT. AND I WILL TELL YOU THAT THIS BILL, BY NO STRETCH, AMOUNTS TO THE LEVEL THAT I WOULD PERCEIVE THAT WE WOULD WANT TO SUSPEND THE RULES ON. IN FACT, I WILL TELL MY COLLEAGUES THIS, I WILL TELL YOU I FEEL LIKE I'M BEING BLACKMAILED, BUT I WOULD RATHER VOTE FOR LB1103 AND MOVE IT FORWARD, EVEN THOUGH I DO NOT WANT LB1103, THAN TO SUSPEND THE RULES ON THIS BILL. THIS BILL IS A POLICY DECISION, BUT IT IS NOWHERE TOWARDS THE TOP OF THE HEAP THAT WE HAVE ESTABLISHED, AT LEAST IN MY FOUR YEARS, AND I WOULD THINK IN THE LAST EIGHT YEARS. THIS IS A VERY, VERY DANGEROUS POSITION SENATOR SCHUMACHER IS PUTTING US IN. AND IT BOTHERS ME THAT, EVIDENTLY, HE TAKES IT AS LIGHTLY AS HE IS. THIS IS SERIOUS STUFF. I KNOW THIS BILL IS IMPORTANT. I'M TELLING YOU RIGHT NOW, I FOR ONE WOULD RATHER VOTE FOR THIS BILL, EVEN THOUGH I THINK IT'S A BAD BILL, THAN OPEN UP THAT CONTAINER. THAT SHOULD BE SAVED FOR THE HIGHEST NEED, THE ABSOLUTE UTMOST NEED OF THE STATE OF NEBRASKA. AND I WOULD VENTURE TO SAY THAT OTHER THAN PERHAPS SENATOR SCHUMACHER THERE'S NOT ONE OF US HERE... [LB1103]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR SCHEER: ...THANK YOU, MR. PRESIDENT...THAT BELIEVES THIS TOPIC, THIS BILL, IS OF SUCH MAGNITUDE THAT WE ABSOLUTELY HAVE TO FORGET ALL THE COMMON RULES THAT WE HAVE PLAYED BY FOR THE LAST FOUR YEARS OF MY CAREER, OR THE LAST SIX YEARS IN SENATOR SCHUMACHER, OR THE LAST EIGHT YEARS OF THOSE THAT ARE DEPARTING, AND GET RID OF ALL THE RULES TO MOVE THIS BILL. COLLEAGUES, IT IS NOT OF THAT MAGNITUDE. THANK YOU, MR. PRESIDENT. [LB1103]

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SENATOR KRIST: THANK YOU, SENATOR SCHEER. SENATOR BAKER, YOU ARE RECOGNIZED. [LB1103]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. I'VE BEEN LISTENING A LOT TODAY, AND WE TALKED ABOUT THIS YESTERDAY, I HAVE AN ATTORNEY FRIEND WHO ORIGINALLY CONTACTED ME THOUGHT THAT LB1103 WAS PROBABLY NOT A GOOD IDEA. THEN WE CONTINUED TO TALK BACK AND FORTH AND INDICATED AFTER SENATOR SCHUMACHER MET WITH THE ATTORNEYS THAT, YEAH, LOOKED LIKE THIS WOULD BE OKAY. WASN'T NECESSARILY WILD ABOUT IT, BUT THOUGHT THAT THE REASONS TO BE AGAINST IT WERE PROBABLY REMOVED. SO AS I LISTEN TO THINGS, HERE IS SOME OF MY THOUGHTS--THERE'S LOOPHOLES AND THEN THERE'S FRAUD. I GUESS YOU CAN CALL IT A LOOPHOLE NOW THAT PEOPLE CAN DIVEST THEIR ASSETS IF THEY LIVE ANOTHER FIVE YEARS, THEN THAT'S OKAY. AND THAT DOESN'T CHANGE UNDER WHAT SENATOR SCHUMACHER IS PROPOSING. BUT IF YOU DIVEST ASSETS WITHIN THE FIVE-YEAR WINDOW, INTENT TO ESCAPE THROUGH THE USE OF SOME TYPE OF MECHANISM OR FLAT-OUT DECEIT, THAT'S FRAUD. YOU KNOW, I THINK THE PRACTICE OF DIVESTING ASSETS IN AN EARLIER TIME WAS MORE DESIGNED TO AVOID ESTATE TAXES THAN IT WAS CONCERNED ABOUT WHETHER OR NOT A PERSON WAS GOING TO BE ON MEDICAID. BUT IN RECENT YEARS, WITH THE BIG RUN UP OF THE COSTS OF BEING IN A REST HOME AND NEEDING MEDICAL CARE, YOU KNOW, THAT'S BROUGHT THIS INTO THE FOCUS. I LISTEN TO DISCUSSION, I WONDER IF PEOPLE WHO ARE AGAINST THAT ARE REALLY AGAINST...IF IT'S REALLY ABOUT THE LOGISTICS, HEY, WE NEED MORE TIME TO WORK OUT THE WORDS, OR IS IT SOMETHING ELSE? I THINK...THERE'S WAYS THAT PEOPLE CHLOROFORM IDEAS, AND ONE OF THOSE TYPICAL ONES IS TO DELAY. LET'S TAKE MORE TIME ON THIS, LET'S COME BACK NEXT YEAR OR LET'S TALK ABOUT...WELL, THE LANGUAGE NEEDS MORE STUDY, MORE CLEAN UP. I'M DRASTICALLY OVERSIMPLIFYING, BUT WHAT IT COMES DOWN FOR ME IS THAT IT'S A VOTE ABOUT ARE YOU GOING TO SUPPORT FRAUD OR ARE YOU GOING TO VOTE TO END FRAUD? THANK YOU. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR BAKER. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB1103]

SENATOR SCHNOOR: THANK YOU, SIR. THIS ISSUE HAS BEEN TALKED ABOUT; I'VE HEARD SENATOR SCHUMACHER TALK ABOUT IT ALL SUMMER LONG. I SHOULDN'T SAY ALL SUMMER, BUT LATE SUMMER, FALL, WHEN WE WERE IN OUR EDUCATION HEARINGS, YOU KNOW, AS WELL AS THE ESTATE PLANNING AND THE TAXES THAT THE HEIRS PAY ON REAL ESTATE AND IT WAS ALWAYS

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GEARED TOWARDS FARMERS DEFRAUDING THE GOVERNMENT. AND, UNFORTUNATELY, WHAT THAT HAS CAUSED HERE, FROM MY PERSPECTIVE, IS AN URBAN AND RURAL SPLIT. AND IT'S MAKING ALL OF US INVOLVED IN AGRICULTURE, AS SENATOR BAKER HAS JUST SAID, IT'S MAKING PEOPLE BELIEVE THAT WE ARE CONDONING FRAUD, WHICH IS NOT THE CASE. BUT IT SEEMS THAT THE APPARENT GOAL IS TO STOP THE FEW INDIVIDUALS FROM IMPOVERISHING THEMSELVES BY TRANSFERRING THEIR REAL ESTATE SO THEY CAN QUALIFY FOR MEDICAID. DOES THAT HAPPEN? I'M SURE IT DOES. AS WE HEARD A FEW PEOPLE SAY, IN THE TESTIMONY FOR THE LAST SEVERAL HOURS, YES, IT HAPPENS. NOBODY KNOWS HOW MUCH, BECAUSE IT'S NEVER BEEN LOOKED INTO. SO IS IT THAT SERIOUS OF AN ISSUE? THAT'S THE MILLION DOLLAR QUESTION. WHY WOULD PEOPLE GO TO THIS EXTREME? I'M NOT QUITE SURE. YOU KNOW, I KNOW WHEN THE ELDERLY GET INTO A NURSING HOME, IT'S EXPENSIVE. MY MOM IS THERE RIGHT NOW, BUT HOPEFULLY SHE WILL BE GETTING OUT SOON. SO HI, MOM, IF YOU'RE WATCHING. BUT IT IS EXPENSIVE. MY DAD TELLS ME HOW MUCH IT'S COSTING, EVEN WITH LONG-TERM CARE INSURANCE. BUT YET LB1103, IT JUST DEALS IN REAL ESTATE. WHAT ABOUT THOSE THAT HAVE THEIR WEALTH ELSEWHERE--CASH, STOCKS, BONDS? THIS IS FOCUSED, IN MY OPINION, AT THE AG SECTOR. BUT ALSO, LIKE I SAID, IF YOU HAVE A COUPLE, THEY'VE SAVED MONEY, NOT A LOT, THEY SAVED ENOUGH MONEY WHERE THEY CAN RETIRE, THEY PAID FOR THEIR HOME. [LB1103]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR SCHNOOR: THANK YOU. THEY'VE DONE THEIR ESTATE PLANNING. SOMETHING HAPPENS, ONE OF THEM HAS TO GO TO A NURSING HOME. ALL OF A SUDDEN, HEALTH AND HUMAN SERVICES CAN TAKE EVERYTHING AWAY FROM THEM. AND THAT JUST DOESN'T, FROM MY VIEWPOINT, DOESN'T SEEM RIGHT. DOES THIS NEED TO BE LOOKED AT FURTHER? I DO BELIEVE IT DOES. THERE HAS TO BE A WAY TO MAKE THIS BETTER, BECAUSE IN THE COMMITTEE STATEMENT, THE ONLY PERSON THAT WAS A PROPONENT WAS SENATOR SCHUMACHER, THAT'S IT. EVERYBODY ELSE WAS EITHER OPPOSED OR NEUTRAL. SO THAT MEANS WE HAVE A PROBLEM. AND WE NEED TO STUDY THIS AND LOOK AT IT. SO SUPPORT THIS BRACKET MOTION, AND I ENCOURAGE SENATORS TO LOOK AT THIS OVER THE SUMMER. [LB1103]

SENATOR KRIST: TIME, SENATOR. [LB1103]

SENATOR SCHNOOR: THANK YOU. [LB1103]



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SENATOR KRIST: THANK YOU. SENATOR KUEHN, YOU'RE RECOGNIZED. [LB1103]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. WANT TO GO BACK TO THE LANGUAGE IN THE AMENDMENT SO THAT WE CAN CONTINUE TO UNDERSTAND, I THINK, AGAIN, THIS IS BEING PAINTED...I APPRECIATE SENATOR BAKER'S PERSPECTIVE, BUT IT'S NOT JUST ABOUT IF YOU ARE FOR FRAUD OR NOT FOR FRAUD. THERE ARE SOME SIGNIFICANT DISPARITIES IN TERMS OF THE INDIVIDUALS WHO ARE SUBJECT TO THIS LEGISLATION AND THE TYPES OF GIFTING AND TRANSFER OF WEALTH THAN OTHERS. AND I WANT TO CONTINUE TO HIGHLIGHT THOSE FOR YOU SO THAT WHEN YOU DO VOTE, YOU UNDERSTAND EXACTLY WHAT YOU'RE VOTING FOR. SO IF SENATOR PANSING BROOKS WISHED TO GIVE TO HER CHILD FIVE SHARES OF BERKSHIRE HATHAWAY A STOCK, THAT WOULD BE THE VALUE AT THAT POINT IN TIME. AND THAT IS NOT SUBJECT TO ANYTHING IN LB1103. HOWEVER, IF MY FATHER WISHED TO GIVE TO ME FIVE ACRES OF LAND, UNDER PAGE 22, STARTING WITH LINE 25: CONSIDERATION ADJUSTMENT MEANS THE AMOUNT OF CONSIDERATION PAID BY THE TRANSFEREE TO THE TRANSFEROR FOR THE REAL ESTATE MULTIPLIED BY THE GROWTH FACTOR. AND GROWTH FACTOR MEANS THE ACTUAL VALUE OF THE REAL ESTATE AT THE TIME THE LIEN IS ENFORCED DIVIDED BY THE ACTUAL VALUE OF THE REAL ESTATE AT THE TIME THE CONSIDERATION WAS PAID. THE BURDEN FOR PROOF FOR SHOWING CONSIDERATION PAID FOR THE REAL ESTATE, THE COST OF ANY IMPROVEMENTS, AND THE ACTUAL VALUE OF THE REAL ESTATE RESTS FOR THE TRANSFEREE. SO I'M PENALIZED IF LAND VALUES GO UP BEFORE MY PARENT WOULD GO INTO THE NURSING HOME AND IF, BY UNFORESEEN CIRCUMSTANCES, APPLY FOR MEDICAID. NO OTHER ASSET CLASS IS AFFECTED IN THIS WAY. THE VALUE AT THE TIME OF THE GIFT IS THE VALUE. THE SECURITIES, WHICH IN MY EXAMPLE, SENATOR PANSING BROOKS GAVE TO HER CHILD, WOULD NOT EVEN BE CONSIDERED IN THE APPLICATION AND ELIGIBILITY FOR MEDICAID. THE GROUND WHICH WOULD HAVE A SUBSTANTIALLY LESS VALUE WOULD. AGAIN, WE ARE LOOKING AT A PREJUDICIAL ASPECT ASSOCIATED WITH REAL ESTATE, WEALTH, AND EQUITY ACCOMPANYING AND REAL ESTATE TARGETING PRIMARILY THE TRANSFER OF FARMING OPERATIONS BETWEEN GENERATIONS THAT IS NOT BEING INCLUDED WITH OTHER EQUITIES AND OTHER FORMS OF WEALTH. AND THAT CONTINUES TO BE MY MAJOR OPPOSITION TO THIS BILL. IT IS SINGLING OUT AND TARGETING AND CREATING A LARGE PROCESS BY WHICH ALL INTERACTIONS WHICH ARE COMMON NORMAL BUSINESS INTERACTIONS THAT OCCUR WITHIN ALL SMALL BUSINESSES TARGETING SPECIFICALLY THOSE THAT INVOLVE REAL ESTATE AND THE LEASES BETWEEN PARENT AND CHILD, PARENT AND RELATIVE,

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ASSOCIATED WITH THE ONGOING CONCERN OF AGRICULTURE FROM OTHER FORMS OF WEALTH. AND THAT'S NOT A QUESTION OF OPPOSING THIS BILL BASED ON WHETHER I OPPOSE FRAUD OR SUPPORT FRAUD, THAT'S A QUESTION OF FUNDAMENTAL FAIRNESS. AND I'VE SAT HERE YESTERDAY AND I LISTENED TO SENATORS ON THIS FLOOR TALK ABOUT A BUSINESS CLIMATE AND CREATING THAT WHICH IS APPROPRIATE FOR SMALL BUSINESS, BUT THEN TURNING AROUND AND CREATING A STRUCTURE AND THE TRANSFER OF WEALTH AND HOW WE SUSTAINED GOING CONCERN OF THESE BUSINESSES OVER TIME FROM GENERATION TO GENERATION. AND ASSUMING THAT THE COMMONLY ACCEPTED ESTATE PLANNING TOOLS SOMEHOW SHOULDN'T APPLY ON THE UNFORESEEN CHANCE THAT UNFORESEEN CIRCUMSTANCES MEAN AT SOME POINT IN LIFE YOU MAY NEED TO MAKE AN APPLICATION FOR MEDICAID. AND I, AGAIN, WANT TO HAVE MY COLLEAGUES LOOK AT THE LANGUAGE AND NOTE THAT WITH REGARD TO THE DEATH CERTIFICATE, IT'S NOT EVEN A QUESTION OF WHETHER YOU RECEIVED THE MEDICAID BENEFITS, IT'S WHETHER YOU APPLIED FOR THEM. SO IF YOU APPLIED AND DIDN'T RECEIVE THEM, YOU'RE STILL SUBJECT TO THE ANNOTATION ASSOCIATED WITH THE DEATH CERTIFICATE AND THE VITAL STATISTICS ISSUE. THIS ISN'T ABOUT CATCHING FRAUD, IT'S ABOUT CREATING ANOTHER LAYER IN WHICH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES LOOKS AT WHETHER OR NOT LEASES BETWEEN A FATHER AND THEIR CHILD OR A MOTHER AND THEIR CHILD FOR FARM GROUND... [LB1103]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR KUEHN: ...WERE COMMERCIALLY VIABLE, WHETHER OR NOT A FAIR PRICE WAS PAID FOR LAND, BUT DOESN'T TAKE INTO REGARD ALL OF THE OTHER WAYS THAT PARENTS ASSIST THEIR CHILDREN AND THEIR HEIRS AND PASS WEALTH ON FROM ONE GENERATION TO ANOTHER. IT'S PREJUDICIAL. IT SPECIFICALLY TARGETS THE TRANSFER OF ASSETS IN FARM FAMILIES. AND IF WE WANT TO COME BACK AND WE WANT TO INCLUDE SECURITIES, WE WANT TO INCLUDE COLLEGE TUITION, WE WANT TO INCLUDE RENT PAID ON YOUR HOUSE, I'M ALL FOR IT, LET'S MAKE IT FAIR. BUT DON'T GO FORWARD AND DISCRIMINATE AGAINST FARM FAMILIES WHO ARE ATTEMPTING TO PASS THEIR FARM ON AND HAVE GOING CONCERNS AND A CAPITAL INVESTMENT FOR GENERATIONS. THAT'S MY FUNDAMENTAL CONCERN WITH THIS BILL. IT HAS NOTHING TO DO WITH THE FACT THAT I SUPPORT FRAUD OR WANT TO HIDE OR SHIELD THOSE INDIVIDUALS WHO WOULD BE TRYING TO GAME THE SYSTEM. LET'S MAKE IT FAIR FOR ALL SMALL BUSINESS OWNERS, ALL CLASSES OF

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WEALTH, AND THE TRANSFER OF WEALTH BETWEEN ALL INDIVIDUALS AND ALL GENERATIONS. THANK YOU. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR KUEHN. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED, AND THIS IS YOUR THIRD TIME. [LB1103]

SENATOR BLOOMFIELD: THIRD TIME ON THE BRACKET MOTION? [LB1103]

SENATOR KRIST: YES. [LB1103]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR SCHUMACHER WOULD YIELD TO A QUESTION OR TWO, NOT NECESSARILY FACETIOUS. [LB1103]

SENATOR KRIST: SENATOR SCHUMACHER, WOULD YOU YIELD? [LB1103]

SENATOR SCHUMACHER: I SURE WILL. [LB1103]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. SENATOR KUEHN JUST BROUGHT UP SOME INTERESTING THINGS. I SEE YOU REACH OVER AND TURN YOUR LIGHT ON TO REPLY. MY FARM VALUATION IN THE LAST TEN YEARS, AS HAVE ALL OTHER FARMS, PRETTY MUCH, HAS MULTIPLIED BY A FACTOR OF EIGHT OR TEN. IF...USE \$5,000 AN ACRE BECAUSE IT'S A NICE ROUND NUMBER, IF IT'S VALUED AT \$5,000 AN ACRE NOW AND I SOLD IT TO MY SON FOR \$5,000 AN ACRE, AND I SHOULD DIE THREE AND A HALF YEARS FROM NOW AND IT HAS GONE UP TO WHERE THAT LAND IS NOW WORTH \$7,500 AN ACRE, IS HHS COMING BACK AND SAYING THAT WASN'T A FAIR MARKET VALUE? HOW DOES THAT WORK? [LB1103]

SENATOR SCHUMACHER: NO. IF YOU GOT FAIR...IF IT WAS WORTH \$5,000 AN ACRE, YOU GOT \$5,000 AN ACRE, FAIR, STRAIGHT, EVEN TRANSACTION, YOU'RE OUT OF IT. IT WAS AT THE TIME THAT YOU MADE THE SALE. [LB1103]

SENATOR BLOOMFIELD: AND I THINK WE HAVE BEEN AROUND THIS BUSH BEFORE, BUT WHO DETERMINES WHETHER OR NOT IT WAS FAIR? HHS COME IN AND DETERMINES WHETHER OR NOT THAT \$5,000 WAS FAIR AT THE TIME? OR THE UNIVERSITY COMES IN AND DECIDES...WHO MAKES THAT DECISION? [LB1103]

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SENATOR SCHUMACHER: THE...IF THEY, AFTER THE FACT, SAY DID YOU TRY TO SLIP BY A GIFT HERE, THERE IS TWO WAYS THAT YOUR ATTORNEY WILL ADVISE YOU. YOUR ATTORNEY WILL ADVISE YOU TO GET AN APPRAISAL DONE AT THE TIME SO YOU SIMPLY HAVE GOT TO SHOW THAT BECAUSE YOU HAVE THE BEST EVIDENCE. JUST LIKE THE IRS, FOR EXAMPLE, IF YOU SHOW THEM WHAT YOUR EXPENSES ARE, THAT'S PRESUMED CORRECT UNLESS THE IRS HAS DIFFERENT EVIDENCE. BUT IF YOU HAVE AN APPRAISAL DONE AT THE TIME, THIS IS WHAT ATTORNEYS WILL DO, IF YOU...THEY ARE GOING TO ASSIST YOU IN MAKING A SALE. AND ALSO, THEY WILL DO THIS, A GOOD ATTORNEY, SO THAT YOU DON'T GET ACCUSED OF MAKING A GIFT AND NOT FILING A FEDERAL GIFT TAX RETURN. YOU WILL HAVE AN APPRAISAL DONE AT THE TIME OF THAT GIFT TO PROVE YOUR POSITION. [LB1103]

SENATOR BLOOMFIELD: COULD WE MAYBE RECONSIDER THIS AS AN ATTORNEY FULL EMPLOYMENT ACT? [LB1103]

SENATOR SCHUMACHER: NO. ACTUALLY, IT PROBABLY IS GOING TO COST SOME ATTORNEYS SOME EMPLOYMENT BECAUSE THE WAY THEY MAKE A LIVING MAY CHANGE SLIGHTLY FOR THE BETTER FOR SOCIETY. AND THAT'S ONE OF THE REASONS FOR THIS, TO BASICALLY KEEP EVERYBODY ON THE STRAIGHT AND HONEST, AND MAYBE REDUCE THE FEES OF WHAT MIGHT CAN HAPPEN FOR HELPING PEOPLE DO THIS. [LB1103]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. WE'VE GOT THE ATTORNEYS MORE INVOLVED; WE'VE GOT HHS INVOLVED; WE'VE GOT THE UNIVERSITY INVOLVED; WE'VE GOT THE APPRAISERS INVOLVED; WHO ELSE IS LAYING AROUND WE CAN DRAG INTO THIS MESS? I WONDER IF WE CAN GET THE SPEAKER TO MAKE A DECISION ON IT WHILE WE'RE WORKING ON IT. THANK YOU, MR PRESIDENT. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR BLOOMFIELD AND SENATOR SCHUMACHER. SENATOR LARSON, YOU'RE RECOGNIZED. [LB1103]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. AGAIN, I THOUGHT SENATOR KUEHN BROUGHT UP GREAT POINTS. SENATOR GROENE WANTS TO TALK ABOUT CHEATING THE SYSTEM, OR BEING DISHONEST. THAT'S NOT WHAT THEY'RE TRYING TO DO. ONE THING THAT WE ALSO HAVE TO LOOK AT WHEN WE LOOK AT SOMETHING LIKE LB1103 IS THE COMPOSITION OF THE FAMILY FARM. WHEN IT TALKS ABOUT THE TRANSFER AND...THAT IT...WHO IS RECEIVING THE TRANSFER

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HAVING TO PAY FOR FAIR AND MARKET VALUE. WHEN WE'RE TALKING ABOUT AN ASSET THAT MAY BE SELLING, DEPENDING ON...AND WE CAN TALK ABOUT...WE TALKED ABOUT PROPERTY TAXES YESTERDAY, \$5,000, \$6,000, \$7,000 AN ACRE, AND COULD GO UP POSSIBLY, BUT HHS IS THE ONE THAT GETS TO DETERMINE THAT FAIR MARKET VALUE, OR WHAT THAT FAIR MARKET VALUE MIGHT HAVE BEEN, AND IT'S UP TO THE INDIVIDUAL TO PROVE HHS WRONG, BUT WHEN WE TALK ABOUT YOUNG GUYS GETTING INTO IT, THOSE OF US THAT...THOSE THAT SCREAMED FOR THE FAMILY FARM AND THE DEATH OF THE FAMILY FARM HAVE TO UNDERSTAND THAT YOUNG GUYS AREN'T GOING TO BE ABLE TO GET IN. AND, COLLEAGUES, THERE'S A DIFFERENCE BETWEEN A TYPICAL SMALL BUSINESS, AS SENATOR KUEHN, AGAIN, BROUGHT UP, LET'S TREAT SMALL BUSINESSES ALL THE SAME WHEN WE'RE BEING PREJUDICIAL TOWARDS REAL ESTATE HERE. JUST BECAUSE AN INDIVIDUAL MAY BE, IF YOU WANT TO SAY ASSET RICH IN TERMS OF LAND, THAT DOESN'T MEAN THAT THEY'RE CASH RICH BY ANY MEANS. THEY USE THE LAND TO MAKE THEIR LIVING. THEY USE THE LAND TO PRODUCE THEIR INCOME. I WENT TO COLLEGE WITH A NUMBER OF KIDS THAT USED THEIR PARENT'S TRUST TO PRODUCE THEIR INCOME, YET WE AREN'T TREATING THEM LIKE THAT IN LB1103. WE ARE JUST FOCUSING ON LAND. THAT'S WRONG. AND WHEN YOU'RE JUST FOCUSED ON LAND, YOU'RE GOING TO HAVE EVEN A HARDER TIME FOR THE YOUNG GUYS TO GET INVOLVED, BECAUSE THEY DON'T HAVE THE CAPITAL TO DO IT. AND OFTENTIMES EVEN THEIR PARENTS DON'T HAVE THE LIQUID CAPITAL TO GIVE THE KIDS THE ABILITY TO PAY FAIR MARKET PRICE FOR IT, AS LB1103 WOULD SAY. YOU'RE JUST GOING TO PUSH AGRICULTURE OUT OF THE HANDS OF THE FAMILY FARM. THAT'S WHAT LB1103 DOES. IT'S NOT ABOUT CHEATING THE SYSTEM. IT DOESN'T TREAT ALL ASSETS EQUALLY. AND SENATOR SCHUMACHER, I THINK, IS BEING SOMEWHAT...HE SAYS THAT THIS FIVE-YEAR LOOK-BACK PERIOD WILL STILL EXIST. I THINK... [LB1103]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR LARSON: COLLEAGUES, THIS GOES IN PERPETUITY, IT CAN GO ALL THE WAY BACK TO WHENEVER THE LIEN, OR WHENEVER THE TRANSFER WAS PUT IN PLACE, NOT JUST THE FIVE YEARS. COLLEAGUES, NOT ONLY ARE THERE ISSUES WITHIN THE BILL, HOW IT'S WRITTEN AND WHO IT FOCUSES ON, THEN WE GET DEEPER IN, AGAIN, TO JUST THE ISSUES IN WHICH THAT HAVE HAPPENED DURING THE DEBATE, THE CONCEPT OF SUSPENDING THE RULES. THE BILL HAS BEEN HANDLED POORLY. AND AGAIN, I WOULD SAY IT STILL DOESN'T HAVE THE 33...SENATOR SCHUMACHER KNOWS THAT, HENCE THE REASON HE FILED THE SUSPENSION OF THE RULES. [LB1103]

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SENATOR KRIST: TIME, SENATOR. STILL WISHING TO SPEAK: SENATOR EBKE, GROENE, SCHUMACHER, BRASCH AND SCHNOOR. SENATOR EBKE, YOU'RE RECOGNIZED. [LB1103]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. AND IF SENATOR SCHUMACHER COULD MAKE HIS WAY BACK, I DO HAVE A QUESTION OR TWO FOR HIM. [LB1103]

SENATOR KRIST: SENATOR SCHUMACHER, A QUESTION NEEDS TO BE POSED IF YOU WORK YOUR WAY BACK. [LB1103]

SENATOR EBKE: AND WHILE HE'S MAKING HIS WAY BACK, LET ME JUST MAKE A FEW COMMENTS. I'VE HEARD SEVERAL COMMENTS BOTH ON THE FLOOR AND OFF THE FLOOR IN THE LAST HOUR OR SO AND I'M TRYING TO GET MY HEAD AROUND THEM. FIRST OF ALL, I'VE HEARD PEOPLE SAY THAT PEOPLE SHOULD BE ABLE TO PROTECT THEIR ASSETS. I AGREE, PEOPLE SHOULD BE ABLE TO PROTECT THEIR ASSETS. BUT AT WHAT EXPENSE? IF YOU PROTECT YOUR ASSETS AND PASS THEM ON TO SOMEBODY ELSE WITHOUT ANY SORT OF METHOD OF PROTECTING THE TAXPAYER, I THINK THAT'S A LITTLE BIT OF A CONCERN. AS I TOLD ONE OF MY FRIENDS, YOU CAN PROTECT YOUR ASSETS ALL YOU WANT TO, BUT WHY SHOULD MY KIDS BE RESPONSIBLE FOR PAYING FOR YOUR PARENTS' MEDICAID EXPENSES? OTHERS HAVE SAID THAT PEOPLE HAVE PAID INTO SOCIAL SECURITY AND MEDICARE THEIR WHOLE LIVES. YES, THEY HAVE. AND THEY'VE PROBABLY GOTTEN THEIR POUNDS OF SILVER OUT OF IT AS WELL. SENATOR SCHUMACHER, NOW THAT YOU'RE BACK LET ME JUST ASK A FEW QUESTIONS. ARE THERE ANY OTHER OPTIONS AVAILABLE FOR THE FAMILY FARMER OR THE FAMILY FARM WHO WANTS TO IN SOME WAY PROTECT THE ASSETS SHOULD SOMETHING LIKE THIS HAPPEN? SHOULD GRANDMA AND GRANDPA GET SICK AND NEED TO GO TO THE NURSING HOME, IS THERE ANY OTHER METHOD OF PROTECTING THAT PROPERTY THAT THEY COULD HAVE ENGAGED IN MANY YEARS BEFORE PERHAPS? [LB1103]

SENATOR SCHUMACHER: YOU'RE TALKING MANY YEARS PRIOR TO THIS ACT? [LB1103]

SENATOR EBKE: SURE. [LB1103]

SENATOR SCHUMACHER: WELL,... [LB1103]

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SENATOR EBKE: WELL, EVEN AFTER THAT. FAMILY FARM CORPORATIONS, DOES THAT STILL HAPPEN? [LB1103]

SENATOR SCHUMACHER: AND YOUR OBJECT OF YOUR PROTECTION IS TO...IF YOU HAVE TO GO TO A NURSING HOME THE STATE WILL PICK IT UP? [LB1103]

SENATOR EBKE: PASS THE PROPERTY ON TO YOUR CHILDREN. [LB1103]

SENATOR SCHUMACHER: YOU CAN...THE OBVIOUS WAY, WHICH HAS BECOME VERY EXPENSIVE, IS YOU BUY A NURSING HOME POLICY AND YOU PAY A PREMIUM. UNFORTUNATELY, AS I THINK SENATOR BOLZ ALLUDED TO, THAT GETS A LITTLE TOUGH RIGHT NOW BECAUSE IT'S SO EXPENSIVE TO PAY FOR THAT POLICY. AND SOME FOLKS, REGRETTABLY, WHO BOUGHT POLICIES IN THE PAST FROM INSURANCE COMPANIES THAT WERE NOT CAPITALIZED PROPERLY FOUND OUT THAT THERE WAS A SMALL PARAGRAPH IN THERE THAT SAYS, WE CAN RAISE UP THE RATES IN ORDER TO FLOAT OUR COMPANY. AND THOSE REGRETTABLY POOR FOLKS WHO BOUGHT THOSE POLICIES COULDN'T AFFORD THE INCREASED RATES AND HAVE DROPPED THEM, WHICH IS PART OF THIS COMPOUNDING PROBLEM. [LB1103]

SENATOR EBKE: AND DOES LB1103 DEAL ONLY WITH REAL ESTATE? ARE THERE OTHER MEANS OF PROTECTING... [LB1103]

SENATOR SCHUMACHER: NO. IT DEALS WITH ALL KINDS OF ASSETS WHERE YOU TRANSFER IT AND BY VIRTUE OF YOUR DEATH, WHETHER IT'S A PAYABLE ON DEATH ACCOUNT OR A JOINT TENANCY ACCOUNT, THE HEIRS GET FULL ENJOYMENT OF IT. IT APPLIES TO STOCK, TO GOLD COINS, TO LAND, TO ANYTHING. THE REASON ON LAND THAT THERE IS A LIEN THAT WOULD ATTACH UPON THE FILING, UPON YOUR APPLICATION FOR MEDICAID, IS TO MAKE SURE THAT LAND ISN'T SOLD TO A BONA FIDE PURCHASER FOR VALUE, THE CASH THEN HIDDEN, AND THE TITLE PASSED AWAY FROM UNDERNEATH THE DEPARTMENT. IT'S A COLLECTION MECHANISM. [LB1103]

SENATOR EBKE: OKAY. SO WOULD IT BE SAFE TO SAY THAT ANYBODY WHO HAS ENOUGH IN ASSETS THAT YOU WOULD HAVE TO GO THROUGH PROBATE WOULD BE ACCOUNTABLE THROUGH THIS MECHANISM? [LB1103]

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SENATOR SCHUMACHER: YES. AND ALSO, WE ALWAYS HAD IF IT WAS PROBATE, THIS APPLIED. THIS APPLIED EVEN BEFORE... [LB1103]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR SCHUMACHER: ...LB72 IF IT WAS PROBATE. THE THING WAS, PEOPLE LEARNED TO USE OTHER MECHANISMS IN PROBATE. TRUSTS, PAYABLE OR A TRANSFER ON DEATH, LIFE ESTATES, WHICH HAD THE SAME EFFECT AS PROBATE, BUT TECHNICALLY WERE NOT WITHIN THE PROBATE ESTATE UNDER OUR LAW. FEDERAL GOVERNMENT IN 2004 SAID THOSE ASSETS CAN BE COUNTED JUST LIKE PROBATE ASSETS IF THE LAW SAYS SO. WE CHANGED OUR LAW LAST YEAR TO SAY SO. LB1103 PROVIDES A PROCEDURE THAT IS CLEAR TO EVERYONE AS TO HOW YOU GO ABOUT COLLECTING AGAINST THOSE OTHER ASSETS. [LB1103 LB72]

SENATOR EBKE: SO IF I HAVE 50 SHARES OF BERKSHIRE HATHAWAY, THAT WILL GO THROUGH PROBATE PRESUMABLY UNLESS I HAVE PREGIVEN THINGS BEFORE MY DEATH. [LB1103]

SENATOR SCHUMACHER: OR UNLESS YOU ADDED SOMEBODY ON YOUR STOCK ACCOUNT AS PAYABLE ON DEATH OR...BUT IF IT'S YOUR NAME ALONE, IT WILL GO THROUGH YOUR PROBATE. [LB1103]

SENATOR EBKE: OKAY. THANK YOU. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR EBKE AND SENATOR SCHUMACHER. SENATOR GROENE, YOU'RE RECOGNIZED. [LB1103]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I GET MORE AND MORE CONFUSED. I HOPE THIS IS RIGHT. I GOT IT OFF THE INTERNET AND THAT'S ABOUT HALF RIGHT, BUT IT SAYS IT'S FROM THE MEDICAID AMERICAN...I MEAN, THE UNITED STATES HHS DEPARTMENT. IT SAYS IF YOU'RE ONE PERSON, ASSET LIMITS, YOU CAN ONLY HAVE \$5,000 IN ASSETS, \$5,000. I'M CONFUSED HOW YOU COULD BE RECEIVING A RENT CHECK WHEN YOU ONLY OWN \$5,000 WORTH OF PROPERTY. SO I HEARD THAT FROM SENATOR KUEHN THAT IT'S IN THE LAW AND I'M NOT CRITICIZING SENATOR KUEHN, BUT I'M TRYING TO FIGURE OUT HOW YOU CAN GET A RENT CHECK OFF \$5,000 OF LAND AND LIVE OFF OF IT IF YOU GAVE EVERYTHING AWAY IN THE LAST FIVE YEARS...FIVE YEARS AGO. AND



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HERE IS THE TRUTH OF THE MATTER: IF YOU REALLY WANT TO MAKE SURE THAT YOU GET YOUR ASSISTED LIVING PAID FOR...AND REMEMBER IT ISN'T JUST THAT ONCE YOU'RE ON MEDICAID, IT'S ALL YOUR TREATMENTS, IT'S HUGE MEDICAL BILLS. WELL, A LOT OF PEOPLE HAVE A--WHAT DO THEY CALL THAT? THE ADD-ON INSURANCE TO COVER WHAT MEDICAID DON'T PAY--THESE FOLKS ARE ALSO GETTING ALL THEIR DOCTOR BILLS PAID. IF YOU REALLY DON'T THINK AND YOU THINK THE COUNTRY OWES YOU SOMETHING, IF YOU DO IT WITHIN FIVE YEARS AND YOU'RE A MULTIMILLIONAIRE, IF YOU'RE ONE OF THESE TRUST BABIES THAT SENATOR LARSON MENTIONED TO--THAT DIDN'T DO THE CAUSE ANY GOOD BY MENTIONING TRUST BABIES AND THEIR PARENTS ON MEDICAID--YOU CAN DO IT, YOU CAN DO IT LEGALLY. JUST DO IT FIVE YEARS IN ADVANCE, THAT'S ALL YOU GOT TO DO. AND YOU KNOW, THEY TALK...SENATOR BLOOMFIELD--GOOD FRIEND--TALKS ABOUT A DEATH TAX. YOU KNOW WHO DOES THIS? IT ISN'T THE PARENTS. THEY KNOW THEY'RE ON THEIR WAY OUT. IT'S THE KIDS. THEY WANT TO HANG ONTO THEIR INHERITANCE. THEY DON'T WANT TO HELP MOM AND DAD PAY THEIR BILLS. THEY DON'T WANT TO SELL AN 80 AND KEEP MOM HAPPY AND WARM AND HER DOCTOR BILLS PAID. THEY WANT IT ALL. SO THEY GO TO THE LAWYER AND THEY SAY, HOW DO WE DO THIS? HOW DO WE MAKE SURE THAT MOM'S BILLS ARE PAID? I SAY MOM BECAUSE MOM OUTLIVES DAD. THAT'S THE BIGGEST TRANSFER TO WEALTH, ACTUALLY. THEY DON'T WANT TO PAY. AND ALL OF A SUDDEN DAD PASSES AWAY AND MOM IS GETTING THE ALZHEIMER'S AND WHAT DO WE DO? HOW DO WE HANDLE THIS? WELL, LET'S GET EVERYTHING TRANSFERRED. WHOOPS, WE DIDN'T GET THIS DONE IN TIME. MOM SAID SHE DIDN'T WANT TO LEAVE THE HOUSE, WE GOT TO KEEP IT. SO HOW DO WE MAKE SURE THAT THAT DON'T SHOW UP AS AN ASSET? WELL, JUST DON'T CLAIM IT. WHEN YOU FILL THE FORMS OUT JUST DON'T CLAIM IT. YOU OWN SOME LAND IN KANSAS AND YOU'RE HERE, JUST DON'T CLAIM IT. THAT'S NOT RIGHT, FOLKS. IT IS NOT RIGHT. NOW, I'LL TALK ABOUT A DOCTOR WHO COULD DO THE SAME THING. WHAT IS IT, 40 PERCENT OF OUR LAND IS OWNED AND ASSETS ARE OWNED BY ABSENTEE? THOSE FOLKS ARE DOING IT, TOO, BECAUSE THEY DON'T WANT TO SELL IT. THEY DON'T WANT TO PAY THEIR BILLS. WELL, TO ME, YOU CREATE WEALTH TO PAY YOUR BILLS. YOU CREATE WEALTH TO WORK YOUR WAY THROUGH COLLEGE LIKE I DID. I CREATED WEALTH, PAID MY TUITION, THEN I WENT OUT AND GOT A JOB AND I RAISED THE FAMILY. I CREATED WEALTH TO RAISE MY FAMILY. I CREATE WEALTH TO PAY MY DOCTOR BILLS. I DON'T EXPECT MY NEIGHBOR TO DO IT. AND I THANK GOD I CAN DO IT. MAYBE I WON'T BE ABLE TO AT THE END OF THE DAY. I'M NOT GOING TO WORRY ABOUT IT, BECAUSE I CAN'T TAKE IT WITH ME. BUT WHEN YOU START TALKING ABOUT TRUST FUND BABIES AND YOU START

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TALKING ABOUT YOUNG FARMERS CAN'T GET STARTED UNLESS THEY CAN GET DADDY'S 4,000 OR 5,000 ACRES. [LB1103]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR GROENE: AND THEN YOU DUMP THEIR MEDICAL BILLS ON YOUR NEIGHBOR, ON THE REST OF THE COUNTRY ON THEIR MEDICAID BILLS, THAT DON'T COME ACROSS REAL GOOD WHEN PEOPLE ARE LISTENING. AND I'M PRO AGRICULTURE AND I KNOW THIS ARGUMENT MAKES US LOOK BAD. IF YOU WANT TO DO IT, HIRE A LAWYER, GET IT DONE. TRANSFER YOUR WEALTH AND GET IT DONE. BUT MY GOD, TO TRY TO CLAIM IT'S PICKING ON US? FIVE THOUSAND DOLLARS IS ALL THE ASSETS YOU'RE SUPPOSED TO HAVE TO BE ON MEDICAID, FIVE THOUSAND DOLLARS. THAT TAKES A LOT OF CIRCUS ACTS WHEN YOU OWN PROPERTY TO GET TO THAT POINT. COME ON, LET'S JUST PASS THIS. LET'S DO THE RIGHT THING. LET'S TRY TO KEEP MEDICAID FRAUD AT THE MINIMUM AND DO WHAT WE CAN. THANK YOU. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR GROENE. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB1103]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. I THINK ONE OF THE PROBLEMS WITH THIS BILL IS, WHERE DOES IT STOP? I KNOW SOME HAVE CHANGED THEIR POSITION, OTHERS HAVE NOT, BUT WHERE DOES IT STOP? YOU KNOW, AS SENATOR GROENE SAID, THERE IS A PROVISION THERE. BUT THIS GOES BEYOND THAT. WHERE DOES IT START? I CALLED SENATOR BLOOMFIELD ON THE PHONE BECAUSE I ASKED HIM ABOUT A POTENTIAL SCENARIO, BECAUSE I KNOW THE EXPENSE OF A SEMITRUCK. SOME SEMITRUCKS AND MANY OF THEM COST MORE THAN A MODEST HOME. I MEAN, THEY ARE A TREMENDOUS EXPENSE TO BEAR. EVEN LABOR ON THEM IS AN EXPENSE. TRANSMISSIONS, I MEAN SEMITRUCKS, YOU KNOW, FOR A PERSON IN COMMERCIAL TRUCKING THEY HAVE THAT HOME, MAYBE NOT A PIECE OF LAND, BUT THEY HAVE THAT WAY OF MAKING A LIVING AND THEY MAY PERHAPS HAVE A MODEST HOME BECAUSE THEIR LIFE IS PREDOMINANTLY ON THE ROAD BEHIND THE WHEEL. WELL, LET'S SAY POP OWNS A SEMITRUCK. HE'S A COMMERCIAL DRIVER AND HAS HAD A NICE TRUCK. AND HIS SON SOMETIMES IS HIS PARTNER DOES NOT TECHNICALLY BUT HIS SON WOULD RIDE ALONG ON A LONG TRIP. AND WELL, DAD IS GETTING OLDER, DECIDED IT'S TIME FOR HIM TO PUT ON THE BRAKES, SO HE GOES TO THE HOME. WELL, THE HOME IS GETTING MORE AND MORE EXPENSIVE, SO HE SELLS THE MODEST HOME AND

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THE SON HAS TAKEN OVER TRUCKING NOW. SO NOW THOSE EXPENSES HAVE INCREASED IN THE HOME AND GIVING UP HIS MODEST HOME WASN'T ENOUGH, HE'S ON MEDICAID NOW. WELL, DAD PASSES AWAY. SON IS HAPPILY TRUCKING DOWN THE ROAD PROVIDING FOR HIS FAMILY. WELL, OH-OH, THAT WAS ALSO DAD'S ASSET. SO NOW DO WE TAKE THAT SON'S MEANS OF MAKING A LIVING TO PAY FOR MEDICAID WHEN DAD HAD ALREADY GIVEN UP THE MODEST HOME HE HAD? WELL, SON HAS TO SELL THE TRUCK. BUT, NO, IT'S HEALTH AND HUMAN SERVICES THAT SELLS THE TRUCK AND THEY NEED TO CONTRACT WITH THE TRUCKER'S ASSOCIATION OR THE CAR DEALERSHIP. SO NOW WE HAVE CONTRACTS WITH THE TRUCKERS, WITH THE HOME, WITH HEALTH AND HUMAN SERVICES. AND THE SON AND HIS FAMILY, UNFORTUNATELY HE'S UNEMPLOYED, HAS TO COLLECT UNEMPLOYMENT, AND THE FAMILY MUST GO ON FOOD STAMPS UNTIL THERE IS ANOTHER MEANS TO MAKING A LIVING. SO WHERE DOES IT END? I DON'T KNOW. I DON'T THINK THERE ARE ENOUGH POUNDS OF SILVER OR FLESH TO PAY FOR GROWING AND GROWING AND GROWING EXPENSES. AGAIN, WE'RE GROWING GOVERNMENT. AND EVERY TIME WE HAVE SOMEBODY WRITING A CONTRACT, ENGAGING ANOTHER ENTITY TO PAY FOR SOMETHING THAT IS EXPENSE THAT WE CAN NO LONGER BEAR. I MEAN, FEES, FEES HAVE TO KEEP GOING UP TOO. WE'RE JUST CREATING A 8,000-POUND GORILLA FOR ONE THAT USED TO WEIGH 800 POUNDS. LET'S STUDY THIS. LET'S FIND AND IDENTIFY EXACTLY WHO IS GAMING THE SYSTEM AND FIND A NET THAT WILL NOT CATCH INNOCENT PEOPLE AND THOSE JUST TRYING TO MAKE A LIVING, AND LOOK AT WAYS THAT WE CAN HAVE LESS BUREAUCRACY, LESS PAPERWORK,... [LB1103]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR BRASCH: ...AN EASIER WAY FOR US TO TAKE CARE OF THOSE WHO ARE NOT ABLE TO TAKE CARE OF THEMSELVES. SO EVEN THOUGH THIS SOUNDS OUTLANDISH, FAR-FETCHED, THAT'S WHERE WE'RE GOING. WE'RE GOING INTO VERY DEEP, UNCHARTERED WATERS OF MORE GOVERNMENT. THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR BRASCH. SENATOR SCHNOOR, YOU'RE RECOGNIZED AND THIS IS YOUR THIRD TIME. [LB1103]

SENATOR SCHNOOR: THANK YOU, SIR. I TALKED TO SENATOR SCHUMACHER SEVERAL HOURS AGO. I QUESTIONED HIM ON THE MIKE ABOUT LIFE ESTATE. LIFE ESTATE IN THE AG SECTOR IS VERY COMMON. IT'S WHERE THE PARENTS OR

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A PARENT WILL ESSENTIALLY GIVE THEIR GROUND AWAY TO THEIR CHILDREN, OR IT COULD BE ANYBODY FOR THAT MATTER, BUT GIVE THEIR GROUND AWAY AND RETAIN LIFE ESTATE, MEANING THEY WILL RETAIN THE INCOME FROM THAT PROPERTY. SO, CURRENTLY, RETAINED LIFE ESTATE--WHICH IS NOT PART OF THE TRUST--IS PERMITTED IF THE GIFT OF THIS IS OUTSIDE OF THIS 60-MONTH LOOK-BACK. IN EFFECT, THE INCOME FROM THE FARM WILL BE AVAILABLE THEN TO REIMBURSE MEDICAID BUT THE LAND PASSING TO THE NEXT FARMING GENERATION WOULD NOT BE LOST. BUT MY CONCERN HERE, YOU HAVE--AND I'LL USE JUST 160 ACRES OF GROUND, JUST A QUARTER SECTION--VALUED AT...AND I JUST PUT \$8,000 AN ACRE, WHICH MAY BE...THAT VARIES WIDELY THROUGHOUT THE STATE--BUT YOU HAVE AN ASSET THERE WORTH ABOUT \$1.2 MILLION TO \$1.3 MILLION. NOW, THE INCOME THE OWNER WILL RECEIVE--WHICH AS SENATOR HUGHES, I BELIEVE IT WAS, TALKED ABOUT THAT THAT'S THEIR RETIREMENT INCOME. AND THAT, TOO, IS VERY, VERY COMMON IN THE AG SECTOR, THAT FARM FAMILIES DO NOT INVEST IN RETIREMENT INCOMES, THEY INVEST IN THEIR GROUND. THEY INVEST IN THAT REAL ESTATE AND THEN THE RENT THEY RECEIVE IS THEIR RETIREMENT. AND THAT HAPPENS QUITE OFTEN. BUT LET'S ASSUME THAT AN ELDERLY WOMAN JUST HAS ONE QUARTER SECTION OF GROUND. ONE HUNDRED SIXTY ACRES, SHE CAN GET \$200 A MONTH RENT. THAT'S A CHECK FOR \$32,000 FOR THE YEAR. NOT A LOT, BUT STILL IF SHE HAS DONE HER ESTATE PLANNING CORRECTLY, SHE PROBABLY HAS NO BILLS, LEADS A MEAGER LIFE, BUT YET YOU GOT TO TAKE PROPERTY TAXES OUT OF THAT, WHICH COULD BE ANOTHER \$8,000, SO YOU'RE DOWN TO \$24,000. BUT SOMETHING HAPPENS, SHE HAS TO GO TO THE NURSING HOME. DOESN'T HAVE THE MONEY TO PAY FOR THE NURSING HOME, FILES FOR MEDICAID. NOW ALL OF A SUDDEN THEY LOOK BACK AND TAKE HER ONLY SOURCE OF INCOME. THAT'S WHAT WE HAVE TO STOP FROM HAPPENING BECAUSE THAT DOES HAPPEN. IS THERE ABUSE GOING ON? IS THERE FRAUD? I'M SURE THERE IS. BUT THERE'S ALSO UNFAIR TREATMENT TO THOSE THAT HAVE WORKED THEIR ENTIRE LIFE TO LIVE WITHOUT DEBT. [LB1103]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR SCHNOOR: THANK YOU, SIR. AND IN THIS CASE, YOU'LL LIVE A MEAGER LIFE, BUT STILL WE KNOW BAD THINGS HAPPEN. WE KNOW OF THINGS...SOME PEOPLE GO TO A NURSING HOME WHEN THEY'RE IN THEIR 70s. I KNOW ONE LADY FROM MY HOMETOWN, SHE DIED AT 103, NEVER WENT TO A NURSING HOME. SHE LIVED AT HOME. IN FACT, SHE WENT TO THE NURSING HOME TO TAKE CARE OF PEOPLE. SO LIVES DIFFER. BAD THINGS HAPPEN. BUT WE NEED TO BRACKET THIS. WE NEED TO STUDY THIS. AND WE NEED TO COME

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UP WITH A BETTER CONCLUSION OF HOW TO SOLVE THIS. THANK YOU, SIR.  
[LB1103]

SENATOR KRIST: THANK YOU, SENATOR SCHNOOR. SENATOR SCHEER, YOU'RE RECOGNIZED AND THIS IS YOUR THIRD TIME. [LB1103]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. WOULD SENATOR SCHUMACHER YIELD TO A COMMENT OR TWO, PLEASE? [LB1103]

SENATOR KRIST: SENATOR SCHUMACHER, WILL YOU YIELD? [LB1103]

SENATOR SCHUMACHER: SURE WILL. [LB1103]

SENATOR SCHEER: THANK YOU, SENATOR SCHUMACHER. I HAVE TO REFOCUS MY THOUGHT HERE. I WALKED UP AND KNEW WHAT I WAS GOING TO ASK YOU AND PROMPTLY FORGOT IT ON MY WAY UP HERE. I WAS IN DEEP CONVERSATION WITH SENATOR STINNER. WELL, BY GOLLY, UNTIL I THINK OF SOMETHING I'LL JUST SORT OF TALK ABOUT THE FACT THAT I DID JUST TALK TO MY WIFE VIA TEXT AND I DIDN'T BRING AN UMBRELLA TODAY AND IT IS RAINING OUTSIDE. SO UNDOUBTEDLY WHEN I HEAD HOME AT 4:00 I PROBABLY WILL GET WET. AND THAT'S NOT THE QUESTION I AM POSING TO YOU, SENATOR SCHUMACHER, BUT I MAY GET THERE AT SOME POINT IN TIME. I DO HAVE ONE THAT CAME BACK TO ME, SO I'LL GIVE YOU THAT ONE WHILE I TRY TO RESURRECT THE REST OF IT. WE ARE ASSUMING THAT THERE IS--MY ASSUMPTION IS THAT YOU FEEL THERE IS A LARGE AMOUNT OF FOLKS THAT ARE UTILIZING THIS PROCESS WITHIN THE CONFINES OF THE FIVE YEARS SOMEHOW. IS THAT THE PREMISE BEHIND THE BILL? [LB1103]

SENATOR SCHUMACHER: I THINK THERE ARE A LOT OF PEOPLE UTILIZING WITHIN A FIVE-YEAR PROCESS TO USE THE FIVE YEARS, WHICH IS UNCHANGED, TO GIVE AWAY PROPERTY ENTIRELY AND THEN GO ON MEDICAID. THERE ARE SOME THAT ARE GIVING AWAY PROPERTY BUT RETAINING AN INTEREST AND THIS APPLIES TO ALL PROPERTY--WHETHER IT'S STOCK OR WHETHER IT'S LAND--GIVING AWAY PROPERTY BUT RETAINING SOME TYPE OF INTEREST OR CONTROL OVER IT OR RIGHT TO UNDO THE TRANSACTION. THAT'S HAPPENING QUITE FREQUENTLY. MOST FAMILIARLY IN THE AREA OF REAL ESTATE WITH LIFE ESTATES AND SOME REVOCABLE TRUSTS IN THE AREA OF STOCKS AND BONDS WITH HOW YOU SET UP THE ACCOUNT AND PAYABLE ON DEATH OR TRANSFER

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ON DEATH AND THINGS LIKE THAT...PROVISIONS, JOINT TENANCY, THINGS LIKE THAT. [LB1103]

SENATOR SCHEER: OKAY. BUT DO WE HAVE ANY TYPE OF CONCRETE NUMBERS THAT WE'RE LOOKING AT, BECAUSE IN LOOKING AT THE FISCAL NOTE IT DIDN'T LOOK LIKE THERE WAS GOING TO BE, AT LEAST THEY DIDN'T ASSUME THERE WAS GOING TO BE A LARGE RECOUPING OF DOLLARS? AND WE'VE HAD A LOT OF TALK AND IT'S PEOPLE TRYING TO CIRCUMVENT THE SYSTEM. AND YOU KNOW, ANY LAWS THAT WE PUT TOGETHER, ESPECIALLY THOSE TAX RELATED, PEOPLE DO WHAT THEY CAN TO AVOID TAXES REGARDLESS OF WHAT IT IS. THOSE PEOPLE THAT ARE PLAYING BY THE RULES ARE STILL GOING TO BE PLAYING BY THE RULES BEFORE US. SO HOW MANY...WHERE ARE WE GETTING THE NUMBERS THAT THERE'S GOING TO BE THESE INSTANCES BETWEEN THE GIFT AT SIX MONTHS AND SOMEHOW STILL CIRCUMVENTING THE SYSTEM AND GETTING FREE MEDICAID FROM NURSING HOME CARE, SAY AT THREE YEARS? WHERE ARE THESE NUMBERS COMING FROM? WHERE DO WE FABRICATE THE NEED? [LB1103]

SENATOR SCHUMACHER: FIRST OF ALL, THE NUMBER IS FIVE YEARS, NOT SIX OR THREE. [LB1103]

SENATOR SCHEER: NO, I UNDERSTAND FIVE YEARS, AND THEY'RE CLEAN, THEY'RE HOME CLEAN. BUT WHAT WE'RE TRYING TO CATCH EVIDENTLY ARE THOSE WITHIN THAT FIVE-YEAR PERIOD AND I'M WONDERING WHERE IT IS THAT WE CAN DOCUMENT THAT THOSE NUMBERS EXIST. [LB1103]

SENATOR SCHUMACHER: WHAT WE'RE TRYING TO CATCH IS TWO: THOSE WITHIN THE FIVE-YEAR PERIOD AND THOSE WHO RETAINED AN INTEREST OF SOME DESCRIPTION IN THE TRANSFER GREATER THAN THE FIVE-YEAR PERIOD. WHERE WE GET INTO IT...AND THIS IS A THREE-PART APPROACH OF THE BILL. [LB1103]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR SCHUMACHER: ONE, WE BEEF UP... [LB1103]

SENATOR SCHEER: OKAY, JUST A MINUTE. BUT I JUST WANT TO GET...CLARIFY ONE. THE FIRST PART, THOSE WITHIN THE YEAR, HOW DO WE QUANTIFY THE NUMBERS? WHERE ARE THE NUMBERS COMING FROM THAT YOU'VE TALKED ABOUT? [LB1103]

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SENATOR SCHUMACHER: THE BASE NUMBER IS COMING FROM THE LEGISLATIVE STUDY 10 YEARS OLD, \$12 MILLION. WE KNOW THERE'S MORE OF IT GOING ON NOW BECAUSE WE HAVE MORE BABY BOOMERS OF AGE, WE HAVE MUCH MORE CONCERN ABOUT MEDICAID. JUST ABOUT EVERY PROFESSIONAL, CERTAINLY EVERY PROFESSIONAL ATTORNEY ON THE FLOOR THAT HAS TALKED TODAY AND THE BANKING FOLKS WHO HAVE SEEN WHAT IS DONE WITH PAYABLE ON DEATH ACCOUNTS HAVE PERSONAL OBSERVATIONS AND CONTACT WITH IT. I DIDN'T ARGUE WITH THE FISCAL OFFICE. THEY HAVE NO WAY OF TELLING FOR SURE AND THEY WANT TO BE FOR SURE. WELL, FOR SURE, THERE'S GOING TO BE WHAT THEY SAY, BUT THERE'S LIKELY TO BE MUCH MORE IN RECOVERY BECAUSE WE ARE RECOVERING THE ASSETS AND A LOT MORE IN PREVENTION BECAUSE LAWYERS WILL HAVE A REASON NOT TO DO IT AND... [LB1103]

SENATOR SCHEER: BUT THE FACT OF THE MATTER, SENATOR SCHUMACHER, IS... [LB1103]

SENATOR KRIST: TIME, SENATORS. [LB1103]

SENATOR SCHEER: ...THAT'S HYPOTHETICAL, WE DON'T KNOW FOR SURE. THANK YOU, MR. PRESIDENT. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR SCHUMACHER AND SENATOR SCHEER. SENATOR FRIESEN, YOU ARE RECOGNIZED. [LB1103]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I'LL YIELD MY TIME TO SENATOR BLOOMFIELD. [LB1103]

SENATOR KRIST: SENATOR BLOOMFIELD, YOU'VE BEEN YIELDED 4:54. [LB1103]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WISH I HAD SENATOR CHAMBERS' VOICE. I WOULD START "TIME IS ON MY SIDE," BUT SINCE I DON'T CARRY THAT VOICE OR TALENT I WON'T BOTHER WITH THAT. COLLEAGUES, WE'RE TALKING ABOUT STOPPING FRAUD HERE. IF WE HAVE A MEGA WEALTHY INDIVIDUAL THAT IS BENT ON DEFRAUDING THE STATE GOVERNMENT AT THE RISK OF GOING TO JAIL IF HE GETS CAUGHT, HE'LL FIND A WAY AROUND THIS. THERE ARE NUMEROUS WAYS THEY COULD DO IT. HE COULD GET RID OF THE ASSET. JUST HAVE HIS KIDS...FOUR KIDS, IF EACH ONE OF THEM DROPPED HIM \$500 A MONTH, HE'D LIVE PRETTY WELL, ESPECIALLY IF HE HAD A LITTLE

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SOCIAL SECURITY CHECK COMING IN. AND IF HE GAVE THAT MUCH MONEY TO THE KIDS, THEY COULD AFFORD TO GIVE HIM THAT. WOULDN'T SHOW UP ANYWHERE, IT WOULD JUST BE UNDER THE TABLE. THERE ARE WAYS TO DO THIS. WE'RE CHASING A GHOST. I DON'T BELIEVE WE'RE GOING TO CATCH HIM WITH THIS. I WONDER IF SENATOR SCHUMACHER WOULD YIELD TO A QUESTION OR TWO. [LB1103]

SENATOR KRIST: SENATOR SCHUMACHER, WILL YOU YIELD? [LB1103]

SENATOR SCHUMACHER: YOU KNOW I WILL. [LB1103]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. YOU AND I SPOKE JUST BRIEFLY OFF THE MIKE ABOUT HOW MUCH YOU COULD JUST GIFT SOMEONE. IF I WERE TO GET THE FARM OVER INTO THE KIDS' HANDS, MANAGED TO LIVE OUT THE FIVE YEARS, OR EVEN IF I DIDN'T, IF I GOT IT INTO THEIR HANDS EACH ONE OF THOSE COULD GIFT ME I BELIEVE YOU SAID \$14,000 A YEAR? [LB1103]

SENATOR SCHUMACHER: THEY COULD GIFT YOU THE FARM BACK, IT WOULD JUST TRIGGER FEDERAL GIFT TAX CONSEQUENCES. [LB1103]

SENATOR BLOOMFIELD: BUT IF THEY GIFTED ME \$10,000 A YEAR FROM EACH OF HALF A DOZEN KIDS, COULD THEY DO THAT WITHOUT HAVING TAX CONSEQUENCE? [LB1103]

SENATOR SCHUMACHER: IF THEY GIFT...NOW, WE'RE TALKING GIFT LAW, WE'RE NOT TALKING ESTATE LAW, WE'RE TALKING GIFT. THEY COULD GIVE YOU ANYTHING. THERE'S NO LAW AGAINST GIFT. THERE IS TAX CONSEQUENCES. [LB1103]

SENATOR BLOOMFIELD: AT WHAT POINT DOES THE TAX CONSEQUENCE KICK IN? [LB1103]

SENATOR SCHUMACHER: YOU DON'T HAVE TO FILE A GIFT TAX RETURN FOR GIFTS UNDER I BELIEVE RIGHT AT \$14,000. [LB1103]

SENATOR BLOOMFIELD: SO EACH ONE CAN GIVE ME \$10,000 A YEAR, THERE WOULD BE NO GIFT TAX CONSEQUENCE? THERE WOULD BE NO ESTATE



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CONSEQUENCE? AND WE'VE JUST BEAT TO DEATH THIS VERY THING THAT WE'VE SPENT SEVEN HOURS, SIX HOURS TALKING ABOUT. [LB1103]

SENATOR SCHUMACHER: OH, NO, YOU HAVEN'T. [LB1103]

SENATOR BLOOMFIELD: EXPLAIN, IF YOU WOULD. [LB1103]

SENATOR SCHUMACHER: BECAUSE IF YOUR GIFT...AND IF ALL FOUR OF YOUR KIDS ARE DILIGENTLY PAYING YOU THE \$10,000 A YEAR, THEN I WOULD SAY... [LB1103]

SENATOR BLOOMFIELD: BUT THEY'RE NOT PAYING ME, THEY'RE GIFTING ME. [LB1103]

SENATOR SCHUMACHER: THEY'RE GIFTING YOU, WRITING A CHECK, HANDING YOU CASH, MAYBE GOLD COINS, THAT WAY THE GOVERNMENT CAN'T FIND IT. [LB1103]

SENATOR BLOOMFIELD: WE DON'T HAVE TO PAY SALES TAX ON THEM ANYMORE, BY THE WAY, THANK YOU. [LB1103]

SENATOR SCHUMACHER: THAT'S RIGHT. YOU'RE RIGHT, SENATOR. WE DID SOMETHING IN OUR TIME DOWN HERE, DIDN'T WE? IF THEY GIVE YOU THE PROPERTY BACK AND AN IMPARTIAL JURY OF YOUR PEERS WERE TO LOOK AT IT... [LB1103]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR SCHUMACHER: ...EVERY ONE OF YOUR KIDS HAS GIVEN YOU \$10,000 A YEAR BACK AFTER YOU'VE GIVEN THEM THE FARM, YOU KNOW WHAT THEY CALL THAT? THEY CALL THAT CONSTRUCTIVE POSSESSION. AND YOU KNOW WHAT? IT'S COVERED BY THIS BILL. [LB1103]

SENATOR BLOOMFIELD: HOW WOULD THE INVESTIGATION INTO THAT EVEN GET TRIGGERED SINCE I HAD NO FINANCIAL INTEREST IN THE PROPERTY AFTER FIVE YEARS? [LB1103]

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SENATOR SCHUMACHER: YOU'D BE DEAD UNDER THIS SCENARIO ALREADY. YOU'D BE PUSHING DAISIES, SO YOU WON'T CARE, BUT YOUR KIDS MIGHT. I MEAN, HOW DO THEY CATCH ANYBODY WHO'S A CROOK? [LB1103]

SENATOR BLOOMFIELD: WELL, THEY USUALLY CHASE HIM DOWN WITH A CAR, BUT SENATOR CHAMBERS TRIED TO ELIMINATE THAT THIS YEAR TOO. I GO BACK TO MY POINT. THERE ARE WAYS AROUND THIS THING, SO IF THE "MULTIGAZILLIONAIRE" WE'RE TALKING ABOUT HERE... [LB1103]

SENATOR KRIST: TIME, SENATORS. THANK YOU, SENATORS FRIESEN, BLOOMFIELD, AND SCHUMACHER. SENATOR LINDSTROM, YOU'RE RECOGNIZED. [LB1103]

SENATOR LINDSTROM: THANK YOU, MR. PRESIDENT. THOUGHT I'D WEIGH IN ON THIS. IN MY DAILY JOB OR I GUESS THE JOB WHEN I'M NOT HERE I WORK WITH CPAs AND ESTATE PLANNING ATTORNEYS. AND WE DEAL AND WORK WITH A LOT OF RANCHERS AND FARMERS AND TEACHERS AND SMALL BUSINESS OWNERS AND BASICALLY ANYBODY THAT YOU CAN THINK OF. AND WE DO THIS ALL THE TIME. WE DEAL WITH INTERGENERATIONAL WEALTH TRANSFER, DEALING WITH TRUSTS AND ESTATE PLANNING, DEALING WITH GIFTING, AND CHARITABLE GIVING. AND JUST GOING BACK TO THE \$14,000, 2016 YOU'RE ABLE TO GIFT \$14,000. YOU COULD DO THAT...AS A DAD I COULD GIFT MY DAUGHTER \$14,000, MY WIFE COULD GIFT \$14,000 TO MY DAUGHTER. SO YOU COULD ESSENTIALLY GIFT \$28,000 IN THE YEAR 2016 IF NEED BE. ONE OF THE THINGS THAT I THOUGHT...I DON'T THINK I'VE HEARD, BUT IF THE FAMILY WAS IN CAHOOTS, YOU'D HAVE TO HAVE ALL THE KIDS IN CAHOOTS TO ACTUALLY PULL THIS OFF. BOTH KIDS...IF YOU HAD A FAMILY OF TWO OR THREE KIDS, THEY'D ALL HAVE TO BE TOGETHER TO HAVE THAT TRANSFER TO BASICALLY GAME THE SYSTEM. ONE THING I GUESS I DIDN'T HEAR AND IT WAS JUST TALKED ABOUT, WAS THE IMPLEMENTATION COSTS. I THINK THAT THERE IS A NEW COMPUTER SYSTEM. AND I DON'T KNOW IF SENATOR HOWARD WOULD KNOW OFF THE...NOT TO CATCH YOU OFF GUARD. WOULD SENATOR HOWARD YIELD TO A QUESTION? [LB1103]

SENATOR KRIST: SENATOR HOWARD, WILL YOU YIELD? [LB1103]

SENATOR HOWARD: I WOULD BE HAPPY TO. [LB1103]

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SENATOR LINDSTROM: AND IF YOU CAN'T ANSWER THIS, IT'S NOT A BIG DEAL. TO SET UP THIS NEW SYSTEM, WAS THERE AN AMOUNT THAT YOU WOULD KNOW OFF THE TOP OF YOUR HEAD? [LB1103]

SENATOR HOWARD: YOU MEAN FOR THE DATABASE FOR THE REAL ESTATE TRANSFERS? [LB1103]

SENATOR LINDSTROM: RIGHT. [LB1103]

SENATOR HOWARD: NO, ONLY IF THERE'S A CONTINUED VESTED INTEREST BY THE GRANTOR. [LB1103]

SENATOR LINDSTROM: OKAY. THANK YOU, SENATOR HOWARD, APPRECIATE IT. [LB1103]

SENATOR HOWARD: THANK YOU, SENATOR LINDSTROM. [LB1103]

SENATOR LINDSTROM: I'M SORRY TO CATCH YOU OFF GUARD. AND I THINK IT WAS TALKED ABOUT. I WASN'T SURE HOW MUCH FRAUD WAS ACTUALLY IN THE SYSTEM, BUT IF THERE IS ABUSE, THIS DOESN'T SEEM...AND I'M SURE THERE IS. I'M SURE THAT PEOPLE HAVE GAMED THE SYSTEM. THIS REALLY SHOULDN'T BE AN ISSUE WHERE THE BODY IS DIVIDED. I JUST THINK THAT AT THIS POINT IN TIME, PEOPLE AREN'T COMFORTABLE WITH WHERE WE'RE AT ON THIS BILL. AND SO I AGREE WITH SENATOR BRASCH AND I AM GOING TO VOTE FOR THE BRACKET MOTION, JUST TO GIVE US A LITTLE BIT MORE TIME TO FEEL MORE COMFORTABLE SO THAT ALL PARTIES THAT HAVE A VESTED INTEREST IN THIS CAN MAKE THE BEST POSSIBLE CHANGES AND THE BEST LAW THAT WE CAN POSSIBLY DO. SO WITH THAT, MR. PRESIDENT, I WOULD YIELD MY REMAINING TIME BACK TO THE CHAIR. THANK YOU. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR LINDSTROM. SENATOR HUGHES, YOU ARE RECOGNIZED. SENATOR KUEHN, YOU'RE RECOGNIZED. [LB1103]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. AND JUST WANTED TO CONTINUE TO GO INTO THE ACTUAL LANGUAGE OF THE BILL ITSELF AND CONTINUE TO TALK AGAIN ABOUT SOME OF THE...WHAT SENATOR HARR DESCRIBED AS 3.5 HOURS TO UNDERSTAND, BUT RELATIVELY SIMPLE. THAT DOESN'T NECESSARILY QUALIFY AS RELATIVELY SIMPLE TO UNDERSTAND IN MY

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MIND. BUT I ALSO WANT TO POINT OUT AGAIN SO THAT WE UNDERSTAND WHAT WE'RE VOTING ON. WE'VE HEARD A LOT OF PLATITUDES, BUT WHEN WE GET DOWN INTO THE LANGUAGE OF THE BILL THERE IS ADDITIONAL INFORMATION I THINK WE NEED TO DISCUSS. ONE HAS TO DO WITH THE AUTHORITY THAT WE ARE GRANTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND ULTIMATELY COUNTY ATTORNEYS IN TERMS OF THE EXTENDED PERIOD FOLLOWING DEATH TO RECOVER WHAT MAY BE THESE INVESTIGATIONS. SO AGAIN I REFER YOU, COLLEAGUES, TO PAGE 29 OF THE COMMITTEE AMENDMENT, STARTING ON LINE 19 WHERE IT SAYS: IN THE EVENT THAT THE DEPARTMENT DOES NOT SEEK TO RECOVER MEDICAID REIMBURSEMENT FOR A PERIOD OF 18 MONTHS AFTER IT IS ENTITLED TO DO SO, THE COUNTY ATTORNEY OF THE COUNTY IN WHICH THE RECIPIENT OF MEDICAL ASSISTANCE LAST RESIDED OR IN THE CASE OF REAL ESTATE THE COUNTY WHERE THE REAL ESTATE IS LOCATED MAY WITH THE CONSENT OF THE ATTORNEY GENERAL ENFORCE THE RIGHTS OF THE DEPARTMENT. IN SUCH CASE, THE COUNTY SHALL BE ENTITLED TO REASONABLE ATTORNEYS' FEES THAT MAY BE AGREED TO BY THE ATTORNEY GENERAL, THE DEPARTMENT SHALL GIVE ITS FULL COOPERATION TO SUCH COUNTY ATTORNEY. SO IN ESSENCE, WE'RE BASICALLY SAYING HHS HAS 18 MONTHS, A YEAR AND A HALF AFTER YOU'RE DEAD, TO GO AFTER AND LOOK AT POTENTIAL LIENS. BUT, ADDITIONALLY, IT DOESN'T SPECIFY ANY PERIOD OF TIME OR RESTRICTION ON WHICH A COUNTY ATTORNEY WITH THE ASSISTANCE OF THE ATTORNEY GENERAL CAN CONTINUE TO PURSUE THESE LIENS. SO IN REALITY THERE IS NO STATUTE OF LIMITATIONS, TO USE THE LEGAL PARLANCE, IF YOU WILL, THAT RESTRICTS THE ABILITY OF THE STATE TO CONTINUE TO INVESTIGATE. AND GIVEN THAT AS STATED IN THE PREVIOUS LANGUAGE ON PAGES 19 AND PAGES 22, THE BURDEN FOR DEMONSTRATING THE FAIR SALE, THE BURDEN FOR DEMONSTRATING THE MARKET VALUE OF THE LEASE OF RETAINED PROPERTY LIES WITH THE INDIVIDUAL WHO IS THE RECIPIENT. SO IN ESSENCE, WE HAVE A CONTINUED AND AN UNFETTERED ABILITY OF THE STATE TO CONTINUE TO COME AFTER INDIVIDUALS WHO WERE GIFTED LEGALLY ASSETS AND CONTINUE TO FORCE THEM THROUGH LEGAL COSTS AND OTHER FEES AND LITIGATION TO PROVE WHETHER OR NOT IT WAS MARKET VALUE, WHETHER OR NOT IT WAS MARKET VALUE IN TERMS OF THE SALE OR PURCHASE PRICE OR MARKET VALUE IN TERMS OF THE LEASE. WE DON'T HAVE ANYTHING ELSE WHERE WE GIVE THAT TYPE OF GOVERNMENT POWER TO COME BACK AFTER DEATH AND CONTINUE TO COME AT AN INDIVIDUAL WITH REGARD TO THAT KIND OF COLLECTION. AND I THINK IT'S ONE THAT WE HAVE TO CONTINUE TO BE AWARE OF AND CONTEMPLATE AS WE UNDERSTAND WHAT THE ULTIMATE INTENT OF THIS LEGISLATION IS RELATIVE TO WHAT IT'S ACTUALLY GOING TO DO ONCE

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IMPLEMENTED. I FURTHER WANT TO DIRECT THE ATTENTION OF THE BODY TO PAGES 25 AND 26, WHERE IT TALKS ABOUT A RELATIVELY COMMONLY USED ESTATE PLANNING TOOL AND THAT IS THE USE OF INSURANCE POLICIES WHERE TO EITHER COVER THE TAX BILL AFTER DEATH, OR TO HELP BUY OUT OR PURCHASE ASSETS, AN INDIVIDUAL WILL PURCHASE A LIFE INSURANCE POLICY, PAY THE PREMIUMS OUT OF THEIR OWN POCKET. THE PROCEEDS THEN OF THAT LIFE INSURANCE POLICY BEING UTILIZED TO PURCHASE THE ASSETS AND ENSURE GOING CONCERN OF THE OPERATION OR REAL ESTATE GOING FORWARD. AS STATED IN PAGES 25 AND 26, THERE BECOMES A SIGNIFICANT QUESTION ABOUT THE ABILITY OF THE STATE TO THEN LOOK AT THOSE BENEFITS PAID FOR, PAID TO ENSURE THE ONGOING CONCERN OF THAT BUSINESS AND THAT OPERATION, AS THEN ASSETS THAT CAN BE TAPPED TO COVER EXPENSES DURING THE NURSING HOME OR AT LEAST BE BROUGHT INTO QUESTION. AGAIN, I WANT TO CALL TO ATTENTION THAT IT'S NOT WHETHER OR NOT THEY JUST RECEIVED THE BENEFITS... [LB1103]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR KUEHN: ...THAT TRIGGERS THIS INVESTIGATION, IT'S WHETHER THEY APPLIED FOR THE BENEFIT, WHICH AGAIN CREATES A WHOLE ANOTHER LAYER OF BUREAUCRACY AND INVESTIGATION AND, QUITE FRANKLY, ANOTHER LAYER OF EXPENSE FOR THE RECIPIENT, THE BENEFICIARY, THE PERSON WHO PURCHASED THE LAND, THE PERSON WHO ENGAGED IN THE LEASE. SO WE'RE CREATING A WHOLE ANOTHER SET OF OPPORTUNITIES AND LIABILITIES AND POTENTIALLY COSTS ASSOCIATED WITH PASSING ON THESE ASSETS OR SELLING THESE ASSETS OR EVEN LEASING THESE ASSETS, IF RETAINED, TO THE NEXT GENERATION. AND WE HAVEN'T TALKED ABOUT THOSE IMPLICATIONS OR THOSE COSTS OR THOSE...THAT DETRIMENT TO THE NEXT GENERATION OF BUSINESS OWNER, OF PROPERTY OWNER, OF FAMILY MEMBER, OR OF HEIR. AND THEY'RE VERY REAL CONCERNS THAT THOSE INDIVIDUALS HAVE TO TAKE INTO ACCOUNT. SO WHEN WE'RE TALKING ABOUT THE COSTS, WE ALSO HAVE TO INCLUDE THE COST OF DEFENDING YOURSELF FROM WHAT COULD BE A ZEALOUS GOVERNMENT INTRUSION, A ZEALOUS COUNTY ATTORNEY, WHO HAS NO LIMIT ON THE TIME PERIOD IN WHICH THEY CAN CONTINUE TO EXAMINE THESE ASSETS WITH THE ASSISTANCE OF THE ATTORNEY GENERAL. [LB1103]

SENATOR KRIST: TIME, SENATOR. THANK YOU, SENATOR KUEHN. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB1103]

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SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, GOOD AFTERNOON. YOU KNOW I SIT HERE AND I THINK IN JUST LOOKING BACK AT WHAT SENATOR KUEHN SAID AND I WAS JUST THINKING, YOU KNOW, IF WE'D GO OUT THERE TODAY AND TALK TO ANYBODY THAT HAS TO BE INVOLVED OR IS INVOLVED WITH HHS AND ASK THEM IF THAT'S A RELATIONSHIP THAT THEY LIKE AND APPRECIATE, I WOULD GUESS YOU'D BE PRETTY HARD-PRESSED TO FIND FOLKS THAT LIKE THAT SITUATION. ON THE OTHER SIDE OF THAT, YOU KNOW, I CAN'T THINK THAT FOLKS IN HHS AND WHAT THEY'RE HAVING TO DEAL WITH RIGHT NOW WITH EVERYTHING ELSE SHOULD BE TASKED WITH DOING ANYTHING ELSE UNTIL WE'RE ABLE TO CLEAN UP WHAT'S BEEN GOING ON THERE. WOULD SENATOR SCHUMACHER ANSWER A QUESTION, PLEASE? [LB1103]

SENATOR KRIST: SENATOR SCHUMACHER, WILL YOU YIELD? [LB1103]

SENATOR SCHUMACHER: ALWAYS. [LB1103]

SENATOR SCHILZ: THANK YOU, SENATOR SCHUMACHER. AND I KNOW YOU'VE WORKED A LONG TIME ON THIS AND WORKED VERY HARD ON IT AND I UNDERSTAND YOUR REASONS FOR WANTING TO FIND A WAY TO DO THIS. CAN YOU TELL ME WHERE...DID YOU LOOK AT OTHER STATES FOR ANY OF THIS? DID YOU...HOW DID THE IMPETUS FOR THIS COME ABOUT? [LB1103]

SENATOR SCHUMACHER: FIRST OF ALL, I THINK JUST ABOUT EVERYBODY WHO PRACTICES LAW HAS HAD THE SITUATION WHERE A CLIENT WHO YOU...MAYBE A GOOD CLIENT, MAYBE A GOOD-PAYING CLIENT, COMES INTO YOUR OFFICE AND WITH THE STATEMENT, I'VE GOT A HOUSE, I'VE GOT SOME PROPERTY, SOME BONDS, FARMS, WHATEVER. I DON'T WANT THE NURSING HOME TO GET THEM. OKAY? WELL, WHAT CAN I DO ABOUT IT? NOW THERE YOU'VE GOT AN ETHICAL CONFLICT. YOU'VE GOT TO SAY, OKAY, HERE IS HOW YOU GO ABOUT IT, OR YOU'VE GOT TO SAY, GO DOWN THE STREET, AT WHICH TIME THEY MAY TAKE A VERY LUCRATIVE BUSINESS WITH THEM DOWN THE STREET. SO IT'S REALLY TOUGH. SO IT'S A PROBLEM THAT MANY, MANY LAWYERS STRUGGLE WITH. RIGHT AFTER I WAS ELECTED, A LAWYER IN COLUMBUS WHO IS RATHER PROMINENT IN THE ESTATE PLANNING BUSINESS SAID, YOU KNOW, WE'VE GOT TO DO SOMETHING ABOUT THIS. TOO MANY PEOPLE ARE USING--AND HE WAS IN THE TRUST BUSINESS, SO THIS WAS HIS COMPETITION--TOO MANY PEOPLE ARE USING THESE REVOCABLE TRUSTS TO TRANSFER THEIR ASSETS TO THE KIDS AND THEN THEY'RE QUIET ABOUT THEM AND THEY APPLY FOR WELFARE AND THEY AREN'T ASKED QUESTIONS AND THEY GET THE NURSING HOME CARE.

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AND SO I THINK IT WAS LAST YEAR, IT MUST HAVE BEEN LAST YEAR, THAT WAS LB72. IN THINKING THROUGH WHAT LEGISLATION I MIGHT PROPOSE, I ADDRESSED THE ISSUE WITH LB72 AND DID A REALLY PRETTY COMPREHENSIVE JOB ON THE TRUST PART OF IT BECAUSE THAT WAS THE FOCUS. IN ORDER TO DO THAT, WE HAD TO EXPAND THE DEFINITION OF MEDICAID UNDER THE FEDERAL LAW. AND I LEARNED SOMETHING ABOUT THE FEDERAL LAW AND HOW YOU DO THAT. AND WE DID THAT, TOO, IN LB72. I HAD PROVISIONS IN THERE LAST YEAR ON LIFE ESTATES AND LIENS AND THINGS LIKE THAT. AND THERE WAS A GREAT DEAL OF CONSTERNATION ON SOME BAR ASSOCIATION LISTSERVS ABOUT IT NOT BEING COMPREHENSIVE ENOUGH, AND I HADN'T COVERED THIS, THAT, OR THE OTHER THING OF TECHNIQUE. AND HOW THEY COULD AVOID IT OR DOUBLE DOWN ON IT OR WHATEVER. SO I AGREED LAST YEAR THAT WHAT WE DO IS WE PULL THOSE PROVISIONS OF LIENS OUT OF THERE AND SOME OF THE DEFINITION OF THE PARAMETERS OF THE BILL AND WE JUST MOVE AHEAD... [LB1103]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR SCHUMACHER: ...ON THE DEFINITION OF ESTATE AND ON THE TRUST ISSUE. WE DID THAT. I WENT BACK AND WORKED REALLY HARD WITH THE APPLICABLE PEOPLE, BAR ASSOCIATION, BANKERS, TITLE ASSOCIATION AND DHHS, TO WRITE THIS PARTICULAR BILL THAT YOU SEE BEFORE YOU, WHICH AT THE TIME OF THE HEARING WAS STILL A WORK IN PROGRESS AND THAT'S WHY THOSE FOLKS I THINK TESTIFIED NEUTRAL ON IT. WE HAVE THAT WORK PRODUCT HERE TODAY AND WE'VE HAD A FULL AND FAIR HEARING ON IT AND THAT'S HOW IT CAME TO BE. [LB1103]

SENATOR SCHILZ: THANK YOU, SENATOR SCHUMACHER. AND AS WE LOOK AT THAT, AS YOU SAID, YOU'VE TALKED WITH A BUNCH OF ATTORNEYS AND OTHER FOLKS, AS WELL, AND I UNDERSTAND THAT. IS THERE...AND YOU TALKED ABOUT REVOCABLE TRUSTS AND THINGS LIKE THAT. [LB1103]

SENATOR KRIST: TIME, SENATORS. [LB1103]

SENATOR SCHILZ: THANK YOU. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR SCHILZ AND SENATOR SCHUMACHER. SENATOR BRASCH, YOU'RE RECOGNIZED AND THIS IS YOUR THIRD TIME. [LB1103]

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SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. AGAIN, I THINK THIS NEEDS MORE...NOT MORE TIME OF DEBATE, BUT MORE TIME OF REVIEW, CAREFULLY, CAREFULLY MOVING FORWARD WITH MORE TESTIMONY OF OTHERS WHO MAY BE OUT THERE THAT WE NEED TO WRITE CONTRACTS WITH TO MAKE SURE THAT EVERY LAST NICKEL AND PENNY OR POUND OF SILVER HAS NOT BEEN MISSED OR THAT NEEDS TO BE PAID FOR UNPAID MEDICAID SERVICES. AND YOU KNOW, LOOKING AT THE HANDOUT THAT SENATOR KOLTERMAN GAVE AND TALKS ABOUT THE NURSING HOME INSURANCE, IT'S \$10,000 A YEAR. HOWEVER, I'M GUESSING THAT PERSON PROBABLY IS PAYING HEALTH...HAS PAID OR IS PAYING OTHER TYPES OF INSURANCE, AS WELL, WHILE THEY'RE PAYING THE NURSING HOME INSURANCE. YOU ADD THIS ON TO THEIR TYPICAL LIFE INSURANCE PLAN, YOU ADD ON THEIR CAR INSURANCE, THEIR HOME INSURANCE, AND IT JUST KEEPS ADDING UP. SO IT SOUNDS LIKE WE'RE IN THE BUSINESS OF CONTRACTING MORE ATTORNEYS. I'VE LEARNED A LOT OF LOOPHOLES TODAY FROM THOSE ATTORNEYS ON THE FLOOR HERE OF HOW YOU CAN GET AROUND THIS AND GET AROUND THAT, SO OBVIOUSLY WE NEED TO EMPLOY OR ENGAGE MORE ATTORNEYS TO HELP US PROTECT OUR LIVES AFTER DEATH. AND SO, MR. PRESIDENT, I WOULD LIKE TO GIVE MY REMAINING TIME TO SENATOR BLOOMFIELD. [LB1103]

SENATOR KRIST: SENATOR BLOOMFIELD, 2:50. [LB1103]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I SEE SENATOR CHAMBERS HAS RETURNED TO THE FLOOR. I WONDER IF HE'D WANT TO CROON A LITTLE BIT OF "TIME IS ON MY SIDE." HE SAYS NOT, BUT I THOUGHT IT WAS A NICE THOUGHT. COLLEAGUES, WE'VE HEARD IT OVER AND OVER AND OVER AGAIN IN DEBATE HERE, THAT THIS SHOULD GO BACK AND BE LOOKED AT. IT MAKES SENSE NOT ONLY TO LOOK AT THE FRAUD THAT WE THINK THESE WEALTHY FARMERS MAY BE TRYING TO PERPETRATE, BUT DURING THAT STUDY LET'S LOOK AT THE FRAUD THAT OTHERS MIGHT BE ATTEMPTING TO PERPETRATE, AS WELL. I THINK TAKING THE SUMMER TO DO THAT WOULD BE A GOOD IDEA. THERE IS IN EVERY GOVERNMENT PROGRAM ROOM FOR FRAUD. CERTAINLY WE'VE SEEN IT NATIONWIDE IN MEDICAID, IN MEDICARE, AND VIRTUALLY EVERY GOVERNMENT PROGRAM, INCLUDING SOCIAL SECURITY, WHICH DOESN'T ENTER INTO THIS AREA AT ALL. BUT THERE ARE PEOPLE WHO ARE GOING TO GAME THE SYSTEM. AND AS HARD AS SENATOR SCHUMACHER WORKED ON THIS, I THINK THERE ARE WAYS AROUND IT FOR THOSE WHO ARE TRULY INTENT ON IT. THE NUMBERS HE IS QUOTING, AGAIN FROM 2004 I BELIEVE IT WAS,... [LB1103]



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SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR BLOOMFIELD: ...TALK ABOUT HOW RAMPANT THIS WAS THEN. BUT I THINK AT THAT TIME WE STILL HAD A FEDERAL INHERITANCE TAX THAT WAS EATING THESE PEOPLE UP. AND THAT'S WHAT THEY WERE TRYING TO EVADE. I DON'T THINK YOU'RE GOING TO FIND THIS THESE DAYS WITH THE ALLOWANCES THAT ARE MADE NOW FOR THE DEATH TAX. I DON'T THINK THE NUMBERS FROM 2004 PERTAIN TO WHAT WE'RE DEALING WITH TODAY. WE'RE APPROACHING THE BEWITCHING HOUR. IT LOOKS LIKE ABOUT 20 MINUTES YET. I GUESS WE'LL GET THERE. BUT LET'S PULL THIS BACK AND HAVE A GOOD, HARD LOOK AT IT... [LB1103]

SENATOR KRIST: TIME, SENATOR. [LB1103]

SENATOR BLOOMFIELD: ...BEFORE WE RUN OFF THE CLIFF. THANK YOU. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR BRASCH AND SENATOR BLOOMFIELD. SENATOR FOX, YOU'RE RECOGNIZED. [LB1103]

SENATOR FOX: YES, THANK YOU, MR. PRESIDENT. I WOULD LIKE TO YIELD MY TIME TO SENATOR SCHNOOR. [LB1103]

SENATOR KRIST: SENATOR SCHNOOR, YOU'RE YIELDED 4:50. [LB1103]

SENATOR SCHNOOR: THANK YOU, SENATOR FOX. SENATOR SCHUMACHER, YOU'RE SITTING THERE SMILING. WILL YOU YIELD TO A QUESTION, PLEASE? [LB1103]

SENATOR KRIST: SENATOR SCHUMACHER, WILL YOU YIELD? [LB1103]

SENATOR SCHUMACHER: NO. [LB1103]

SENATOR SCHNOOR: NO? HOW DARE YOU. [LB1103]

SENATOR SCHUMACHER: YOU'VE GOT TO HAVE SOME VARIETY IN LIFE. YES, I'LL YIELD. [LB1103]

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SENATOR SCHNOOR: OKAY, THANK YOU. OBVIOUSLY, WE HAVE ABOUT 20 MINUTES, BUT I WOULD LIKE TO USE THIS TIME TO EDUCATE EVERYBODY, AND MYSELF INCLUDED. ESTATE PLANNING IS...CAN BE COMPLEX. YOU KNOW, WHEN YOU HAVE FARM GROUND YOU TALK OF LIFE ESTATE, YOU TALK OF REVOCABLE TRUSTS, YOU TALK OF IRREVOCABLE TRUSTS. AND YOU ARE AN ATTORNEY. OBVIOUSLY, YOU HAVE DEALT WITH THESE ISSUES BEFORE. WOULD YOU, IN FIVE MINUTES OR LESS IF YOU CAN, EXPLAIN THE DIFFERENCE...EXPLAIN A REVOCABLE TRUST AND AN IRREVOCABLE TRUST? [LB1103]

SENATOR SCHUMACHER: SURE. AN IRREVOCABLE TRUST IS, IN ITS SIMPLEST FORM, I GIVE TO YOU MY PROPERTY OR A PIECE OF PROPERTY, MY HOUSE. AND I GIVE YOU INSTRUCTIONS AS TO HOW TO HANDLE MY HOUSE, WHAT I WANT DONE WITH IT AND WHO I WANT TO BENEFIT FROM THE GIFT TO THE HOUSE. I'D SAY, SENATOR SCHNOOR, HOLD IT IN TRUST, RENT MY HOUSE OUT OR PUT IT TO SOME OTHER PRODUCTIVE USE. IF YOU NEED TO SELL IT, SELL IT. BUT THE PROCEEDS FROM YOUR MANAGEMENT OF MY HOUSE I WANT YOU TO GIVE TO MY KIDS; THEY'RE CALLED BENEFICIARIES. AND THIS TRUST IS GOING TO LAST FOR HOWEVER LONG; I DECIDE THE DURATION. AND I'M ABSOLUTELY GIVING IT TO YOU. I DON'T WANT TO HAVE ANYTHING TO DO WITH THIS PROPERTY, WITH THIS TRUST AGAIN, NEVER WANT TO SEE YOU AGAIN. BUT THIS IS WHAT YOU'RE OBLIGATED TO MANAGE. MY HEIRS OR THE BENEFICIARIES WILL SEE YOU AND MAKE SURE YOU FOLLOW THE TERMS OF THE TRUST. THAT'S AN IRREVOCABLE TRUST. [LB1103]

SENATOR SCHNOOR: OKAY, THANK YOU. [LB1103]

SENATOR SCHUMACHER: OKAY. A REVOCABLE TRUST IS THE SAME THING EXCEPT I SAY, YEAH, BUT. YEAH, BUT IF I EVER WANT TO UNDO THIS, GIVE ME MY HOUSE BACK, I CAN REVOKE IT. THAT'S A REVOCABLE TRUST. IT'S JUST LIKE ME OWNING IT. THE ONLY DIFFERENCE BETWEEN IT AND A WILL FOR DISTRIBUTION PURPOSES IS THAT IT DOESN'T GO THROUGH A PROBATE AND THAT THE TRUSTEE IS IN CHARGE OF MANAGEMENT INSTEAD OF THE PERSONAL REPRESENTATIVE. OTHER THAN THAT, IT'S JUST AS THOUGH IT WERE MINE. I'M SUPPOSED TO KEEP SEPARATE BOOKS AND A SEPARATE CHECKING ACCOUNT OF THE TRUST, BUT SOME PEOPLE DON'T DO THAT. THAT'S WHAT IT IS. IT'S FUNCTIONALLY, I STILL RETAIN OWNERSHIP OR THE RIGHT TO GET OWNERSHIP BACK. [LB1103]

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SENATOR SCHNOOR: OKAY. NOW, WE'VE TALKED A LOT ABOUT LIFE ESTATE, MEANING THE OWNER STILL RETAINS THE INCOME FROM THAT. BUT CAN A LIFE ESTATE BE EITHER IN A IRREVOCABLE OR A REVOCABLE TRUST? [LB1103]

SENATOR SCHUMACHER: A LIFE ESTATE...THINK OF AN ESTATE IN LAND, THE FULL OWNERSHIP OF THE LAND. I SAY TO MY KIDS, KIDS, I GIVE YOU MY LAND, BUT I GET THE RIGHT TO EAT THE FRUIT OFF THE LAND. I'M RETAINING A LIFE ESTATE, THE RIGHT TO THE USE AND POSSESSION OF THE LAND FOR THE REST OF MY LIFE. SO AS FAR AS I'M CONCERNED... [LB1103]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR SCHUMACHER: ...I'M STILL OWNING AND IN FULL POSSESSION OF THE LAND. MY KIDS, THE MINUTE I DIE, AUTOMATICALLY ARE UNENCUMBERED BY ME AND THEY OWN THE WHOLE. NOW THAT'S A LIFE ESTATE AND HOW IT WORKS. IT'S A VERY SIMPLE THING TO DO, VERY EASY TO DO. YOU JUST WRITE ALMOST THAT DOWN ON PAPER AND YOU FILE IT WITH THE REGISTER OF DEEDS DESCRIBING THE PROPERTY THAT YOU'RE CONVEYING. AND THAT'S WHAT...AND IT, AS A PRACTICAL MATTER THE ONLY DIFFERENCE IS I CANNOT SELL THE WHOLE WITHOUT MY KIDS SIGNING OFF AND THEIR SPOUSES SIGNING OFF, BECAUSE I ONLY OWN THAT PART OF IT INDETERMINATE IN TIME OF MY LIFE OR THE LIFE OF SOMEBODY OTHER THAT I DESIGNATE. [LB1103]

SENATOR SCHNOOR: OKAY. SO THESE ARE THREE TOTALLY SEPARATE I'LL SAY ENTITIES, I DON'T KNOW IF THAT'S THE RIGHT WORD, BUT IS THAT HOW I'M UNDERSTANDING THAT? [LB1103]

SENATOR SCHUMACHER: RIGHT. AND THE SLICKEST AND EASIEST IS THE LIFE ESTATE. [LB1103]

SENATOR SCHNOOR: OKAY. YES, AND I... [LB1103]

SENATOR KRIST: TIME, SENATORS. [LB1103]

SENATOR SCHNOOR: THANK YOU. AND THANK YOU, SENATOR FOX. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR FOX, SENATOR SCHNOOR, AND SENATOR SCHUMACHER. (VISITORS INTRODUCED.) THOSE STILL WISHING TO SPEAK:

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SENATOR HUGHES, McCOY, AND SCHILZ. SENATOR HUGHES, YOU'RE RECOGNIZED. [LB1103]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. I'D YIELD MY TIME TO SENATOR LARSON. [LB1103]

SENATOR KRIST: SENATOR LARSON, YOU'RE YIELDED 4:45. [LB1103]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. THE CHAIR HAS INFORMED ME 3:13, THAT'S WHEN SENATOR SCHUMACHER CAN MOVE TO INVOKE CLOTURE. SO WE HAVE A FEW MORE TIMES LEFT AND WE WILL SEE WHERE THE VOTES LIE. I GUESS THERE'S NO POINT IN ASKING HIM TO PULL IT NOW, WE'VE COME THIS CLOSE. COLLEAGUES, AS WE CONTINUE TO LOOK AND DIG DEEPER INTO THIS BILL, THERE CONTINUES TO BE MORE AND MORE ISSUES. SENATOR KUEHN HAS DONE A EXCELLENT JOB AT POINTING THOSE OUT IN TERMS OF TREATING THIS ASSET DIFFERENT THAN OTHERS. WE'VE ALSO SEEN OR CAN COME TO RECOGNIZE HOW THIS WILL SIGNIFICANTLY HURT THE YOUNGER GENERATIONS GETTING INTO AGRICULTURE. AND FOR THOSE THAT ARE CONCERNED ABOUT THE YOUNGER GENERATIONS GETTING IN AGRICULTURE, I WILL HOPE THAT YOU SUPPORT MY BRACKET MOTION OR VOTE AGAINST CLOTURE AND WE WON'T EVER HAVE TO GET TO MY BRACKET MOTION. WE HAVE TO ENSURE THAT AS MANY INDIVIDUALS AS POSSIBLE THAT ARE INTERESTED IN AG HAVE THAT OPPORTUNITY. AND WITH THINGS LIKE LB1103 THEY HAVE THE POSSIBILITY OF: ONE, PRICING THEM OUT; OR TWO, SHOULD THEY SEND THEIR PARENTS INTO A HOME, DHHS COMES BACK ON THAT LIEN, IT CAUSES THEM TO SELL GROUND. AND COLLEAGUES, AGAIN, THIS IS AN INSTANCE OF WHERE YOU ARE TREATING REAL ESTATE DIFFERENTLY THAN OTHER ASSETS. WE SHOULD NOT TREAT THE ASSETS DIFFERENTLY. I DON'T UNDERSTAND WHERE WE ARE GOING TO HAVE THIS WHAT APPEARS TO BE A FOREVER LOOK-BACK ON REAL ESTATE BUT NOT ON STOCKS, BONDS, OTHER TYPES OF THINGS IN THE TRUSTS. AND IN THE END, WE HAVE TALKED ABOUT AG GAMING THE SYSTEM AND THAT'S WHY THIS IS NEEDED, TO STOP THE FRAUD IN THE END, WITH THE FOREVER LOOK-BACK HERE, BUT ONLY THE FIVE-YEAR LOOK-BACK ON ALL OTHER ASSETS,... [LB1103]

SENATOR KRIST: ONE MINUTE. [LB1103]

SENATOR LARSON: ...YOU'RE TREATING THIS ASSET SIGNIFICANTLY DIFFERENT. AND THEN AS SENATOR KUEHN CONTINUED TO POINT OUT ON HHS, IF THEY DON'T FILE WITHIN THE 18 MONTHS THEY HAVE...THE COUNTY ATTORNEY WITH

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THE ATTORNEY GENERAL HAVE A FOREVER LOOK-BACK WITH THE POSSIBILITY TO FILE AND RECEIVE ATTORNEYS' FEES. COLLEAGUES, THIS...FOR SOMETHING THAT HAS GONE THROUGH LINE BY LINE BY LINE, HAS A LOT OF HOLES. IF THE BRACKET MOTION COMES UP FOR A VOTE BEFORE A CLOTURE IN NINE MINUTES, I WOULD URGE YOU TO VOTE FOR THE BRACKET MOTION. IF IT DOESN'T, I WOULD URGE YOU TO VOTE AGAINST CLOTURE. MIGHT BE THE FIRST TIME I ACTUALLY HAVE VOTED RED ON CLOTURE THIS YEAR. [LB1103]

SENATOR KRIST: TIME, SENATOR. [LB1103]

SENATOR LARSON: THANK YOU. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR LARSON. SENATOR McCOY, YOU'RE RECOGNIZED. [LB1103]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I RISE IN OPPOSITION TO LB1103. I BELIEVE THIS IS MY FIRST TIME THAT I'VE BEEN ON THE MICROPHONE ON THIS PIECE OF LEGISLATION BETWEEN YESTERDAY AND TODAY. IT'S BEEN A LONG CONVERSATION THAT'S GONE A LOT OF DIFFERENT DIRECTIONS. BUT I RISE IN OPPOSITION TO THIS BILL FOR PERHAPS A SLIGHTLY DIFFERENT REASON THAN WHAT'S BEEN ARTICULATED BY ANYONE ELSE ON THE MICROPHONE, TILL THIS POINT AT LEAST. I THINK ALL OF US HAVE PROBABLY BECOME FAMILIAR IN THE LAST YEAR OR TWO WITH THE FORM 1095s THAT ALL OF US ARE NOW FILLING OUT AS A PART OF OUR FEDERAL TAXES IN COMPLIANCE WITH THE AFFORDABLE CARE ACT OR OBAMACARE. AND MANY OF US REMEMBER THE CONSTERNATION, THE FAIRLY ACRIMONIOUS DEBATE IN CONGRESS WHEN THE INTERNAL REVENUE SERVICE WAS PROPOSED TO BE THE AGENCY TO POLICE WHETHER OR NOT TAXPAYERS HAVE THE CORRECT HEALTH INSURANCE COVERAGE. WELL, MY PRIMARY OPPOSITION TO THIS BILL, WHILE I CERTAINLY AGREE THAT WE DON'T WANT TO HAVE FRAUD AND ABUSE OF THE MEDICAID PROGRAM, I THINK THERE ARE CERTAINLY SOME THINGS THAT WE CAN DO ACROSS THE COUNTRY AND PROBABLY HERE IN NEBRASKA AS WELL TO MAKE SURE THAT'S NOT DONE. I DON'T THINK THIS LEGISLATION IS THE RIGHT WAY TO GO ABOUT IT. I WOULD COMPARE IT TO EXACTLY THAT WITH THE EXAMPLE I JUST USED. TO HAVE OUR HEALTH AND HUMAN SERVICES DEPARTMENT...WHICH IS FILLED WITH A LOT OF VERY HARDWORKING FOLKS, NEBRASKANS WHO CARE DEEPLY ABOUT WHAT THEY DO ON A DAILY BASIS. IF I HAD TO COUNT THE NUMBER OF BILLS OVER MY EIGHT YEARS THAT HAVE HAD TO DO WITH MANAGEMENT OF HHS I WOULD DARE SAY IT WOULD RUN INTO

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THE HUNDREDS. WHAT WE'RE DOING HERE WITH THIS BILL, IN MY OPINION, IS AKIN TO WHAT WAS DONE AT THE FEDERAL LEVEL. WE'RE ASKING AN AGENCY THAT DEALS WITH A LARGE NUMBER OF ISSUES TO LOOK INTO SOMETHING, REAL ESTATE TRANSACTIONS AND OTHERWISE, IS REALLY NOT SOMETHING THEY ARE SET UP AND EQUIPPED TO DO. TO ME, IF THIS WERE TO BE DONE, WHY WOULDN'T WE LOOK AT HAVING THE DEPARTMENT OF REVENUE DO THIS? THEY ARE FAR BETTER EQUIPPED TO HANDLE THIS TYPE OF A PROGRAM, IN MY OPINION, THAN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. THIS IS AN ISSUE THAT IS WORTH A GOOD DISCUSSION ON. WE WANT TO BE EFFICIENT WITH OUR...THE DOLLARS THAT ARE BEING SPENT. WE WANT TO MAKE SURE THAT PEOPLE ARE PAYING WHAT THEY SHOULD BE PAYING. WELL, I BELIEVE WE ALSO SHOULD GO ABOUT THIS VERY CAREFULLY. AND I DON'T BELIEVE THAT LB1103 GOES EXACTLY IN THE DIRECTION THAT WE WOULD WANT IT TO GO. WHILE I APPRECIATE SENATOR SCHUMACHER'S PASSION ON THIS ISSUE AND THE OTHER PROPONENTS OF THIS BILL, I'M NOT SURE THIS IS THE CORRECT VEHICLE TO TAKE CARE OF THIS PROBLEM. FOR THE SAME REASON, I DON'T THINK THAT THE IRS SHOULD HAVE BEEN IN CHARGE OF DETERMINING WHETHER OR NOT WE HAD THE CORRECT HEALTH INSURANCE COVERAGE. IT JUST DOESN'T MAKE A WHOLE LOT OF SENSE. THANK YOU, MR. PRESIDENT. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR McCOY. THOSE STILL WISHING TO SPEAK: SENATOR SCHILZ, HUGHES, AND BURKE HARR. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB1103]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. I KNOW WE'RE GETTING CLOSE TO THE TIME...SO YOU KNOW, AND SENATOR SCHUMACHER HAD TALKED TO ME AND YOU KNOW, HAVING LISTENED TO EVERYTHING AND LISTENED TO ALL THE DEBATE, I STILL CAN'T BRING MYSELF TO BE ABLE TO SUPPORT THIS. I UNDERSTAND THE CONCEPT. I'M NOT NECESSARILY OPPOSED TO WHAT HE'S TRYING TO DO. AND MAYBE IT'S JUST THAT...MAYBE IT'S JUST I DON'T UNDERSTAND. BUT IN MY WORLD IF I DON'T UNDERSTAND SOMETHING, I USUALLY DON'T TRY TO PICK IT UP AND RUN WITH IT. SO I WILL LET OTHERS FIGURE OUT HOW THAT WORKS AND WHAT WE NEED TO DO HERE. BUT I...AT THIS POINT I JUST CAN'T SUPPORT LB1103. BUT WITH THAT, I THINK THAT I DO COMMEND SENATOR SCHUMACHER FOR HIS WORK. I KNOW WHEN YOU LOOK AT THE BILL YOU CAN TELL THAT THERE'S A LOT OF WORK THAT'S GONE INTO IT AND I DO UNDERSTAND THAT. AND I THINK THAT, YOU KNOW, HE'S ONE OF THOSE ON THE FLOOR THAT LOOKS AT THESE COMPLICATED ISSUES AND TRIES TO FIGURE OUT WAYS AND SOLUTIONS. AND MAYBE I JUST NEED TO DO MORE STUDYING, I DON'T KNOW. BUT...AND I KNOW

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SENATOR SCHUMACHER WANTED SOME TIME, SO I WILL GIVE WHAT I HAVE LEFT TO SENATOR SCHUMACHER. THANK YOU, MR. PRESIDENT. [LB1103]

SENATOR KRIST: SENATOR SCHUMACHER, 3:15. [LB1103]

SENATOR SCHUMACHER: WELL, THAT'S A LOT OF TIME. THANK YOU VERY MUCH, SENATOR SCHILZ. YOU KNOW, EVEN IN THE MOST SERIOUS OF SITUATIONS YOU GOT TO HAVE SOME FUN. AND THE BEST FUN I HAD TODAY WAS SENATOR SCHEER TALKING ABOUT THE MOTION TO SUSPEND THE RULES AND HOW THE WORLD WOULD END. SENATOR SCHEER, APRIL FOOL'S. ON THAT HAPPY NOTE, FOLKS, DO WHAT YOU THINK IS RIGHT. AND I THINK YOU'VE GIVEN US A FAIR HEARING. THANK YOU SO MUCH FOR STAYING HERE ON A FRIDAY AFTERNOON. AND HOPEFULLY WE HAVE THE VOTES ON CLOTURE. IF WE DON'T, THE BILL WILL BE BACK AGAIN NEXT YEAR MOST LIKELY. IT'S A GOOD BILL. A LOT OF WORK WENT INTO IT. ALMOST EVERY ANGLE IS COVERED. MY ONLY QUALMS ABOUT IT IS THAT SENATOR BLOOMFIELD IS A LITTLE BIT RIGHT, THERE HAVE TO BE LAWYERS OUT THERE THAT ARE PICKING THROUGH IT TRYING TO FIND A LOOPHOLE HERE AND THERE. THAT'S HOW LAWYERS MAKE THEIR LIVING. UNDOUBTEDLY THERE ARE SOME. SO EVEN IF WE PASS IT, A FUTURE LEGISLATURE IS GOING TO PROBABLY BE HEARING ABOUT THIS LOOPHOLE OR THAT LOOPHOLE OR THIS ESTATE PLANNING TECHNIQUE OR THAT ONE THAT WORKS TO GET AROUND IT. AND THERE WILL PROBABLY BE BAR ASSOCIATION SEMINARS ON THE THING. THERE WILL BE MORE BAR ASSOCIATION SEMINARS PROBABLY IF WE DON'T PASS IT, BECAUSE THEY'LL BE TRYING TO FIGURE OUT WHAT THE COURTS WILL LIKELY DO TO ENFORCE IT, THE PROVISIONS OF LB72 FROM LAST YEAR. THIS IS A PROBLEM-SOLVING BILL. I THINK I'VE ANSWERED ALL YOUR QUESTIONS. THANK YOU VERY, VERY MUCH FOR YOUR PARTICIPATION AND FOR ALL THOSE QUESTIONS. GOOD EVENING. [LB1103]

SENATOR KRIST: THANK YOU, SENATOR SCHILZ AND SENATOR SCHUMACHER. MR. CLERK, YOU HAVE A MOTION ON THE DESK. [LB1103]

CLERK: MR. PRESIDENT, I DO. SENATOR SCHUMACHER WOULD MOVE TO INVOKE CLOTURE PURSUANT TO RULE 7, SECTION 10. [LB1103]

SENATOR KRIST: IT IS THE RULING OF THE CHAIR THAT THERE HAS BEEN FULL, FAIR DEBATE AFFORDED TO LB1103. SENATOR SCHUMACHER, FOR WHAT REASON DO YOU RISE? [LB1103]

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SENATOR SCHUMACHER: I'D ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE IN REVERSE ORDER. [LB1103]

SENATOR KRIST: THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB1103]

CLERK: 41 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB1103]

SENATOR KRIST: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS MORFELD, CRAWFORD, McCOLLISTER, AND CHAMBERS, PLEASE CHECK IN. RETURN TO THE CHAMBER. SENATOR CRAWFORD, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE CHAMBER. JUST A REMINDER, MEMBERS, THE FIRST VOTE IS THE MOTION TO INVOKE CLOTURE; IT TAKES 33 VOTES. MR. CLERK, THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE IN REVERSE ORDER. [LB1103]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1427.) 29 AYES, 19 NAYS, MR. PRESIDENT, ON THE MOTION TO INVOKE CLOTURE. [LB1103]

SENATOR KRIST: CLOTURE MOTION FAILS. MR. CLERK, NEXT ITEM. RAISE THE CALL, PLEASE. [LB1103]

CLERK: MR. PRESIDENT, LB975 INTRODUCED BY SENATOR KOLTERMAN. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 14, REFERRED TO THE JUDICIARY COMMITTEE, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM2667, LEGISLATIVE JOURNAL PAGES 1110-1111.) [LB975]

SENATOR KRIST: SENATOR KOLTERMAN, YOU'RE RECOGNIZED TO OPEN ON LB975. [LB975]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. THERE ARE APPROXIMATELY 5,600 KIDS IN THE NEBRASKA FOSTER SYSTEM WHO ARE AWAITING PLACEMENT TODAY. THERE ARE 21 PROVIDERS LOOKING FOR A PLACE



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TO PLACE THEM. I HAVE A TWIN BROTHER, HIS NAME IS CLARK, AND HIS WIFE, LINDA, ADOPTED FIVE CHILDREN FROM FOSTER CARE 25 YEARS AGO. THEY GAVE FIVE KIDS A LOVING AND CARING FAMILY AND A GOOD START AT LIFE. TODAY, THEY'RE PRODUCTIVE MEMBERS OF SOCIETY. THEY HAVE THEIR OWN FAMILIES. MY GOAL WITH THIS LEGISLATION WAS TO ASSURE THAT 5,600 KIDS ARE ABLE TO HAVE THE SAME OPPORTUNITIES MY NIECES AND NEPHEWS HAVE HAD. WE CANNOT AFFORD TO LOSE ONE CHILD-PLACING AGENCY. COLLEAGUES, LB975 IS NOT INTENDED TO BE ABOUT DISCRIMINATION. IT'S ABOUT CHILDREN. I WANT TO STRESS THAT FACT. THIS BILL WAS NOT INTENDED TO BE ABOUT DISCRIMINATION, BUT ABOUT CHILDREN. CURRENTLY, LGBT COUPLES HAVE THE RIGHT TO WORK WITH CHILD-PLACING AGENCIES OF THEIR CHOICE TO ACHIEVE THEIR GOAL OF FOSTERING AND ADOPTING CHILDREN. LB975 WOULD NOT CHANGE THAT. BUT YOU ALSO NEED TO UNDERSTAND THAT FAITH-BASED AGENCIES SHOULD BE ABLE TO CONTINUE TO PROVIDE THE SERVICES THEY ALREADY PROVIDE TODAY. JUST AS THE NONFAITH-BASED AGENCIES RECRUIT AS THEY SEE FIT, FAITH-BASED AGENCIES SHOULD BE ALLOWED TO CONTINUE TO DO THE SAME. THIS MIGHT MEAN THAT THEY DON'T RECRUIT CERTAIN INDIVIDUALS AND FAMILIES. JUST AS I WOULDN'T ADVOCATE FOR THE IDEA OF FORCING NONFAITH-BASED AGENCIES TO WORK WITH CERTAIN FAMILIES, I WOULD NOT EXPECT FAITH-BASED AGENCIES TO CHANGE WHAT THEY'RE DOING EITHER. I DON'T THINK I CAN EMPHASIZE THAT ENOUGH, THE FACT THAT A DIVERSE ARRAY OF AGENCIES IS A GOOD THING. I WANT TO KEEP THEM ALL, BECAUSE THE CHILDREN BENEFIT MOST FROM HAVING A DIVERSE ARRAY OF AGENCIES THAT SERVE A DIVERSE ARRAY OF CHILDREN IN FOSTER FAMILIES. LB975 SIMPLY ENSURES THAT WHAT IS HAPPENING NOW WILL CONTINUE TO HAPPEN. IT DOESN'T TAKE AWAY ANYONE'S RIGHT TO FOSTER AND ADOPT. IT DOESN'T SAY THAT CERTAIN GROUPS OF PEOPLE SHOULD NOT BE ALLOWED TO ADOPT. IT DOESN'T EVEN SAY THAT CHILD-PLACEMENT AGENCIES SHOULD BE ALLOWED TO DISCRIMINATE. AGAIN, THIS BILL HAS NOTHING TO DO WITH DISCRIMINATION. FAITH-BASED AGENCIES CAN REACH CERTAIN POPULATIONS WHICH WITH THE NONFAITH-BASED AGENCIES MAY PERHAPS NOT BE ACQUAINTED. THAT'S NOT A BAD THING, IT'S A GOOD THING. AND THE CONVERSE HOLDS TRUE, AS WELL. NONFAITH-BASED AGENCIES REACH FAMILIES THAT FAITH-BASED AGENCIES MAY NOT KNOW VERY WELL. WE NEED TO KEEP THAT DIVERSITY IN ORDER TO MAXIMIZE THE NUMBER OF AGENCIES IN OUR STATE. IF ANYTHING, THIS BILL IS ABOUT EMBRACING DIVERSITY OF THOUGHT. IT ALLOWS A WIDE ARRAY OF AGENCIES TO ACT ACCORDING TO THEIR DIFFERENT BELIEFS. IT ISN'T TO SAY THAT ONE BELIEF IS BETTER THAN THE OTHER. IN FACT, IT IS A BILL THAT FORCES THE STATE OF NEBRASKA TO STAY OUT OF SUCH ISSUES. JUST AS WE HAVE A VAST ASSORTMENT OF BELIEFS

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IN THIS BODY HERE ON THIS FLOOR, I DOUBT ANY ONE OF US AGREES WITH ANY OTHER ABOUT EVERYTHING. WE HAVE TO ALLOW CHILD-PLACING AGENCIES WITH VARYING BELIEFS TO ACT ON THOSE BELIEFS. THAT'S WHAT MY INTENT WAS BEHIND THIS BILL. AGAIN, IT DID NOT GIVE ANYONE A LICENSE TO DISCRIMINATE. SO I ASK HUMBL Y AND RESPECTFULL Y TO FULL Y CONSIDER WHAT I HAVE SAID. EVEN THOUGH WE HAVE DISAGREEMENTS ABOUT IMPORTANT ISSUES, WE WORK TOGETHER TO MAKE NEBRASKA THE BEST STATE IN THE UNION. THAT'S WHAT LB975 PROTECTS, THE VARYING INTERESTS AND BELIEFS OF ALL OF OUR CHILD-PLACING AGENCIES. IN TURN, THAT ALLOWS THEM TO SERVE NEBRASKA'S MOST VULNERABLE CHILDREN WITH THEIR BEST EFFORTS. I DON'T EXPECT YOU TO AGREE WITH EVERYONE'S BELIEFS, BUT I ASK YOU TO RESPECT AND ACCOMMODATE THOSE DIFFERENCES. I'D LIKE TO THANK THE TEAM THAT WORKED WITH ME ON PUTTING THIS BILL TOGETHER. THERE ARE A LOT OF HARD, DEDICATED WORKING INDIVIDUALS AND I'VE GROWN TO REALLY APPRECIATE WHAT THEY DO. I'D LIKE TO THANK SENATOR SEILER AND THE JUDICIARY COMMITTEE FOR VOTING IT OUT ON THE FLOOR; THAT WAS A COURAGEOUS THING TO DO. I'D ALSO LIKE TO THANK SENATOR CHAMBERS, SENATOR MORFELD, AND SENATOR PANSING BROOKS FOR THE HARD QUESTIONS THEY POSED DURING THE HEARING. AND AS A RESULT OF THOSE QUESTIONS, WE HAVE AN AMENDMENT THAT'S ATTACHED TO THIS BILL AND IT WAS AS A RESULT OF THEIR CONCERNS. ALSO, WHEN QUESTIONS WERE RAISED ABOUT THE CONSTITUTIONALITY I ASKED FOR AN OPINION FROM THE ATTORNEY GENERAL. I WAS PLEASED WITH THE OPINION AND I THANK HIM AND HIS OFFICE FOR GETTING THE OPINION TURNED AROUND SO QUICKLY. BUT NOW I ASK FOR UNANIMOUS CONSENT TO BRACKET LB975 UNTIL APRIL 20. I'M MAKING A MOTION TO BRACKET LB975 BECAUSE TAKING THE HIGH ROAD ON THIS VERY EMOTIONAL ISSUE IS THE RIGHT THING TO DO. WITH ONLY DAYS LEFT IN THIS SESSION AND OTHER IMPORTANT ISSUES STILL TO DISCUSS, I DO NOT WANT TO BE RESPONSIBLE FOR HOLDING UP THE REMAINING WORK THAT WE NEED TO DO. DESPITE THE SOMETIMES HEATED AND PASSIONATE DEBATE THIS BILL HAS CAUSED, I HAVE THE UTMOST RESPECT FOR EACH OF YOU IN THIS BODY AND ABOVE ALL THE GREAT PEOPLE OF THIS STATE THAT WE EACH REPRESENT. SO THANK YOU AND I'D ASK THAT YOU FOLLOW THROUGH ON MY REQUEST. [LB975]

SENATOR KRIST: HEARING NO OBJECTION, APPROVED. SENATOR HADLEY FOR AN ANNOUNCEMENT. [LB975]

SPEAKER HADLEY: I REALIZE THAT I'VE PROBABLY BEEN TALKING WAY TOO MUCH, BUT I WANTED TO GIVE YOU SOME IDEA OF WHAT WE'RE GOING TO DO NEXT WEEK. WE ARE GOING TO START ON MONDAY AND WE'RE GOING TO TRY

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AND GET THROUGH AS MANY OF THE SPEAKER PRIORITY BILLS. WE WILL HAVE ABOUT FIVE HOURS TO GET THROUGH THE SPEAKER PRIORITY BILLS AND THAT'S ALL THAT WILL BE ALLOWED AT THAT POINT IN TIME ON THOSE BILLS. AND IF A BILL DOESN'T MAKE IT BECAUSE OF THAT TIME PERIOD, IT COULD BE REINTRODUCED NEXT YEAR. I WANT TO URGE YOU TO CLEAR YOUR SCHEDULES FOR THE NIGHTS NEXT WEEK. JUST SOME SIMPLE MATH, IN MY JUDGMENT WE COULD HAVE ANYWHERE BETWEEN 32 AND 36 HOURS OF EXTENDED DEBATE NEXT WEEK. AND THERE MAY BE CLOTURE MOTIONS LATE IN THE EVENING, LATER IN THE EVENING, SO I WOULD HOPE THAT YOU WOULD BE HERE, THAT BILLS DON'T GO DOWN BECAUSE SOMEBODY LEFT EARLY ON A CLOTURE VOTE. I PLAN ON MONDAY IN THE MIDDLE OF THE AFTERNOON, 3:45 TO BE EXACT, WE WILL GO TO LB10. THEN WE WILL GO WHEN THAT IS FINISHED TO LB745 AND THEN WE WILL GO TO LB643. ALL THOSE ARE SELECT FILE AND I EXPECT THERE WILL BE SIGNIFICANT DEBATE ON EACH OF THOSE THREE BILLS. I WILL HAVE THE SCHEDULE OUT SHORTLY AFTER WE ADJOURN, BUT I JUST WANTED YOU TO KNOW THAT THAT'S MY EXPECTATION FOR NEXT WEEK. AS YOU LOOK AT THE SCHEDULE, YOU KNOW THAT BASICALLY WEDNESDAY IS THE LAST DAY WE CAN ACTUALLY DO ANYTHING ON GENERAL FILE. THURSDAY IS THE LAST DAY FOR SELECT FILE AND AMENDMENTS FOR FINAL READING. THEN THE NEXT WEEK WE HAVE THE LAYOVER DAY, THEN THE FINAL READING DAY ON DAY 59, AND THEN WE COME BACK ON THE 20TH FOR DAY 60 FOR ANY OVERRIDES AND OUR FINAL CEREMONIES. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS. I APPRECIATE YOUR PATIENCE TODAY, BUT I WANTED TO CLEAR THE AGENDA SO WE CAN START ON MONDAY ON THESE IMPORTANT ISSUES. THANK YOU, MR. PRESIDENT.

SENATOR KRIST: THANK YOU, SPEAKER HADLEY. MR. CLERK, ITEMS.

CLERK: MR. PRESIDENT, I HAVE A NEW A BILL, LB884A BY SENATOR SCHEER. (READ LB884A BY TITLE FOR THE FIRST TIME.) AND I HAVE A SUBSEQUENT WITHDRAWAL MOTION. (LEGISLATIVE JOURNAL PAGES 1427-1428.) [LB884A]

MR. PRESIDENT, A PRIORITY MOTION. SENATOR MORFELD WOULD MOVE TO ADJOURN UNTIL MONDAY, APRIL 4, AT 9:00 A.M.

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. NINE ON MONDAY. HAVE A SAFE WEEKEND.