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Floor Debate  
May 17, 2017

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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eighty-fourth day of the One Hundred Fifth Legislature, First Session. Our chaplain for today is Pastor Steve Davenport of the Calvary Community Church in Lincoln, Nebraska, Senator Hilgers' district. Please rise.

PASTOR DAVENPORT: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Pastor Davenport. I call to order the eighty-fourth day of the One Hundred Fifth Legislature, First 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. Any corrections for the Journal?

CLERK: I have no corrections.

PRESIDENT FOLEY: Thank you. Are there any messages, reports or announcements?

CLERK: Mr. President, one item: the bills read on Final Reading yesterday afternoon were presented to the Governor at 4:17 p.m. yesterday (re LB10, LB10A, LB268, LB268A, LB289, LB289A, LB512, LB512A, LB519, LB578, LB578A, LB647, and LB647A). That's all that I have. [LB10 LB10A LB268 LB268A LB289 LB289A LB512 LB512A LB519 LB578 LB578A LB647 LB647A]

PRESIDENT FOLEY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following four legislative resolutions: LR152, LR165, LR244, and LR246. (Doctor of the day introduced.) Proceeding now to the agenda. General File Appropriation bill. Mr. Clerk. [LR152 LR165 LR244 LR246]

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CLERK: Mr. President, LB632A was a bill introduced by Senator Larson. (Read title) I also have an amendment to the bill from Senator Larson. [LB632A]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Wayne, I understand you've been authorized to handle this bill for us, please. You're recognized. [LB632A]

SENATOR WAYNE: Yes. Thank you, Mr. President. This bill is just a catch-up procedurally since LB632 was already passed by this body. Procedurally, the A bill needs to catch up with the...and be placed, ready to move to Select File. So that's procedurally why this bill is here. And then that way the bills can run together whenever they're brought back to the floor. [LB632A LB632]

PRESIDENT FOLEY: Thank you, Senator Wayne. Mr. Clerk. [LB632A]

CLERK: Senator, I now have AM1407 as an amendment to the bill. (Legislative Journal page 1571.) [LB632A]

PRESIDENT FOLEY: Senator Wayne, you're recognized to open on the amendment to the bill. [LB632A]

SENATOR WAYNE: Oh, I thought, oh...the amendment simply moves the music licensing portion to the Department of Revenue and not the Secretary of State, that is my understanding. Thank you. [LB632A]

PRESIDENT FOLEY: Thank you, Senator Wayne. Debate is now open on LB632(A) and the pending amendment. Senator Blood. [LB632A]

SENATOR BLOOD: Thank you, Mr. President. Fellow Senators, friends all, I just want to remind you what this bill was initially about and I would ask that Senator Wayne yield to a question. [LB632A]

PRESIDENT FOLEY: Senator Wayne, would you yield, please? [LB632A]

SENATOR WAYNE: Yes. [LB632A]

SENATOR BLOOD: If Senator Larson is refusing to move his bill forward because he didn't get his way on this bill, why are we moving forward on the rest of this? [LB632A]

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SENATOR WAYNE: Well, the premise of the question I can't answer, because I'm not Senator Larson, as far as the reason why the bill is not moving forward. However, procedurally, we have always tried to keep...my understanding of how we historically have done things, have always tried to keep the A bills at least somewhat in conjunction what file or what placement they have. And so since this body passed LB632 from General moving to Select, the A bill should follow that. [LB632A LB632]

SENATOR BLOOD: And I respect the procedure and the process. I'm just curious why he's now following through when he didn't care enough to take care of it in the first place. [LB632A]

SENATOR WAYNE: Again, this...is that a question in there? [LB632A]

SENATOR BLOOD: Um-hum. [LB632A]

SENATOR WAYNE: So again, this is a procedural of the A bill needs to stay with the bill. Senator Larson is running late. But my understanding, the Clerk's Office and the Speaker's Office is requiring to try to keep this moving together, so if and when that bill comes back, they'll be in conjunction like with all the other bills that we have. [LB632A]

SENATOR BLOOD: And I appreciate your answer and I know you're put in a tough spot today, and I guess the big answer is if and when. Thank you. [LB632A]

SENATOR WAYNE: Thank you. [LB632A]

PRESIDENT FOLEY: Thank you, Senator Blood and Senator Wayne. Speaker Scheer. [LB632A]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Senator Blood, I would be able to answer that question more appropriately proposed to me. Senators do not ask for A bills to be moved; that is part of the Speaker's Office to make sure that those stay as close to its proximity to the bill itself. That was my decision to place it on to bring it up, to equal the spot that the main bill is on. That was not the request of Senator Larson or Senator Wayne, that was my office. And so, consequently, those type of scheduling things would be more apt to be directed to my office and myself. Thank you, Mr. Lieutenant Governor. [LB632A]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Senator Chambers. [LB632A]

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SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Wayne a question or two if he would respond? [LB632A]

PRESIDENT FOLEY: Senator Wayne, would you yield, please? [LB632A]

SENATOR WAYNE: Yes. [LB632A]

SENATOR CHAMBERS: Senator Wayne, you are licensed to practice law and you indeed do practice law in the courts of the state of Nebraska, is that true? [LB632A]

SENATOR WAYNE: Correct. [LB632A]

SENATOR CHAMBERS: As a practicing lawyer, you are very familiar with the importance of words and their meaning. [LB632A]

SENATOR WAYNE: Correct. [LB632A]

SENATOR CHAMBERS: Am I entitled to take you at your word when you say something on the microphone in response to a question? [LB632A]

SENATOR WAYNE: Yes. [LB632A]

SENATOR CHAMBERS: Based on your words, are we dealing right now with the late Senator Larson? [LB632A]

SENATOR WAYNE: He was running behind, yes, he is, not late as in that late, but tardy. [LB632A]

SENATOR CHAMBERS: Thank you. Now it's clear. I didn't know whether we should observe a moment of silence or 30 minutes of elation. Thank you. (Laughter) [LB632A]

PRESIDENT FOLEY: Thank you, Senators Chambers and Wayne. Seeing no further discussion, Senator Wayne, you're recognized to close on the advancement of the amendment. He waives closing. The question before the body is the adoption of AM1407. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB632A]

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CLERK: 37 ayes, 0 nays on the adoption of the amendment. [LB632A]

PRESIDENT FOLEY: AM1407 is adopted. Is there any further discussion of LB632A? Seeing none, Senator Wayne, you're recognized to close and advance the bill. He waives closing. The question before the body is the advancement of LB632A to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB632A]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB632A. [LB632A]

PRESIDENT FOLEY: LB632A advances. Members, we're now going to move to the section on the agenda regarding gubernatorial overrides. Consistent with our practice throughout the session, we're going to clear the speaking queue in between each item and then reopen the queue as the Clerk announces the item. Motions to override: Mr. Clerk, LB330, are there any motions pending on LB330? [LB330]

CLERK: I have no motions on LB330, Senator. [LB330]

PRESIDENT FOLEY: Thank you, Mr. Clerk. We'll now move to LB331. Are there any motions pending on LB331? [LB331]

CLERK: I have no motions with respect to LB331. [LB331]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Now moving to LB327. First motion, Mr. Clerk. [LB327]

CLERK: Mr. President, I do have motions with respect to LB327. The first is offered by the Appropriations Committee and Senator Stinner. Senator, I have your motion with respect to Section 19, Agency 5, the Supreme Court Probation Services. [LB327]

PRESIDENT FOLEY: Senator Stinner, you're recognized to open on your motion. [LB327]

SENATOR STINNER: Thank you, Mr. President. Members of the Legislature, we're finally at the end of this process, and it's been a long one. And I want to congratulate each and every one of you that have weighed in with your thoughts and deliberations, sometimes passionate deliberations, but nonetheless, a very thorough vetting of the budget and the budget process. We were handed \$900 million shortfall in revenue when we started this session. We tried to answer that with a deficit reduction bill which really was a special session, full budget process through

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Appropriations and then to the Legislature. Problem is, we had another two fiscal reports, or forecasting reports, that put us down another \$200 million. So in round numbers, we had to deal with \$1.1 billion shortfall. Not a whole lot of Legislatures in the history of the Legislature have had to deal with those types of things. But through this process, we heard from different places, different parties that we had to set priorities. This was a theme that we had, certainly in Appropriations. Property tax relief still maintained itself at \$40 million. K-12 was a priority and that maintained itself. Provider rates, Corrections in judicial, slash, was put together as a priority. We deliberated on it, we talked about it. We talked about how we wanted to present this budget, but we did present a balanced budget. Now today, we're going to deliberate on a two-year budget. But really what we have to do is to take a look at our decisions and what the outcome is going to be because it may extend past two years. It may extend up to three, four, five, ten years of impact. So I'm hoping that we follow the same level of deliberation and, hopefully, we take a very thoughtful and deliberative approach. The other thing that I want to clear up is the--and I want to put this on the record--is the idea that we proposed a tax increase in gas tax. We received a budget request from Roads Department; on that request, there was 28.1 and 29.6. We received the Governor's budget request in January: 28.1, 29.6. We presented the budget. We maintained 28.1, 29.6. We did not pass a tax increase. So I'll move to motion 141 to LB327 is the Appropriations Committee motion to override the Governor's line item veto in Section 19, Agency 05, Program 067 for Probation Services in the mainline budget bill. As you all know, the Governor's line item veto of an additional one-half percent across the board cuts to most agencies included \$300,000 for Probation Services under Nebraska Supreme Court. Probation Services provides constructive change to rehabilitation, collaboration and partnership to enhance and maintain the safety of our community. Bringing an additional cut to those services will not serve the mission of Nebraska, the Supreme Court. I actually had talked to Corey Steel on the telephone, a very short conversation. He said if there is something to be preserved in that budget, it certainly was the Probation Services. This advanced out of committee, 5-4, so it was fairly contentious. But I would ask you to support with your green vote on motion 141. Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senator Stinner. Senator Bolz. [LB327]

SENATOR BOLZ: Thank you, Mr. President. I rise in support of the override motion and just wanted to offer a couple of pieces of information related to this issue. The first is that in my conversation with representatives from the Supreme Court, the potential impact of these lost funds would be connected to their ability to hire additional staff. So currently there are 28 probation-related vacancies, that's of the March 31, 2017, vacancy report. And so there is a practical impact here in terms of the staff who can do the work of helping folks successfully thrive in the community and address our issues related to Corrections and recidivism and preventing further overcrowding. I would also just like to note that the recidivism rates for Nebraska adult probationers report provided to us by the University of Nebraska-Lincoln

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illustrates the most recent data that's available, it's a little old, but the most recent data available says that 85.5 percent of the probationers discharged in Nebraska do not recidivate. So they do not commit further crimes. And I think that's a pretty impressive statistic given the population served. So if anyone wants to see either one of these reports, they're here on my desk for your reference. And again, I would appreciate your support on motion 141. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Ebke. [LB327]

SENATOR EBKE: Thank you, Mr. President. I rise in support of motion 141 and the probation line item veto override and I do that for several reasons. One is, as Judiciary Chair and one is, as being part of the Justice Reinvestment effort for the last three years now, I think it's very important for us to keep our eyes on the big picture. It's important to realize that probation is a very important part of the Justice Reinvestment effort and that if we are not successful with the Justice Reinvestment effort, we are going to be facing far greater expenses down the line with the need to build new facilities, with the assorted lawsuits that are likely to come our way. Beyond that, I have a personal reason for supporting this. I have a brother who is a mental health professional with the Department of Corrections, he works out at LCC and he was one of the first people on...to respond the night that they had the D&E issue a month or so...right before Easter. And I asked him at Easter, I said, so what do we do? What do we do to fix this problem? He said, put fewer people in prison. That is the key. The only way we can keep fewer people...put fewer people in prison is to have a robust probation program. So again, I rise in support of our probation program and the override motion 141. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Ebke. Senator Hilkemann. He waives the opportunity. Senator Krist. [LB327]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, good morning, Nebraska. I will speak several times on motions to override. Again, I do not take those motions lightly. I believe that the Governor is, at this point, taking a more aggressive role in the cuts than he believes that we took and that, of course, is his prerogative. However, being here in the Legislature and working with Justice Reinvestment since...actively since 2013, with the first Special Investigative Committee formed in '14 of LB424, and then also with the JROC, JRICC and CSG efforts of Phase 1 and Phase 2, I can tell you that there is nothing more important than reducing recidivism on the backside of this process. The way we reduce recidivism is putting the right day centers in place, the right probation officers in place, the right services to an extent that we can in place, taking one dime out of more--we've taken some money away from the judiciary in this capacity--but taking one dime more will result in lack of efficiency and lack of

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programming and lack of people in place who need to be in place to work on the reduction of recidivism on the backside. Again, I don't take it lightly. I don't take any of the conversations that I will have on the mike today lightly. But I think this is one of those that needs to be looked at as a necessity. I have talked to the Chief Justice...actually you have all heard from the Chief Justice on his State of the Judiciary day; talked with Chief Justice on a number of occasions, and keeping the cement there at the backside of this process with probation in place is one of his prime objectives. I know that to be a fact. I would ask you to vote for the motion in place, motion 141, and override the Governor's line item veto and move forward today so we can address other more important issues. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Harr. He waives the opportunity. Senator Williams. [LB327]

SENATOR WILLIAMS: Thank you, Mr. President. And good morning, colleagues. And I rise in support of the motion to override the veto of this portion of the budget. And like Senator Krist, I do not take this lightly either. I do this for the sole purpose of recognizing that we kept funding in place in the budget and the Governor kept funding in place in the budget for Corrections. And to me, the probation part is an extension of that. For those of us that were here, LB605, which we passed to address the situation of overcrowding in the prison uses a great deal more probation services than have been used in the past. In fact, there is a presumption of probation for those found guilty of felony for offenses. Therefore, I think it's appropriate that when we keep in place funding for Corrections, we also stand by our word of keeping control and keeping funding there for the probation side also. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Williams. Senator Pansing Brooks. [LB327]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. I, too, rise to support Senator Stinner's amendment...motion 141. And again, I spoke earlier in the year about protecting probation because they were on the chopping block for the deficit funding cuts. And Appropriations, after our efforts to come forward, Senator Williams, Senator Krist, others from the LR34 Committee came forward to say that probation and these other areas need to be saved, that this totally relates to the vicious cycle that I've spoken about many times from the LR34 Committee, and that vicious cycle deals with overcrowding, which then leads to the problem of understaffing. It leads to the problem of lack of programming and the violence that we see in our prisons, and then the parole backup and jamming out, and then it leads...which leads to recidivism because we're not helping parole and probation and then it leads to overcrowding again. And we examined the whole issue of probation and how important that is in our prison system and how integral it is to the idea of getting people out of prison and making sure that our prisons are not overcrowded. The LR34 Committee made a report that talked about the fact that



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since the Nebraska prison population has increased by a thousand inmates from 2005 to 2015 and that we have got to deal with this issue. We know that this is an important issue. And we cannot lose sight that the residual effects of probation cuts...the residual effects will be negative on our ability to help reduce the prison population to 140 percent of capacity by July 1, 2020, as required by and mandated by our state law. So at that point in 2020, if we aren't using every single tool that we have, the Governor will have to declare a state of emergency and people will need to be released. So again, making cuts to one of the key tools to helping people stay out of prison and to helping there be shorter term stays and the cuts that are being made are integral to saving dollars rather than putting people in prison by putting them on probation, it is much, much less expensive. So again, I rise in support of motion 141, and thank you very much. [LB327]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Briese. [LB327]

SENATOR BRIESE: Thank you, Mr. President. I'll waive here for a second and get back in. Thank you. [LB327]

PRESIDENT FOLEY: Very good, Senator Briese. Senator Vargas. [LB327]

SENATOR VARGAS: Thank you very much...a little out of breath. Thank you very much, Mr. President. I'll try to keep this short. I stand in support of the motion override, motion 141. And part of this is because, I think, I have mentioned this several times on the mike, there have been both winners and losers in our Appropriations Committee deliberations. We've done everything we can to provide a pragmatic, open, transparent process for how we go about deciding how we move forward on our biennium budget. Specifically, for many of our priorities we have tried to hold them harmless. As you can see, we only brought forward, as a committee, a small number of these major priorities because we believe that they were very critical for the well-being of Nebraskans, and also critical for continuing to protect. I'm in support of this, specifically, because I know that we have doubled down on both public safety and doubled down our both Corrections and in our Supreme Court, and specifically for probation, we're talking about making sure that we are providing adequate pathways and support mechanisms for this specific group of individuals. I think this is a very important key fund source that we're trying to do everything we can to protect. So I ask my colleagues, given that we've had some really strong and open debates, and we may not always agree on everything, but I think this is one of those instances, and you'll see another one coming up where I hope you can support us and the deliberations we had and the negotiations we've had. I thank everyone for their support and their candor and for being open minded about the process we're taking on today. Thank you very much. [LB327]

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PRESIDENT FOLEY: Thank you, Senator Vargas. Senator Chambers. [LB327]

SENATOR CHAMBERS: Thank you. Mr. President, this morning, I am going to be very brief and I will make what I would consider a conservative argument, per se. It is not intelligent to be penny wise and pound foolish. It is not wise to save a penny here when it's going to cost a lot more later. There are conservative groups which will include people like the Koch brothers who are talking about the need to reform, mainly sentencing processes because that's the point at which the overcrowding is going to take place. Yesterday, we had before us on the Executive Board the Director of Corrections, and complaints, criticisms were lodged. One of the big complaints...and it cannot be laid at his doorstep...is the overcrowding. And I was quick to acknowledge that he has nothing to do with that. But once the overcrowding occurs, once people are in his domain, he has to find a way to manage them. So far he has not been successful. This that we're talking about here will be a step in the right direction. People are not being set scot-free and not called to account for what they have done. But it offers an opportunity to distinguish, based on the amount of culpability, the type and degree of punishment that ought to be imposed. We, as the Legislature, formulate policy. The ACLU, which stands for American Civil Liberties Union, is going to file legal action against the state. And when courts rule against a state, either the Legislature is going to immediately take corrective action or the courts are going to manage the prisons. If the Legislature can show that steps are being taken to alleviate overcrowding to the extent that we can, it can go not very far, but in the direction of indicating that the Legislature recognizes the nature of the problem and is not doing anything to aggravate or exacerbate it. So I think we should avoid paying a much higher cost later. I think it's very easy to talk about punishment, punishment, punishment. But then when it's a person we know, such as the young man that Senator Groene was very concerned about, who wanted to be able to deal with his archery business and handle the types of things that go along with it, which otherwise would be deemed a deadly weapon, and he could not have anything to do with that without violating parole, if he's on parole, or being an ex-felon in possession of a deadly weapon or an unauthorized person having one of these weapons. Since Senator Groene knew him, Senator Groene came to do something for that person. Some of us are able to look beyond those that we know personally. Some of us see a responsibility to look at the system that is in place and a need to make systemic reforms. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: So this override is not going to do much of anything as far as the overall budget is concerned. But failure to override would go a great way in crippling a program that has been shown to be effective which everybody knows is effective, and I hope on this override and others that political and partisan considerations can be laid aside and you will give some credence to those of your colleagues, myself included, who have worked in this area for decades, I have, and I would not recommend something that's going to harm society or the

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system. So I'm going to vote for this override and I hope others will, too. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Harr. [LB327]

SENATOR HARR: Thank you, Mr. President, members of the body. I am going to vote to override. I know that's going to surprise a lot of you. There is an old saying, if you have to say you're a lady, you're probably not. But I'm going to say it anyway, I'm a former prosecutor. I can't believe we're cutting \$300,000. Probation is something that really helps. Most people commit a crime because they've lost hope. They don't care if they get caught. They don't think tomorrow is going to be better than today. That's why they're so easy to catch, criminals, because they don't think. They just are thinking about that next high, or most often they have a mental problem. Those two, mental health and drug addiction, account for probably 85 to 90 percent of all crimes. These people aren't bad people. They need help. And getting caught is often that bottoming-out point, or hopefully it is. But if we don't have the services to provide them to help grow from this situation, they're going to be back. If we do a terrible job with probation, if we don't fully fund probation, they'll be back. And when you fail probation, guess what happens the second time? The judge doesn't say, well, I'm going to give you a second chance because the Governor vetoed probation. No. They're going to throw you in prison. They're not probably even going to throw you into jail, they're going to throw you into prison. If it's jail, that's fine, because it's on the counties that affects property taxes and who cares about property taxes? But if they give them more than a year, they go to prison and then it's on our dime. That's sales and income taxes, folks; \$300,000. How many prisoners does that house, ten? It's about 30 to 40, depending on how you do the housing, what the cost of housing is? You take the overall cost or you take...I'll get to that later. But folks, this is ten prisoners. We can prevent ten people with this \$300,000, and that's just if they do a year. Three hundred thousand dollars out of a budget of billions and billions and billions and billions of dollars, over \$4 billion, do you think \$300,000 is really going to make or break this state? No. But it may make or break our probation system. I take the words of our Chief Justice very seriously. And when he says he needs this money and he comes here and he gives a State of the Courts and he makes an argument to all of us, not just the Appropriations, of the need for this money, then gosh darn it, we ought to give him the benefit of the doubt. It's a separate branch. We ought to give him the benefit. And if it doesn't work, come back and we can cut it. I'm not sure why the Governor feels this is excessive. I read his letter that he handed out. He didn't state specifically why he thought that was excessive. He was more concerned about a phantom tax increase on gas. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

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SENATOR HARR: So this \$300,000 is very valuable to the probation system and I will vote to support it. Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Schumacher. [LB327]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I rise in support of the motion to override the Governor's line item veto on this matter, much for the same reasons that already have been articulated. Probation saves us money. Probation officers enable the probation system to work effectively. I have a hard time believing how a debate over \$300,000 even belongs as part of a budget veto and override process. I feel so sorry for you freshmen and I genuinely mean that, because these are tough decisions. And our attention, honestly, should be focused not on the hundreds of thousands of dollars here or there that won't amount to a few million up or down, but on the millions and millions and millions of dollars that you're going to have to try to squeeze out of the turnips of the future. We were lucky when I came into the Legislature because there was some surges of revenue that followed shortly after the scare we had in 2009. We actually never, ever faced the kind of pain that we're beginning to face now and you are going to face with intensity. You're between a rock and a hard place. You don't sustain these vetoes and our cash reserves and things just drop lower and life will be tougher in the future. You sustain these vetoes and you dismantle programs that will be very hard to reconstruct and hurt people in the process. This minor amount of money for a well-meaning program should stay where it is. It will save you money and make your job easier. And I just shake my head thinking we're squabbling over \$300,000 here and a couple of the other ones are in the hundreds of thousand dollars range, don't even hit a million. And we've left skate \$84 million and some Subchapter S election that nobody quite understands, but certainly there is tens of millions there. ESOP's elections, capital gains stepped up basis, half of which goes out of the state, which is another \$50 million a year, and the list goes on and on and on and we never even looked at those things and we're nitpicking over probation officers. Those things you're going to have to address, not because you want to, not because the lobby wants you to, but because you're in here with the duty to. This one is an easy one. Small amount of money, great public good, part of a solution to a much larger problem that could get to be a very expensive problem really quick if a federal judge steps in and says, boys, girls, enough's enough, you're going to spend some real money or I'm going to turn some people loose out of that penitentiary. So this one's easy, folks. Some of the other ones today may not be as easy and may be more meaningful in numbers. Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Stinner, you're recognized to close on override motion 141. [LB327]

SENATOR STINNER: I'd like a call of the house, please. [LB327]

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PRESIDENT FOLEY: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, please. [LB327]

CLERK: 24 ayes, 0 nays to place the house under call, Mr. President. [LB327]

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those 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. Senator Stinner, I didn't notice if you waived the closing or not, but you still have some time if you care to use it. [LB327]

SENATOR STINNER: Thank you. I would like a roll call vote, please. [LB327]

PRESIDENT FOLEY: When we're all here, we'll do the roll call. You waive closing? [LB327]

SENATOR STINNER: I do waive closing. [LB327]

PRESIDENT FOLEY: Very good; thank you, Senator. Waiting for Senators Morfeld and Brasch. Senator Hilkemann, could you check in, please? All unexcused members are now present. There has been a request for a roll call vote on override motion 141. Mr. Clerk. [LB327]

CLERK: (Roll call vote taken, Legislative Journal page 1588.) 23 ayes, 25 nays, Mr. President, on the motion. [LB327]

PRESIDENT FOLEY: Motion 141 is not adopted. I raise the call. Next motion, Mr. Clerk. [LB327]

CLERK: Mr. President, the next motion is by the Appropriations Committee and offered by Senator Stinner. It moves that components relating to Agency 25, the Department of Health and Human Services, Program 038, Behavioral Health Aid; Program 348, Medical Assistance; and Program 424, Developmental Disability Aid become law notwithstanding the objections of the Governor. [LB327]

PRESIDENT FOLEY: Senator Stinner, you are recognized to open on motion 143. [LB327]

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SENATOR STINNER: Thank you, Mr. President, and members of the Legislature. Motion 143 to LB327 is the Appropriation Committee's motion to override a number of the Governor's line item vetoes under Agency 25, the Department of Health and Human Services. This would include Section 97, Program 038, Behavioral Health Aid; Section 104, Program 348, Medical Assistance; and Section 110, Program 424, Developmental Disabilities. One quick note, child welfare was not included with the providers and will be presented, I believe, by Senator Crawford. I do want to comment on at least the nursing home side of things and developmental disabilities. I think I've talked about nursing homes, the importance of nursing homes in rural Nebraska. And the fact that nursing homes in rural Nebraska can't pick and choose, and once you go above a certain level on the Medicaid side, of which, right now, in the state of Nebraska, we're north of 50 percent. More and more of these nursing homes are being taken over by the municipalities. I know that Mitchell, in my district, is searching right now for answers to their fiscal problems. Three percent cut appears to be fairly reasonable, but when you take a look at their added cost and continuing cost and the fact that our Medicaid rates, as I talked before of that, is 26th...is 6th lowest in all of the 32 states that provide information. So they're not getting rich. It's a critical situation for our rural communities. And with an aging population to throw that into the calculus, I think that nursing homes need to be preserved, at least at a flat rate. They'll still be going behind; we'll still be moving down on that list of reimbursements per state, but at least we can maintain a level that is flat. DD is in the same, and I would recommend to anybody that if they have the chance to get together with their DD providers, do some home visits, do a walk-through of the benefits that they provide to your community. I've done that with both of my DD providers, and I can tell you they're not getting rich either. And they're struggling with work force, they're struggling with their finances, and a cut in those by 3 percent, with added cost of increase in minimum wage, certainly, is something I hear. So they are having some additional costs. Both of those, I believe, are worthy to be preserved, at least at a flat rate. But we can't break these out. So my recommendation is that we vote green on this package. Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senator Stinner. Senator Chambers. [LB327]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, don't call me prophet, don't call me fortuneteller, don't call me seer. But I read a list off yesterday, didn't I, of how these people were going to vote, didn't I? I'm going to read that list again: Albrecht, Bostelman, Brasch, Brewer, Briese, Clements, Craighead, Erdman, Geist, Groene, Halloran, Hilgers, Hughes, Kuehn, Larson, Lindstrom, Linehan, Lowe, Riepe, Watermeier; and sometimes Friesen and Murante. Here is the actual vote: Albrecht, Bostelman, Brasch, Brewer, Briese, Clements, Craighead, Erdman, Friesen, Geist, Groene, Halloran, Hilgers, Hughes, Kuehn, Larson, Lindstrom, Linehan, Lowe--Murante, who is a "sometimer," but he's with them--Riepe, Watermeier. If I could pick numbers for the lottery like that, I'd be rich many times over. If I could pick the winning teams in the brackets when you're talking about basketball, I'd be a

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winner, unbelievably so. Bookies would swear that there is a fix in. It's not a fix, I study people. A microbiologist can tell you traits and characteristics of various microbes. One who studies insects can tell you the traits of insects. Those who study arachnids, those who study crustaceans, those who study mollusks, those who study mammals, those who study amphibians, those who study fish, so how difficult would it be for somebody to study hidebound, bought and paid for individuals in a body of 49 people? But if you told anybody that I'm going to give you 49 objects, 49 entities, and this is the number that I want you to pick out correctly, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and then two possibles, and get them right when they supposedly are free agents who use their own mind, their own will. I know you. I've studied you. The one who threw me a curve and knocked me for a loop is standing back there looking innocent with his hands in his pockets, but he knows what he did. And that's senator whose name shall remain unspoken. But since you all claim to believe the "Bibble," Pilate had a wife and his wife was reported in the "Bibble" to have been told--have nothing to do with this just man, for I have suffered much in a dream because of him. Well, I suffered yesterday because of something this man, who shall remain nameless, did to me; caught me completely off guard. So even those such as myself can be surprised on occasion. But when it comes to how these people are going to vote, I've got it. And if you were at Las Vegas and this vote is coming up now, take my list and you'll win. And just so you're...how much time do I have, Mr. President? [LB327]

PRESIDENT FOLEY: 23 seconds. [LB327]

SENATOR CHAMBERS: Not enough time, even though I might try to be a speed reader. So I'll turn on my light. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Blood. [LB327]

SENATOR BLOOD: Thank you, Mr. President. Fellow senators, friends all, I stand in favor of this motion. I want to speak real briefly before I talk about Sarpy County about an issue that I have had as a freshman senator. I told my constituents that I would support tax cuts when we became responsible with how we generated revenue. I saw Senator Watermeier bring forward a perfectly good bill in reference to Internet sales tax, a tax that already existed, was not a new sales tax, but one that we neglect to collect based on the fact that it's not constitutional. But with all due respect, you don't have to be Bob Dylan to know which way the wind blows with what's going on in the court system right now with that. I think our chances are pretty darn good. We found that state statute already addresses that we can collect revenue from Airbnbs. I spoke with Airbnb out in the Rotunda; they're happy to give us the tax money, we just aren't collecting it. And then we look at Nebraska Lottery that's protected under the State Constitution who spent \$7 million on marketing. I look around these chambers, for those that are still sitting here, who stood up against gambling, but seem to have a blind eye when it comes to how that money is

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spent and how it's protected under the constitution. We do good things with that money, and I don't want to take that away, but anybody in marketing in Nebraska knows that getting the Nebraska Lottery as client is a golden goose for their business. With that said, I immediately called Hillcrest Health System when I heard of the Governor's vetoes because Hillcrest Health System employs a little over a thousand people in my county. And this is a county, by the way, that is also represented by Senators Crawford, Clements, Murante, and Smith. In our county, 14 percent of the people that are employed are employed in healthcare and social assistance; that's 12,310 workers; more than retail, more than education, more than banking and insurance. So what's the concrete example? Hillcrest Shadow Lake is currently running at 96 percent occupancy with 86 percent Medicaid population...sorry, there was talking, I had to go over it...86 percent Medicaid population. This 3 percent cut, just for the building alone, will be a revenue loss of \$120,000. Labor and benefits are the majority of their costs and that's around 60 percent, and that's not unusual. So guess what the first reduction is going to be? It's going to be to reduce the physicians and/or benefits to those that we serve who are aging adults. Let's talk about economic development. If there are no jobs in the fastest-growing county in Nebraska, or if people lose income in the fastest-growing county in Nebraska, what do you think that does to economic development? How do people buy things? How do people pay their bills? How do people pay their rent? We can talk about the people that we serve, and well we should, but let's talk about how this is going to affect my county financially and every county in here. Look at your numbers; get on your computers, it took me three minutes to find these numbers. How can you go back and tell your constituents, yeah, I cut our budget, but guess what, it's at the detriment of what's going on in your county now. It's going to be on your backs. And what's going to happen to these people that are ill, these people that are suffering? We had a lot of people stand up when we talked about Title X and other issues that pertain to religion. So I am going to speak to the Catholics in this Chamber... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR BLOOD: ...and remind you what Pope Francis said: To change the world, we must be good to those who cannot repay us. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Blood. Senator Krist. [LB327]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues. And, again, good morning, Nebraska. I have reams of paperwork. I have books of statistics. I have a computer full of statistics. I have the same kinds of things that Senator Blood has just talked about. But you're not listening. You're not listening because you're not looking into the face of our DD population and the healthcare providers that deal with them on a daily basis. You're not listening because you have a voice in your ear that says--I need to follow the track I've been told to follow. I don't



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have a crystal ball, Senator Chambers, but I'm going to tell you it's going to be tough to win any override for any reason because some people in this Chamber have already made their mind up that whatever the Governor has put in place is what we're going to accept. And for that, I will say...I would look myself in the mirror and say to myself--shame on you if you're not using your own brain. I'm not shaming on any of you; I said I would look myself in the mirror if I had that mental outlook and I've already made my mind up before I came here to have an objective conversation about what we need to talk about. Look up in the balcony. Look up there at the providers. Go out there and talk to the people who get services. Look them in the face and tell them--I'm sorry, but you can't continue to provide those services; and they won't. I'm lucky, I have a district that is surrounded by very benevolent people; they have structures in place, but even they will start to hurt. You folks who are in outstate Nebraska, outstate I said, outside of the eastern side of this state, you're in trouble, because your retirement homes are going down in flames. The services that are out there, that are on the margin right now are going to be hurting. So when you go back and say--give me your vote, again; it won't be \$20,000 from the corner office that's going to get you reelected or not reelected, it will be what decisions you make and what votes you make today, and for the rest of your career. I had hoped to keep this day very mellow and not get on this mike and raise my voice or make any objection that was irrelevant, to talk logically, to talk amicably, but it ain't working. It isn't working because some of you have already made your mind up. We're into the weeds now. This isn't whether or not probation can have 28 more people, or those services that might be lost, these are healthcare providers and services of the most fragile of our population. This is what government is about--providing for those that can't provide for themselves within a margin. We have a service area that already raises a quarter of their total budget. They go out and fund-raise and raise a quarter of their total budget. You're pushing them. You're pushing them because you don't want to stand up and say, this one's not right, Governor. We've looked at it. And with all due regard and with all due objection, the right thing for me to do is to vote for this particular override. There's three more coming up that I will speak on. But this one is really, really important. Look up there, look in their faces, go out there and look in the faces of the people who are getting services and tell them--I'm sorry. I'm sorry, I am so sorry. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR KRIST: You need to look at motion 143, and you need to analyze who those people are, not what the percentage is, not what the dollar is, not what the work force value would be for economic development. You need to personalize motion 143 and look at the faces that it will affect. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Crawford. [LB327]

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SENATOR CRAWFORD: Thank you, Mr. Lieutenant Governor. And thank you, Senator Krist. To help in that effort of personalizing what this motion means, I'm going to share with you a story of Cheryl Jones, who lives in my district, and her son Jared. She sent this to me: Hi, my name is Cheryl Jones. I live with a 26-year-old autistic son. The Governor just vetoed a bill that will, in effect, cut wages to support people. My son works full-time at Mosaic with support. Without the support of paras his entire school career, he would not have graduated, would not speak, would not be able to function or work at all. The state would be spending hundreds of thousands more to house him, and he would be living without purpose, not giving anything to the community. Colleagues, this is the long-term vision, the long perspective. These core services we provide now save money and make sure these people in our communities are able to function and be a part of our communities. With support he works, lives in Bellevue, shops in Bellevue, and knows many of the store owners by name, and they love him. He is a member of this community, and it came from a lot of hard work on Jared's part, my part, and his paras' part, who went through grade school to graduation with him. After 25-plus years of marriage, my husband asked for a divorce. I had stayed home with Jared 24/7 since he was born: no job qualifications, no one to watch my son if I could find a job. I now work seven nights a week and have respite, if I ever get a day off. And the same para who went through school with Jared does respite and a community sport-type program. She sees Jared a couple of days a week after his work and takes Jared to different events; teaches him things from like learning to cross the street and interacting with other shoppers and how to handle anger and the list goes on. In the meantime, I actually get a few hours to myself. Jared is my son; I love him. He has come a long way, further than any doctor said he would, but he is autistic, OCD, etcetera, and needs someone who knows him, knows what's going on when he does. And how can we cut salaries for people who have made such a difference, who continue to make a difference, who improve this community and state for the better. These folks work hard for the money, harder than most realize. Like teachers, they are already underpaid. Now the government is cutting their pay? I don't understand what anyone hopes to gain by taking away or reducing services to the very people that make such a difference in so many folks' lives. How many people would the state be paying for instead of them being working and contributing members of our community without the help of these key support people? Please, whatever goes on in the Legislature, you need to convince the Governor to take a hard look at the hundreds of folks making their communities so much better by being able to be a productive member, thanks to their support system. And this, again, is from Cheryl Jones, who signs as Jared's mom. That's one personal story, colleagues, about what these services mean to a family in their day-to-day challenge of helping their children to learn, to grow, try to have a job, contribute to their community. Colleagues, I'm also going to just make two other points, more crass political points, but I'm going to make them. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

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SENATOR CRAWFORD: Thank you, Mr. President. In March, there was a survey done asking citizens across Nebraska: As you know, the state of Nebraska is facing a budget shortfall. As a result, legislators are considering certain proposals to make sure that we have adequate funding. And there was a list of options given to people. What would you like to do in this budget situation? And colleagues, only 9 percent of Nebraskans strongly favored reducing programs that provide healthcare for the poor, which is also part of this motion. Only 27 percent supported reducing those services at all, as a way to solve our budget crisis...only 27 percent of Nebraskans supported cutting services as a way to solve...for healthcare for the poor as a way to solve our budget crisis, only 27 percent of Nebraskans says that's what we should do to solve this budget crisis, yet that is what we have done. Let's reverse a part of that with this override motion. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR CRAWFORD: Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Hilkemann. [LB327]

SENATOR HILKEMANN: Thank you so much, Mr. President. I cannot support a veto cut to providers. Mr. Governor, there's about 60 or 70 list items on there, and I'm going to support you on, if it's 70, I'm going to support you on 67 of them. But I cannot support you on provider rates. I'm a healthcare practitioner. I've taken care of the least, the last, the lost. This is going...we have never, since 2000, have ever cut provider rates. We've kept them flat, like we did in this budget. We have never cut provider rates. Those of you in outstate or rural Nebraska, this is going to have a profound effect on your nursing homes, on recruiting physicians to come into your area, on your hospitals. This is going to reduce choice. I'm an urban senator. We have OneWorld; we have Charles Drew. You don't have that in Ainsworth. You don't have that in O'Neill. You don't have that in Chadron. When I went door to door, yes, people were concerned about property taxes. But I had more people say mental health, mental health. And now we're going to cut mental health providers? No one gets wealthy. We are cutting people that provide care to those who need it the very most. Think about the federal dollars that we're turning away from this. This is not smart, folks, it just plain isn't smart to cut this. I could talk about this issue for the rest of the morning. I know I only have five minutes. A scripture that came to mind for all of those of you, those of us who call ourselves Christian, Matthew 25:40: The King will reply, truly I tell you, whatever you did for one of the least of these, my brothers and sisters, you did for me. Are we broke? No, we're not broke! I was at a conference in Illinois recently. Illinois has \$9 billion of unpaid bills on their treasurer's desk. Nine billion dollars! [LB327]

PRESIDENT FOLEY: One minute. [LB327]

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SENATOR HILKEMANN: When we get done with this, even if we do this override, we're still going to have \$350 million in our rainy-day fund. To what end? To what end? Colleagues, it's a rainy day for the least, the last, and the lost. Let's override this portion of the veto. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Hilkemann. (Visitors introduced.) Continuing discussion, Senator Kolterman. [LB327]

SENATOR KOLTERMAN: Thank you, Mr. Lieutenant Governor. Good morning, colleagues. I rise in support of the override veto this morning, and I don't take that lightly. For many of us, this is the first time that we've had to do this. For the majority of us it's the first time that we've ever had to do this. I wasn't sure of the process. Do we do it line by line? Can we pull out certain parts of it? The answer to that is, no, we can't. We have to take the whole section of...if we're going to do so. I was prepared to pull out the part that would help our nursing homes and our critical access hospitals, but I'm told we can't do that. But for those of you that are still asking yourselves do we want to do this, I bring a few points to you. I have four critical-access hospitals in my district. Two of them are smaller and they rely very heavily on this. The other two are a little bit larger, but they still have a lot of Medicaid patients. I have nine nursing homes in my district. And I can tell you that I've heard from each one of them and I know each one of them individually and they were willing to accept the way 33 people voted on the first round. They weren't going to take any more cuts. But now to go in and cut them another 3 percent, it cuts right to the point where we're going to be seeing homes close. I'd like to remind Senator Kuehn and Senator Brasch that in this very Chamber last year about this time, we were talking about four nursing homes that had closed down in their districts; I think the other was in Senator Bloomfield's. We were scrambling to find ways to take care of these people that needed care. And Health and Human Services came to the rescue along with the people in this body. I've heard from people like Madonna, who actually rehabilitate people and take them off of the Medicaid rolls and put them back into the society so that they work. QLI in Omaha does remarkable work with the people up there. If those are in your district, you ought to think long and hard about what you're doing here. They rely heavily on fund raising, but they also have a lot of Medicaid patients that need our support. Our critical access hospitals, there's over 30 of those in this state. And while some are on solid ground, there are others that are struggling to keep their doors open. And as Senator Hilkemann said, this just isn't...this isn't in Omaha or Lincoln, this is a problem...how are we going to recruit people to an area where the largest employer in many cases is struggling to keep their doors open? Because when you go into small-town America, whether you're in Gordon or Rushville or you're in Utica, York, Polk, Wilber, those communities are struggling, and in most of those cases, the largest employer is the hospitals and the nursing homes. If they're not the largest, they're right up at the top. And let's start talking about providers for Medicaid patients that want to see a dentist. We already have a shortage of

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dentists that want to provide services to Medicaid because of the reimbursement rates, now we're going to cut that as well. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR KOLTERMAN: So what happens there? We force them to move into the emergency rooms to get their dental health. So we're forcing them away from a dentist who could do it much more reasonably than a nursing home or a hospital, and we're forcing them into a hospital that's also taking the cuts. I don't relish the idea of overriding a Governor veto. But in this particular case, I think it's warranted, and I would encourage you to think very seriously about outstate Nebraska, how this affects your largest employers, many of your friends and neighbors who voted for you that are going to probably support you again, but they're going to have to wonder, why didn't you help us keep our hospital open? Why didn't you keep our nursing home open? Because we...I'm not saying the sky is falling, but I am saying they're in critical condition. They need our help, and we ought to be there for them. [LB327]

PRESIDENT FOLEY: That's time, Senator. [LB327]

SENATOR KOLTERMAN: Thank you very much. [LB327]

PRESIDENT FOLEY: Thank you, Senator Kolterman. Senator Ebke. [LB327]

SENATOR EBKE: Thank you, Mr. President. Like Senator Chambers, I have a list, I'm going to read a list of names: Senator Albrecht, Senator Bostelman, Senator Brasch, Senator Erdman, Senator Friesen, Senator Geist, Senator Halloran, Senator Kuehn, Senator Larson, Senator Lowe, and Senator Watermeier. Yesterday, these 11 folks voted no on Final Reading to LB268. For those of you who don't remember what LB268 was, that is Senator Schumacher's Medicaid recovery bill, what we called Medicaid recovery bill. He's been working on that for a number of years. And what that bill was intended to do was to make sure that those who do have property and who could take care of their own actually provide a way for DHS to recover that money when parents have gone on Medicaid. And yet today, I would be willing to bet that most of those folks are willing to vote for even deeper cuts in provider reimbursement for nursing home care, for those with developmental disabilities. How do you reconcile that? I've been called in the last two weeks...I've been called a Liberal and told that I'm not a good Libertarian by some who last year told me that I wasn't a good Republican. In March, I was part of a panel discussion in Colorado, and we were asked the following, you know, what would the perfect society look like if you started from scratch? And I had a real problem coming up with that, because ideal is different than reality, what I believe certainly influences and informs my public policy decisions. But I haven't figured out yet how to unwind the clock in one fell swoop without causing

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irreparable damage to the larger society. Friends, we need to talk more. I've watched a lot during this legislative session. We need to try and understand one another better, we need to try and find compromise that moves us in the direction we want to go. We can't expect all or nothing. For those of us who would like smaller, less intrusive government, we need to first recognize that we live in 2017, in a time when many people have become dependent on government doing certain things. To my bigger government progressive friends, remember that the government that you expect to take care of our social welfare needs is the same government that you sometimes castigate for violating civil liberties. To my smaller government conservative friends, remember that the government you say shouldn't be involved in local education decisions is the same government, through state taxpayer dollars, who you think should be picking up a bigger share of the education funding. Blessedly, this session is almost over. We'll have a few more votes that are unpleasant, and then we'll go home. And when we leave, maybe it's time to throw our egos in the million-dollar fountains. Maybe it's time to realize that none of us have all the answers. Maybe it's time to start talking more and pontificating less. Maybe next year, we can come together as a politically diverse body and actually achieve something. I stand in support of the override motion 143, not because I think our fiscal future is necessarily rosy, and not because I like the fact that we have become dependent on programs like Medicaid to take care of the least of these. I stand in support of the override motion because I recognize the reality of where we are today, and I'm unwilling to see nursing homes shut down or programs for the developmentally disabled... [LB327 LB268]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR EBKE: ...go away suddenly because we have failed to ensure real, free market, private sector, and charitable alternatives that will take up the slack. I stand in support of override motion 143. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Ebke. Senator Linehan. [LB327]

SENATOR LINEHAN: Thank you, Mr. President. Good morning, colleagues. I don't think anybody that's not supporting overrides takes their votes lightly. I certainly do not. I thought about it all the way down on my drive from Omaha this morning. I've talked the providers, and I find it quite painful, these votes. But somebody asked a minute ago if we were broke, and I thought to myself, well, not yet, not yet. The difference between what the Appropriations Committee--and I appreciate all their hard work, and I know it's a tough committee--their budget is based on the fact they hope next year is better. I don't have any visibility that next year looks better. The ag economy certainly doesn't look better. So the Governor's budget, at least the way I view it, is based on the fact it's not going to get better. He's saying that we shouldn't reduce our reserves from 3 percent...3 percent, that's what we have in our reserves, that's not a lot. If you

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think about your family budget, anything I've ever read said you should always have 10 to 20 percent in case something happens. We have 3 percent. And now what the committee has decided, because they don't want to make these cuts, and I understand that, these are hard, difficult votes. But if we take it down to 2.5 percent, and we come back...have to come back in October and make the very cuts that we're doing today, as painful as they are, they're not going to be less painful in October, they'll be more painful. We have to face the reality we're in. We aren't broke. But we shouldn't let ourselves get quite so close. I'm also a bit frustrated this morning that the way the budget was put together--and I would suggest strongly that we do it differently next year, it's my first year--that we pass LB409 which funds K-12 education with a 2.5 percent increase, which is about \$44 million, and if we would have held them flat, we wouldn't be having this discussion this morning. So that's something we need to do different next year. We also funded, and it's also in statute and I think we should look at it, \$44 million into the teachers retirement; \$44 million dollars into teachers retirement when the fund is sound, there's no urgency. If that was an appropriation item and not in statute, we could have found some money there and made it up. That's a lot easier to make up that money in a different year than it is this money. So I hope next year when we come back, and if we're not swimming in cash, we make some different choices. I would like to unwind the clock, but we cannot. So, again, next year, I hope, before we decide we're going to increase K-12 2.5 or 4 percent, as they...the formula, I think, is 4.5 percent, which is way above inflation, before we make that decision, let's think about the people that we're voting about today. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Linehan. Mr. Clerk. [LB327]

ASSISTANT CLERK: Mr. President, thank you. Judiciary will be holding an Executive Session under the north balcony now. [LB327]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Continuing discussion, Senator Quick. [LB327]

SENATOR QUICK: Thank you, Mr. President. I rise...I will support the override. And, I guess, for me this is personal. I mean, really, I think it's just wrong that we're cutting these provider rates because the people are going to suffer the most are the people that use those services. I had a sister-in-law who...a beautiful young woman, she had three beautiful children, she developed Huntington's disease, which is hereditary, her mother had it and died from it at a young age, and then she also died from that eventually. But people think of nursing homes only having the elderly there. She spent the last years of her life in that nursing home. And we need to make sure that we don't lose that for those people, that they can still be taken care of. And you know, I know, over the time I've been down here, I've also talked about going door to door, and I talk to people who had behavioral health issues, they had mental breakdowns, and there's no help for them out there. And you know, they call 911, someone comes to their door, they take them to

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jail; if they're not an endangerment to themselves they release them and there's no help for them. And we need to make sure that those people receive that help. The people with developmental disabilities is...it's a shame that...they need these providers to make sure they get their care. I've received several e-mails, and I've had several conversations with people, with providers, and I know one of the letters I received is from a facility in Hastings, and they also serve people in Grand Island, Doniphan, Kearney, and Aurora. Now, I know Senator Lowe, Senator Halloran, Senator Friesen, I'm sure they all received the same e-mail I did, but you...I want you guys to make sure you think about the patients that they're taking care of and not just about the money, because that's who we should be thinking about, the people, the patients, the people that need these services. And I hope you all think about this and reach deep in your hearts before you make this vote to reduce these services. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Quick. Senator Baker. [LB327]

SENATOR BAKER: Thank you, Mr. President. I support motion 143. When people's lives haven't played out the way they had hoped they would, oftentimes there's a search for a villain; it must be someone else's fault; must be the government's fault or maybe those darn public schools. It's the immigrants who are a problem. Many of you, I think, when you campaigned for the office, you said you were going to come here and cut the fat out of the budget or you were going to go after the wasteful spending. Dave Heineman was Governor here for ten years. Senator Krist was here, maybe, during part of that time, and Senator Chambers was, except for the time we taught him a lesson, had him out of the Legislature. But do you think Governor Dave Heineman stood by and left a lot of fat in the budget? You think he stood by and willingly allowed a lot of wasteful spending? Then we had the recession in the first decade of this century. Speaker Hadley used to talk about that last year, how there wasn't...you know, it might be a great idea, but if it's going to cost a thousand dollars, forget it, there was no money. So do you think you walked in here to deal with a budget that had lots and lots of fat in it, that was rife with wasteful spending? That's not what we're doing here. Motion 143 is talking about some critical programs. It's not fat in the budget. It's not wasteful spending. I quit counting the number of e-mails and contacts I received from service providers in my own District 30. There's a whole lot of the people who are involved with providing service in Beatrice, in Hickman, in Adams, in Wymore. And I also heard from a lot of the people in your legislative districts. This is going to be devastating to those people. Some are not sure they'll be able to continue. So this is not about cutting fat, it's not about wasteful spending, it's about supporting critical programs. The Appropriations Committee found ways to at least hold even on what service providers are going to be receiving. I support motion 143. Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senator Baker. Senator Schumacher. [LB327]



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SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Would Senator Stinner yield to a question? [LB327]

PRESIDENT FOLEY: Senator Stinner, would you yield, please? [LB327]

SENATOR STINNER: Yes, I will. [LB327]

SENATOR SCHUMACHER: Senator Stinner, what kind of dollars are we talking about on this motion? [LB327]

SENATOR STINNER: Just a second. [LB327]

SENATOR SCHUMACHER: Okay. [LB327]

SENATOR STINNER: I wanted to be accurate about this. The total dollars over the biennium will be \$32,447,150. [LB327]

SENATOR SCHUMACHER: So we're talking about...thank you, Senator Stinner. Certainly not chicken feed, like the last one was, the \$300,000 that was just...shouldn't have ever been before us and it shouldn't never had the result that we had here. This is a little more money, this is \$16 million dollars out of an annually...not annually, out of \$4,500 million that we're spending. God, what a mess, folks. It's not small money. But we're probably taking it from the people who cannot help themselves or the people who will end up in jail or walk in the streets not being able to take care of themselves. I think the studies we have showed like 30 percent of the people in the penitentiary and the jails are the mentally ill. And we're paying whatever rate that is, \$30,000, \$40,000 to keep them in the pen. There are...those institutions are our biggest mental health facilities. What a mess. But if you're really quiet, you can feel a rumble in the building. That rumble is the Advantage Act press printing credits, tens of millions, maybe a hundred million a year. It's going to, I think that study said, like 80 companies, 70-some of whom were here already with not much accountability, costing us, depending on how you look at it, \$30,000 to \$300,000 a job, for what's called a high-pay job, some of that's like \$11-and some cents an hour. That's where we missed the boat this year; that's where we missed the boat. We failed to examine the revenue side. I've got to yield to this tearjerker and say I'll support the override on this one, but I'm not comfortable with not balancing the budget, and I know that looking through the world as an accounting mechanism, we technically balanced the budget, but in my mind, when the money you bring in does not equal the money you put out, things aren't in balance. Truth of the matter was that cash reserve that we're chewing into by a couple hundred million bucks or in that neighborhood, \$600 million of that was the Obama stimulus, you could easily

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equate that, \$120 million was the fiscal cliff tax panic where people accelerated paying their taxes, and some of that was just an unusual years in...for a couple of years there in agriculture, where there was really, really good incomes; now we've returned to normal. Not a rainy day, it's normal. And so we really haven't been balancing our budget for a long time in tax money in checks written by the treasurer. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR SCHUMACHER: This is a bad one and this is a sorry situation. And like I said, I sympathize with the freshmen because these chickens are going to come home to roost in your time down here, and you've got to balance things like this real tearjerker with the fact that we have a frenzy against taxes and a political climate that is just not inclined to be terribly analytical. Again, I'll support this one, reluctantly in some ways, because that's a lot of money, but it's probably money well spent. Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Bolz. [LB327]

SENATOR BOLZ: Thank you, Mr. President. I wanted to add a couple of comments related to the economic future of the state. And I appreciate the caution and concern of folks on the floor about what our future revenue pictures look like. But I do think it's important to take a measured and balanced view of the information that's coming to us and the information that has come to the economic forecasting board. I will not be overly optimistic about the economy, but the Bureau of Economic Analysis from the U.S. Department of Commerce does remind us that in...from 2015 to 2016, Nebraska's gross domestic product grew 1.2 percent. This is not as robust as it has been in the past, but it is nonetheless an upward trend, it is nonetheless growth. Nebraska's economy is not growing at the same pace as the U.S. economy, but it is still growing, and there are certainly bright spots. I appreciate the comments related to the ag economy, but I would remind the body that direct production agriculture is 6 percent of state tax receipts. And I understand that there's a multiplier effect with the ag economy, but there's a multiplier effect with other sectors of the economy, too, and when finance and information technology do well, those things, especially in the eastern part of the state, do have a positive impact on our overall economic picture. There are other things that impact our overall economic growth, our overall revenue streams, including our workforce and the number of people who are retiring, as well as the number of people we're able to attract to the state. Our tax policy and the way our current tax policy maybe isn't keeping up with trends related to sales versus services. So part of my point here...well, two points here. The first is that we need to look at the complexity of our economic picture and our revenue streams and be judicious and thoughtful, not reactionary. And I think some of these cuts to very important services shouldn't be made without being very thoughtful and shouldn't be made this quickly. The second point that I would make is that there are other

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public policies that impact our overall revenue and economy. And so if we want to take responsibility for the way our financial picture looks in the future, it's not just taking responsibility from an appropriations perspective; it's also taking responsibility from a revenue perspective and from a business perspective in terms of how we grow our workforce or in terms of how we draw new businesses into the state. So, colleagues, I don't think that at this point in time we have information that tells us that we need to brace ourselves to go over a cliff. I'm neither optimistic nor pessimistic, maybe cautiously optimistic. But I think we still have an overall increase in our trends. In fact, Bloomberg View finds that Nebraska had the tenth best economic recovery from 2009 to 2016. And it also finds that Nebraska had the eighth strongest change in real GDP from '99 to 2016. So, colleagues, I rise to add these comments so that we're thoughtful and judicious and looking at multiple economic and revenue factors as we make our decisions today. The other piece I would add is that these are employers, these health and human services providers do employ individuals. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR BOLZ: In fact, the nursing facilities and assisted living facilities employ 28,000 Nebraskans, developmental disability service providers employ over 5,000 Nebraskans. So we need to be thoughtful and comprehensive in our approach. Additionally, I would add that any of these cuts are essentially a double cut, because when we cut state tax dollars, our state contribution, we cut a nearly equal portion of federal funds for all of these programs and services. So there's a significant loss when we do make these cuts. The last thing I'll say is that we need to look at the history of funding for each of these services: behavioral health, nursing facilities, and developmental disabilities. Behavioral health took a cut in 2011. All of these services have had modest increases over time; none of these services have had increases that allow them to keep up with inflation. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR BOLZ: So those businesses have those impacted as well. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Chambers. [LB327]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm perceiving much that is futile going on this morning. If I were proclaiming myself to be a sculptor and I have a block of marble and I say I'm going to shape and mold this marble and instead of a chisel I have a feather, and instead of a hammer I have a wet noodle, how much am I going to do as far as affecting that marble? You'll have a better chance of shaping marble with a feather than you

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have of doing anything with these hardhearted people who got their message through straight from the Governor. Now, as a man of color, if I were going to select models for black children, Latino children, Native American children, all those who are considered people of color, I would counsel that they be a standing...a dignified Standing Bear instead of a crawling worm; a magnificent, majestic lion instead of a skulking, yapping jackal. Jesus told me, because you all don't pay attention to him, so he goes to the unbelievers, as we're called. He said, Chambers, I want you to listen to me this morning. People talk about what they hear as they drive down here, and this voice said...and I said listen to you? Who are you? And it said, I'm Jesus Christ. I say okay, what do you want to tell me? He said, cast not your pearls before swine. I said, what are you talking about? He said, you'll know when you get to that place where you work. You know what I've got to say? Thank you, Jesus, you were right. I'm not going to waste my time trying to appeal to these people. Abraham Lincoln talked about a cause for which people gave the last full measure of devotion. Devotion to what and to whom? You all give devotion to partisanship. To whom? To the Governor. So Lincoln foretold what you were going to do. Now Jonathan Swift wrote a pamphlet called "The Modest Proposal," where the rich, oppressing British people could eat poor Irish children. They cut down the excess population and gave a new delicacy to the rich--Jonathan Swift. Now, Charles Dickens was able to create a world, and he showed the kind of world he could create with A Christmas Carol. He created a Scrooge. And you all have him sitting over there in that north corner of the building; stingy, tight fisted, grasping. Rich men, it's possible for them to have too much money, but they can never enough. He demands from you that last full measure of devotion. He insists that you give up everything. You've lost your dignity, you've lost your self-respect, and now he's making you lose your humanity. But Dickens created a world, and his Scrooge was converted. This Scrooge that you all serve will not be converted. Scrooge didn't care about Bob Cratchit and his disabled child, Tiny Tim. But Scrooge had a bad dream and it converted him. You all have the Father, Son, and Holy Ghost and preachers every morning, and it does no good to you. They're using a feather to try to shape marble hearts. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: So that's why they're unsuccessful. And I'm going to have a chance to finish my homily on these other attempted veto overrides. Power corrupts--I think that was some fellow named Lord Acton, and you ought to read the context in which he said it and with whom he was talking and whom he was speaking of. Absolute power corrupts absolutely. North corner of the building, absolutely corrupt, and you all are going for it. And I have more things to say, so I'm putting on my light. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Chambers. Mr. Clerk. [LB327]

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CLERK: Mr. President, the Executive Board will have an Executive Session at 11:00 in Room 2022. Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Continuing discussion, Senator Craighead. [LB327]

SENATOR CRAIGHEAD: Thank you, Mr. Lieutenant Governor, and good morning, colleagues. I stand in support of motion 143, specifically the piece dealing with people with developmental disabilities and the aid that goes to them. These are the most vulnerable people in our society. They cannot take care of themselves, where many can that we do give money to. This is a very personal issue to me, also. My mom's youngest sister had Down Syndrome and lived until the day before her 61st birthday. She had the opportunity to be in workshops and work and be a taxpayer and make money, and she thrived. So I think that this is a very good part of this program. And I also, from my district, I have received over 300 e-mails on this issue this morning. So I do stand in support of motion 143. And I will yield the rest of my time to Senator Krist, if he would like it. [LB327]

PRESIDENT FOLEY: Thank you, Senator Craighead. Senator Krist, just under four minutes. [LB327]

SENATOR KRIST: Thank you for your courtesy, Senator Craighead. I believe that what I am seeing and what I'm hearing is there are a group of people who understand that these issues should be taken one at a time. These things should be weighed and measured, and they should be...they should accommodate our job as legislators in dealing with a vulnerable population. I see that there are some people who have the intestinal fortitude, the drive, and the independence to make these votes. I think Senator Craighead said it very well; she has a personal stake in this issue. Each one of us needs to have a personal stake, because not only does it affect the businesses and the population that are in your communities, but it affects long term the way that we are treating people with disability. Remember when you were told, we were told, in the education of our children, that those first few years are fundamental in terms of teaching a child and helping them to progress to be all that they can be. Well, imagine if you start out in life with a disability, and how critical those first few years, and in essence, the support mechanism for the rest of your life is. People who, we used to call them sheltered workshops, that's a bad word these days. We call them community development, we call them independent shops, but they're still there fundamentally to make sure that a person can feel self-worth, can get up every day and go to a job and have a support mechanism, and that's what we're talking about here this morning. We're also talking about those people that give their lives to support those folks who are in those workshops and have those disabilities. I am optimistically guarded, guardedly optimistic, however you want to put it, that motion 143 will succeed. I hope if you haven't decided yet, the

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kinds of comments you're hearing on the mike will put it in your mind that this is a valid...this is a necessity, this is something that we need to vote for and override this particular part of the veto. And thank you again, Senator Craighead, for your courtesy. Thank you, colleagues, for listening. [LB327]

**SPEAKER SCHEER PRESIDING**

**SPEAKER SCHEER:** Thank you, Senator Craighead and Senator Krist. Waiting in the queue, Senators Walz, Harr, Crawford, Blood, and others. Senator Walz, you're recognized. [LB327]

**SENATOR WALZ:** Thank you, Mr. President. I stand in support of motion 143. We have a long history of movements here to guarantee people with developmental disabilities the legal and human rights that all Americans should enjoy, 200 years, as a matter of fact. In 1817, the American School for the Deaf was founded. In 1848, the first residential institution for people with developmental disabilities was founded. In 1918, the Smith-Sears Veterans Voc Rehab Act (sic) established a federal vocational rehab program for soldiers with disabilities; in 1935, the Social Security Act. In 1954, the voc rehab act revised establishing a state...a system of state voc rehab agencies; in 1963, the Developmental Disabilities Act; in 1970, the Developmental Disabilities Services and Facilities Construction amendment, giving states responsibility for planning and implementing comprehensive services for people with severe disabilities; in 1975, the Developmental Disabilities Assistance and Bill of Rights Act; in 1982, the Tax Equity and Fiscal Responsibility Act, allowing states to cover home services under Medicaid for children with disabilities; in 1986, the Education for Handicapped Children Act; in 1990, the Individuals with Disabilities Education Act, and the Americans with Disabilities Act; in 1996, the Traumatic Brain Injury Act; 200 years of an uphill battle to advocate for people with developmental disabilities. We have a long history of disability rights movement that was brought about significant changes, significant progress, and opportunities for people with developmental disabilities. We have opened doors for employment, education, housing, and access to life in a community. It is a history of parents and advocates who fought for acceptance in their community, fought for change, fought to change prejudiced attitudes, protection from abuse and neglect, a long historical struggle to gain access to quality services that people are now being provided. What a step backwards for families, for advocates, and for people needing services due to a disability. This bill affects me personally. At age 18, I moved into a home with three ladies who had developmental disabilities, and this was not a job for me. This was an opportunity for me to learn about people unlike me; to advocate for people unlike me; and to love people unlike me. We became a family. I personally had the opportunity to observe the positive effects that these services had in their lives. When I think about these services being cut, it affects me personally, and affects so many individuals, and so many families, and it should affect all of you personally. If you have not gone outside those glass doors, if you have not gone out and shook

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hands with the people who are out there, who are receiving services, and visited with Nebraskans... [LB327]

SPEAKER SCHEER: One minute. [LB327]

SENATOR WALZ: ...who have disabilities, you need to. You should not vote on this until you take the opportunity to go outside and talk with them. I urge you to do the right thing and override this veto. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Thank you, Senator Walz. Senator Harr. [LB327]

SENATOR HARR: Thank you, Mr. President, members of the body. I understand that this is the new norm, that our farm economy is probably where it leveled off. But my question to you is, is this the right way to do it? We have looked all session to the Appropriations and Senator Stinner for how do we deal with this new reality. And we have ducked away from revenue. And I'm not talking about raising taxes, I'm talking about tax credits. When it comes to providing a tax credit, you're spending money. If I'm paying \$100 and Senator Schumacher is only paying \$50, and we both made the same amount, but he has a tax credit, that's \$50 that's being spent. I think tax credits do a good thing; they incentivize our economy and they push certain ways. So I'm not anti-tax credits. But when we're looking at cutting substantially from those who are the weakest in our society, and what I mean by that is those that can't help themselves, not because they choose not to, but because they are either elderly, they can't get a job, or they're disabled, and then there's the working poor as well. But when we cut from them first, that should be who we cut last, not first. You are judged by how you take care of those who can't take care of themselves. How come we never seriously looked at tax credits? How come we never said, boy, we should see, can somebody handle a little bit more of a burden. Because guess what, folks, our providers can't. We have not grown them. We have not continued to fund them adequately and now we're going to cut them. We wanted to keep them even and we were going to lose homes and we were going to lose services. Now, we're going to cut them. Is that how we want to do this? Is that how we want to govern? Is that what we want to be remembered for? This is the beginning, this is not the end of cuts. And so what are we going to do next time? Cut them 8 percent? We got to start looking and being serious and figuring out what we want to do. I will take blame; I like tax credits, I have passed many of them. I voted every single time for Senator Friesen's tax credit this year. I voted every single time for the Nebraska Advantage Act. There are a number of tax credits I like. Senator Schumacher came with a bill this year in which we acted like the Appropriations Committee and we looked at all the tax credits and we tried to figure out which ones worked and which ones didn't. Guess what happened? No one even

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bothered to show up to say what their tax credit did. Was it valuable or was it not? Because they knew they had protection in the corner office and why even bother. There was one on multistate S corps, I didn't understand it at the hearing. After the hearing, all I knew was I understood it less. I now realize why it exists. I'm okay with it. Sorry, Senator Schumacher, I am. But where were they in the committee to explain it? Where was anyone to explain it and to stand up for their tax credits and say, this is a good tax credit, this works. This one, not so much. We're paying...this tax credit over here... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR HARR: ...and I will tell you what I think of it--new markets. We give a dollar of tax credits; they turn around and sell it. We had a hospital from Lexington come in and talk about how great it was. When we asked them--you're a nonprofit, you don't pay taxes, what did you do with it? They didn't even know. The guy didn't even know what he did with that. I can tell you what he did with it, he sold it. That's what you do with them. He didn't know how much they sold them for. I can tell you how much they sell for. Call Bank of America and see how much they will pay for tax credits, state tax credits, new markets--33 cents on a dollar. Best...best price you can get is 33. That's huge leakage. That's what we should be looking at. Think about it. We spend \$24 million on that; two-thirds of that, \$16 million. Guess how much this is. Sixteen million dollars. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR HARR: That's where we should be. Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Crawford. [LB327]

SENATOR CRAWFORD: Thank you, Mr. Lieutenant Governor. Colleagues, we've heard many passionate statements about the people who are impacted by these cuts and also about its long-term impact in terms of the fact that if we don't have these services for these individuals then we pay more in the long run and we lose those nursing homes in our communities, we lose those facilities, we lose those jobs...impacts...it doesn't just impact those who need the services, it impacts the entire community. Colleagues, I'm just going to leave you with two more crass political calculations as well. As I started on my last turn, when we surveyed individuals in March all across Nebraska asking them what would you like to see the Legislature do to address the budget cut? Fewer than 30 percent supported cutting healthcare to low-income individuals, fewer than 30 percent, which means over 70 percent do not want us to cut services to low-income...health services to low-income individuals. That's not how they want us to balance the budget. And secondly, many of you have talked about how, when you went door to door, people



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talked about property taxes, property taxes, property taxes. Colleagues, if you talk to your teachers, police officers and ask what is a key burden that makes their job more difficult, what makes it so that we have to spend more money on education and law enforcement at the local level and our communities and our counties, the problems and gaps in behavioral health are a big part of that. We have people spending the night in cop cars. We have sheriff deputies driving around because there are no services. So the absence...the gaps in our behavioral health system that we are cutting if we don't override this veto, are a big part of what adds extra costs to our local communities for law enforcement and education in terms of all those support services that they have to do to try to make up for the fact that we're not doing our job to take care of these individuals and their families. I yield the rest of my time to Senator McCollister. [LB327]

PRESIDENT FOLEY: Thank you, Senator Crawford. Senator McCollister, 2:40. [LB327]

SENATOR MCCOLLISTER: Thank you, Mr. President. Good morning, colleagues. Senator Schumacher lamented the fact that the poor freshmen in the body are in tough shape because of these votes that we're making. This is political hardball, absolute political hardball. I know the Governor is really working the body. I know PRO is beyond the glass working the body. The Governor has made his phone calls. I had robo calls made in my district last night, so I know for a fact the Governor and his group are working. He's calling in his chits, the Governor is calling in his chits. Because of some of the votes that I've made over the last two, two and a half years, do I fear for my political future? I don't, I really don't. I already know that my constituents will get large, half-true postcards, snotty radio ads. If I get beat next year, that's okay because I can look myself in the mirror with respect and say that I didn't buckle under and substitute my judgment for somebody else. That's why I can be here and that's why I'm going to work hard to get reelected next year. With regard to this budget, do we need to establish priorities? Absolutely. It's part of what we do. But I won't, I absolutely won't cut those provider rates when they are already flat anyway. It's just unconscionable that we should do that. There are other places that we can cut in a budget that's \$10 billion over the biennium. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR MCCOLLISTER: We can do a better job with this budget than we have so far. Cutting provider rates is absolutely the wrong thing to do. I support motion 143 from Senator Stinner. Thank you, colleagues. [LB327]

PRESIDENT FOLEY: Thank you, Senator McCollister. Senator Blood. [LB327]

SENATOR BLOOD: Thank you, Mr. President. Fellow senators, friends all, we've talked about why you should stand as I do in support of this motion, about the economic impacts that it has,

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about how it impacts those that need these services, how it impacts jobs. You've heard a really comprehensive debate today. But I think there's a few minor things that I can still add, and I hope that those of you that are still left on the floor and not hiding out are listening. First of all, I want everybody in this room to take a deep breath. You know what you just inhaled? Oxygen. Guess what Medicaid helps pay for when you're in this type of care? Oxygen. It's going to help you breathe. Potentially, we could be taking that away from people. What about dietary needs? Who takes care of you when you need to eat and you have special needs? In this case, it needs to be us helping these people. Social services--we've talked about elder abuse before; we talked about palliative care before. Medicaid pays for social services. When people have not been cared for properly and they're put into these situations where they need to be cared for professionally, many of them need assistance because they've been abused. Because it is our job to carry the burden here in the Legislature for the weakest and the poorest among us, that's one of the reasons I stepped up to the plate for this position. I like that challenge and I know there's a lot of people here that do as well. So when I look up into the balconies and there is not as many now as there were before, and I look at the babies, and I call them babies because I'm a grandma, and if you're my 30-year-old child, I'd still be calling you my baby, I wonder what they'd think when they look down on us and we talk about the act of caring for elders and the act of caring for people with disabilities and they are watching us. And what lesson are our children going to learn from us today? Our children will see, hopefully, that we are doing this with respect and care because we want them to learn the lesson because one day we may need that same respect and that same care, the vast majority of us in here are not spring chickens, myself included. And there is a good percentage of us, because we've lived hard lives, that may very well indeed be put in positions where we need this type of care. Is that a decision that you can live with for 3 percent? You never hear me stand up here and say negative things about our Governor because I respect his position. And it's my understanding that we are both Catholic. If that is indeed the case, I would like to remind the Governor and the other Catholics here that if all life has intrinsic value, as many of you have stood up here and said, these lives have value as well. I just spoke to Senator Clements, who, again, is in my county as well, and I'm hoping that he changes his mind on this motion, he's got a lapel pin with those itty-bitty feet, prolife feet on it. And I reminded him that these people do not choose to be old. These people do not choose to be sick. These lives have value. Do not stand on this mike and tell me you are prolife ever when you vote against this motion and you make the decision to not take care of those who cannot care for themselves. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR BLOOD: All the impassioned stories won't make a difference, the only thing that makes a difference is you voting green on this motion. And don't you dare come up to me and tell me you're prolife if you vote against this. Thank you, Mr. President. [LB327]

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PRESIDENT FOLEY: Thank you, Senator Blood. Senator McCollister is next in the queue, but I don't know if he's on the floor at this time. I do not see him, we'll move on to Senator Hilkemann. [LB327]

SENATOR HILKEMANN: Thank you, Mr. Lieutenant Governor. I've talked about this issue before. I've got a few more things I'd like to say. Senator Stinner, would you yield to a question? [LB327]

PRESIDENT FOLEY: Senator Stinner, would you yield, please? [LB327]

SENATOR STINNER: Yes, I will. [LB327]

SENATOR HILKEMANN: Senator, if we override this portion of the bill, approximately how much money will still be available in our rainy day fund? [LB327]

SENATOR STINNER: Well, the unencumbered balance in our rainy day fund right now is about \$369 million, \$370 (million). [LB327]

SENATOR HILKEMANN: Okay. These are rough...we know that. So we're still going to be left with \$350 (million) to \$375 million on our rainy day fund. And I think we need to preserve that. I remember as a freshman senator coming in here that we put \$62,000,500, two years in a row, into our Property Tax Relief Fund, \$128 million. I don't remember much discussion, if any, on the floor what that was going to do with our reserve down the line. It was going for property tax relief. We were specifically given the instructions in there that we could not take any money from the Property Tax Relief Fund. Since we've been here, we've taken \$10 million and we put it into water preservation; we took \$25 million and put it into IXL, that \$25 million has now become \$125 million so it's an asset to the university. This is about cutting jobs. This is about affecting small business people. This is hurting people who serve us in the state of Nebraska. It is said that 40 percent of the...at least 40 percent of the Property Tax Relief Fund goes to out of state; that's over \$100 million of the \$240 million. This, folks, stays all in Nebraska. This helps the nurses in Norfolk, Nebraska. This helps the nurses in Fairbury or Fairmont or all of those because they are providing the services to those in nursing homes. And believe you me, it is a crisis. My own mother--fortunately we had reserves, we weren't worried about it--but at one point the fee went up into the service that the facility she had and we looked around at other facilities in Norfolk for her. And we found out, yeah, they were interested because a lot of those facilities are running 67 to 70 percent Medicaid. In the nursing home that she was in, if she had been on Medicaid, she couldn't have gotten in. If she went to Medicaid, they would have kept her. This affects real people, it affects real Nebraskans. And we have an elderly population and that elderly population is going to continue to grow. And, again, I...we have never cut provider

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rates before. We've kept them flat. That's what we did in our budget. Let's talk about the Nebraska economy. Last week, I was talking a little bit about it on my bike ride and I've heard several of the senators here say that they know that it's going to get worse... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR HILKEMANN: ...that everything is going to fall apart, grain prices are going to go down. And I'm thinking, well, if that's the case, why are these people out here planting? If they know they're going to lose 25, 30 percent of the dollars that they put in, why are they out here planting? I was raised on the farm. I know why they were out there planting. Because we live with hope. We live with encouragement. We live that every year that corn will come up. Are we down in our economy right now? Maybe. But we still plant the corn. We still plant the beans. I maintain to you that we are not putting our state in jeopardy. We're putting the least of these in jeopardy. Please support this motion. Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senator Hilkemann. Senator Wayne. [LB327]

SENATOR WAYNE: Thank you, Mr. President. I did have a lot of things I was going to mention here today, between "Professor" Schumacher and Senator Harr and...all my thunder was taken. So with that, I guess there is a quote that always sticks out in my head when I think about these budget cuts and things that we do. One of the great philosophers, Tupac, said that they got money for wars, but can't feed the poor. And that's what I think about when I think about our priorities in this budget. We can do things that we want to do, but not the things always that we should do. And it's time that we start doing some of the things that we should do. And with that, your--I say your honor, I'm so used to being in court standing--with that, Mr. President, I'd like to yield the rest of my time to Senator McDonnell. [LB327]

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator McDonnell. [LB327]

SENATOR McDONNELL: Thank you, Senator Wayne. So I think there is one thing all 49 of us can agree upon is that we're here to help people. We want to help people. East, west, north, south, in the state of Nebraska we want to help. There is also something all 49 of us can agree upon is that there is programs out there that work, that are working today, that are helping the people we want to help. Also, I think there is something we can agree upon is we have money. We have money to help those people. We have \$350 million in our rainy day fund, and it's definitely raining. So now the decision we have to make is based on the desire to help people, we've got the programs out there to help people and we have the money. Are we going to spend it? It's been said in the past, what's the moral test of government? What is the moral test of government? How it treats those that are in the dawn of life, the children; how it treats those who

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are in the shadows of life, the disabled; and how it treats those in the twilight of life, the elderly. Are we going to pass the moral test of government? Are we going to help the people that we were sent here to help, where we keep the programs going that help them, and we know we have the money, and we have \$350 million in a rainy day fund? I say we pass the moral test of government today. We help the people that we were sent here to help. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator McDonnell. Senator Riepe. [LB327]

SENATOR RIEPE: Thank you, Mr. President, and colleagues. We're in a tough situation. We must constitutionally balance the budget, and I have not taken my duty to balance the budget lightly. We must continually seek for better care options to manage our costs. But this session there has been a lot asked of the Department of Health and Human Services and the Health and Human Services Committee to balance the budget. We had four budget modification bills introduced at the request of the Governor that were referenced to our committee. The first one was LB333, which we debated yesterday, and was originally a budget modification to eliminate the state temporary disability program. That was amended out as a potentially unfunded mandate on the counties and we were left with the developmental disabilities legislation. So the original LB333 budget modification did not go forward. Second bill was LB334, which eliminated Family Finding with Child Welfare. The committee decided to IPP the bill as a program was just enacted a few years ago. The third bill was LB335, which was the Child Care Market Rate Survey that was signed into law this month that froze the child care subsidy rates until October 1, 2018. There was cost avoidance for the state with that action. The fourth was LB336, which edited a fee for registry checks and was amended into Senator Crawford's LB225. Yes, it's been a tough year, tough year for all of us. Aid to the individuals is 32 percent of our state budget. I am all for a smaller government and being fiscally conservative, but I fear we are no longer trimming the fat. I was not vocal about the budget process this year as I had to address the budget issues within our committee. I think chairs of the standing committees need to have more involvement in the budget process. If the chairs were involved, there would be fewer surprises to the committee regarding the subject matter jurisdiction. That being said, we're where we are and we must move forward. When providers accept Medicaid patients, the providers are not made whole. The providers still have staff to pay, equipment to buy, and overhead. Where do we think they get the money? They increase rates for patients with commercial insurance or go out of business. I've also heard a lot about nursing homes and assisted living facilities. We are moving forward and towards managed care for long-term care services. If we are under funding nursing homes and assisted living facilities, it may be hard for them to sustain when brought into the managed care environment. This is a very major concern to me, particularly so with the timing that we might bring..try to bring long-term care into managed care. Overriding the veto would require lowering the reserve from 3 percent to 2.5 percent. In 1982, the reserve was set at 3 percent. In 1983, the next year, the Legislature lowered the reserve to 2 percent. My

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understanding, it may have been lowered due to a crisis in agricultural prices in Nebraska. In 1985, it was raised back to 3 percent. There is precedent set for... [LB327 LB333 LB334 LB335 LB336 LB225]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR RIEPE: ...lowering the...thank you, sir...reserve during tough times. I support Governor Ricketts, and have, and I support programs for those with great needs. And with that being said, I support motion 143. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Riepe. Senator Chambers, you're recognized. This is your third opportunity. [LB327]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, Edgar Allen Poe wrote a poem called "The Bells" and he talked about ghouls. And the ghoul was one who would roll on the human heart a stone. I've heard people say in this Chamber, things weigh heavily on their heart. Me, I have no heart. I'm lucky. I have a brain. I don't cry for people. I don't have tears either. But I can think and I know how I'd want my child to be treated. And I know how I'd want something to be available to help my child if I couldn't afford. So what do I need a god to tell me that for? If I believed in a god, I'd save that god for bigger things. These are things we can do. I'm lucky not to have a heart. I see how you people with a heart have functioned. Man sitting behind me, tall, like a pine tree; two little children feet on his lapel. That means the rest of the child is buried. The only thing you can see are the feet, so the child is dead. He stands for dead children. That's what a man without a heart can say. You know what Scrooge said when he was talked to about the poor? Are they my poor? Scrooge. Are they my poor? You know how your "Bible" phrases the question? Am I my brother's keeper? All that stuff you all talk is bosh, means nothing. You think the Governor cares about poor people, hungry people? His children are not poor. And they're not in that circumstance because he created wealth, he had a rich daddy. Just like some people have wealth not because they create it, but they marry a rich widow. You think that this rich man over there respects you all? You think he's going to rub elbows with you? Are you out of your mind? Senator Brasch, do you think he would socialize with you? Senator Riepe, you think he's going to invite you to dinner when his big-shot friends are there? Perish the thought. This is silliness this morning. Come clean or stay away dirty. There is no concern for the poor, for the hungry. Are they Senator Friesen's hungry? Are they Senator Groene's poor? Are they Senator Riepe's sick? No. What obligation do they have? None. Scrooge is their patron saint. But ah, a lack, alas, in Dickens' day, virtue had to triumph, sin had to be punished. So Scrooge listened to some ghosts; it didn't say the (inaudible) ghost...Heiligen Geistes. But let's say that he did. So this ghost, instead of showing him the past, the future, and the present, he showed him something else. So what else would he show? The patron saint of these individuals.

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He showed them reality. You don't owe these people anything. Let them get theirs the way you got yours. But Scrooge wouldn't buy it, because in the world that Dickens lived in... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: ...if he wanted to sell literature, he had to make it come out the way people wanted it to, so Scrooge got saved. And he said, Bob Cratchit can't take care of his disabled child, so I should do that, and I will send them the biggest turkey I can find. And they didn't come to the Nebraska Legislature where they could have found the biggest turkeys of all. I can't get it all said now, but I'm going to turn on my light. And Senator McDonnell, oh, what a dreamer you are. But it takes the dreamers to keep alive that thing in humanity that will make people strive to become better than what they are and maybe approach what they used to be before they became what they are now. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Pansing Brooks. [LB327]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. Well, I do have a heart and a brain and I want you to know a story that happened this morning. A precious, beautiful young woman was riding with her father down from Omaha today. And she looked at her father and said, what are you going to be doing today, dad? And he said, I'm going to be deciding who gets money today. We're going to be voting on who gets money and who doesn't get money today. And Courtney Krist's response was, well, make sure that Madonna gets that money, because I want to be able to keep my job and my friends. We are affecting real lives here. We are affecting people who are in great need. We are affecting the most vulnerable in our communities. And I don't know about you, but I came here to be a voice for those on the margins, for those who are unable to speak for themselves. I've come here to do honor to people like our friend, Courtney Krist, who comes down for sundaes on Wednesdays at Billy's. And I want to honor her. I want to honor all of our friends and families. I want to honor the friends that Senator Walz had, that blessed and changed her life. We have work to do. We have a sacred duty to protect those who are voiceless around us. I know that we moved to using the providers in the community that do such good work so that the government wouldn't have to do so much. And now all of a sudden, oh, well, some money is going to these providers, not the full amount for the care that they provide, but a portion, because we're hoping that individuals in the community will also join in and help these providers. But now because there is any money at all going to somebody else outside the government, we want to pull it all back. We're going to say, oh, oh no, we need that money after all, they aren't doing enough. We know that in Corrections, they can't hire enough people. So we're going to have HHS and all the other people going forward and trying to hire people to take care of our most vulnerable in our community. We're expecting HHS to do more with less. We already know that they can't do as much as they should with what they have. I

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continually have...we hear arguments on the floor about when we're talking about right to counsel. Oh, it's not necessary. I try to listen to the people who have a particular knowledge. So the rural people, I try to listen to your arguments about property taxes. I try to listen to the struggles that people are having in the rural part of the state. I am asking that you listen to those with experience like Senator Walz and Senator Krist who have experience with the programming that's necessary, let alone all of the providers that are outside the glass right now begging for you not to make this cut; begging for you to see their value and how important it is for the least of these to be able to get funding. I ask that we stop this "let them eat cake" mentality. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR PANSING BROOKS: This mentality that, oh, well, they're just living off the fat of our state. Clearly, we do not have extra fat in our state and if we do have anything extra, we should not be taking it from our most vulnerable people. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Hilgers is next in the queue. I'm not sure I see him on the floor. Senator Hilgers? We will move on. Senator Bolz. [LB327]

SENATOR BOLZ: Question. [LB327]

PRESIDENT FOLEY: The question has been called. Do I see five hands? I do. The question is shall debate cease? Those in favor of ceasing debate vote aye; those opposed vote nay. Have you all voted who care to? Record, please, Mr. Clerk. [LB327]

CLERK: 31 ayes, 1 nay, Mr. President, to cease debate. [LB327]

PRESIDENT FOLEY: Debate does cease. Senator Stinner, you're recognized to close on override motion, motion 43. [LB327]

SENATOR STINNER: Thank you, Mr. President. And thank you, Legislature. Lots of good passionate speeches. I think there are people here that truly understand what this impact is going to have. Setting priorities, talked about it almost endlessly now. We're setting priorities. The thing that is astounding to me, we're talking about a 3 percent cut versus keeping them flat. No matter what, that's a bad decision no matter how you look at it if you're a provider. Why? Nursing homes still have increasing costs every year. So okay, we do this 3 percent. Then they have increase in cost of 3 percent. They're behind 6 percent. And then you double up on it. You compound it. We already talked about a couple nursing homes under the current situation that are going out of business. I can tell you that I have several customers that are nursing homes and I



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know what their numbers look like. It's not good. Thirty-two million dollars you're going to cut out of providers. You're going to set providers less important than some other things that we're looking at? You know we just reversed \$15 million in roads. And I don't want to go there for that discussion. But is that more important? We talked about Health and Human Services, that part of the budget is the have-tos. We've got to take care of folks. Even at zero we're not taking very good care of them. We're just asking them, you know, we're having budget problems; we're having budget problems. Can we keep you flat? Can you stay alive for two years so we can come back? Isn't that what we're trying to do here? We're trying to measure what outcomes are? A 3 percent cut--how many nursing homes may fail? I don't know the answer to that. I don't have a crystal ball, but I know the shape that they're in. I know the fact that the municipalities have had to take over these nursing homes. And I know that everybody that talks about property tax and property tax relief, where do you think those losses are going to be? They're going to be borne by those municipalities. So what are we doing? Who are we? Let's just take a look at who we're cutting. Well, we're cutting nursing homes, we talked about them. Okay. Then we're talking about DD providers and behavioral health, nonresidential, intermediate care facilities. We got dental, we got critical access. We got home health. We got assisted living. We got behavioral health residential. You got three, four, five other ones. You're cutting all of them. You really want to do that? I mean, is that the right thing for us to do as a Legislature? I will say this, that if we do do this, if we do override it, we're going to be at 2.7 minimum reserve. We were at 2.5 and we'll move up to 2.7 with the changes. Not a disaster by any stretch of the imagination when put in context with the \$370 million rainy day fund. What is that rainy day fund for? It's for a rainy day. It's for helping to pay our bills on a timely fashion. It's your savings account. These cuts are less...it's three-tenths of 1 percent. That means our forecast could be 99.7 percent accurate if we do this. Put it in context. This is something we really need to do. We need to have this as one of our top priorities right along with property tax relief,... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR STINNER: ...right along with K-12. We didn't touch them. And we're at zero...zero for providers. Well, they're going to get rich on that, aren't they? If anybody ever ran a business, they know that there is ongoing costs that continue to go up every year that you have to be able to absorb. Anyhow, I think we're in good financial shape. I don't think that this makes our financial situation any more shaky than we did when we first passed the budget. And I would appreciate your green vote. Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senator Stinner. Members, you heard the discussion and motion. Senator Bolz, Senator Stinner. [LB327]

SENATOR BOLZ: Roll call, reverse order, please. [LB327]

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PRESIDENT FOLEY: Roll call has been...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; those opposed vote nay. Record, please. [LB327]

CLERK: 41 ayes, 5 nays to place the house under call. [LB327]

PRESIDENT FOLEY: The house is under call. Senators, please check in, record your presence. Senator Linehan, check in, please. All unexcused members are now present. There's been a request for a roll call vote in reverse order. The question before the body is the override motion 143. Mr. Clerk. [LB327]

CLERK: (Roll call vote taken, Legislative Journal pages 1589-1590) 27 ayes, 21 nays, Mr. President, on the motion. [LB327]

PRESIDENT FOLEY: The motion is not adopted. I raise the call. Next motion, Mr. Clerk, or items for the record if you have any. [LB327]

CLERK: I'll defer on the items, Mr. President. Senator McCollister would move that Section 21, Agency 05, the Supreme Court, Program 420 be overridden. [LB327]

PRESIDENT FOLEY: Senator McCollister, you're recognized to open on your motion. [LB327]

SENATOR MCCOLLISTER: Thank you, Mr. President. Good morning, Mr. President and members. This motion would override the Governor's line item veto of Program 420, Specialized...State Specialized Court Operations. This program is found in Section 21, Agency 05, the Supreme Court. A total of \$26,828 is proposed to be eliminated by this veto for fiscal years '17-18 and '18-19. This may appear to be an amount that's easily accommodated by the courts, but I contend that the creation of two specialized courts in the past year is a compelling argument for the courts to retain these funds. Nebraska's problem solving courts are an institution that the Nebraska Supreme Court supervises. They use innovative court programs through which individuals and families thrive and all Nebraska communities become safer. The purpose of problem solving courts is to reduce recidivism by fostering a comprehensive and coordinated court response using early intervention, appropriate treatment, intensive supervision, and consistent judicial oversight. The research is clear that this problem...or that problem-solving courts are more effective for this purpose and making our communities safer than incarcerating people. Veteran courts have been proven to be more effective with those who have served our nation because veterans have shared their experience that others cannot relate to or understand. The VA estimates that 700,000 veterans are in prison across the country. With veteran treatment

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courts now operating throughout the U.S., over 13,000 veterans, who would otherwise be incarcerated, are receiving the proper treatment and support that they need for mental illness, substance abuse, PTSD. We owe it to those brave men and women to try to help them after they have done...what they have done for us. Problem-solving courts cost \$5,000 to \$7,000 per year, per person. Prison costs around \$35,000 a year per person. It would be short sighted and foolish to reduce funding for these proven programs when they save money and are more effective than the alternative of locking people up. Problem-solving courts in Nebraska operate under a team approach where a judge, prosecutor, defense counsel, community supervision officer, law enforcement, veteran mentors, and treatment providers work together to design individual programs. Compliance with treatment and court orders is verified frequently. Nebraska problem-solving courts operate in all 12 judicial districts and currently serve over 1,000 individuals. This means the entire state is served by these courts. The map I provided you shows the 12 judicial districts and Nebraska's 17 problem-solving courts. Every district, every legislative district is served by one or more of these courts. I would remind the body that my 2016 bill, LB915, proposed Nebraska's first veterans treatment-court program for Douglas County. In November 2016, the Honorable Mark Ashford; Omaha mayor, Jean Stothert, and I joined together with veteran mentors to open Nebraska's first Douglas County VTC. Individuals who are working with the new Douglas County VTC report they have met and possibly exceeded expectations for this court only in six months of existence. More importantly, veterans are working with their veteran mentors and thriving in this program. The Governor's proposed veto would hurt their progress just when they are hitting their stride. Using Douglas County's model, Lancaster County open its own VTC this year. I was told that Senators Tom Brewer and Jim Scheer attended the opening and voiced support for this new specialized court. I assume my colleagues agree with me that VTCs are wise investments. In conjunction with justice reinvestment, the Nebraska Supreme Court's problem-solving court committee is presently finalizing its work on standards for reentry, post-incarceration courts. Problem-solving courts must operate consistently and be offered in more jurisdictions if they are to continue to advance as one of Nebraska's most effective responses to the problems of drug addiction, mental health, domestic violence, and associated crime. This is not the first time to reduce funding. Thus, it's time for us to limit the loss of funding for these essential elements of our judicial system. During the conclusion of the Civil War, Abraham Lincoln addressed the country with his second, most famous inaugural address. He said: With malice toward none, with charity for all, let us strive to finish the work we are in, to bind up the nation's wounds, and (sic-to) care for him who shall have borne the battle and for his widow and orphan. I'm asking you to vote in favor of the motion to override the veto of Program 420 to maintain the specialized court operations as approved in LB327. Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senator McCollister. (Visitors introduced.) Items for the record, Mr. Clerk. [LB327]

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CLERK: I do, Mr. President. Reference Report referring LR257. Enrollment and Review reports LB632A to Select File. Senator Riepe offers LR258, new resolution; that will be laid over. Your Committee on Judiciary reports LR151 back to the Legislature for further consideration. And the Executive Board reports LR127 back to the Legislature. And I have a motion with respect to certain bills to be printed as filed by the Speaker. (RE: LB6, LB31, LB32, LB38, LB61, LB89, LB110, LB145, LB164, LB167, LB178, LB187, LB188, LB191, LB196, LB219, LB230, LB244, LB273, LB278, LB282, LB283, LB287, LB293, LB296, LB297, LB298, LB301, LB336, LB341, LB342, LB395, LB413, LB418, LB425, LB454, LB483, LB526, and LB549.) Mr. President, Senator Hansen would like to add his name to LR151 as co-introducer. [LB632A LB6 LB31 LB32 LB38 LB61 LB89 LB110 LB145 LB164 LB167 LB178 LB187 LB188 LB191 LB196 LB219 LB230 LB244 LB273 LB278 LB282 LB283 LB287 LB293 LB296 LB297 LB298 LB301 LB336 LB341 LB342 LB395 LB413 LB418 LB425 LB454 LB483 LB526 LB549 LR257 LR258 LR151 LR127]

And Senator Hansen would move to recess the body until 1:30 p.m.

PRESIDENT FOLEY: Members, you heard the motion to recess. Those in favor say aye. Those opposed say nay. We are in recess till 1:30.

RECESS

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good afternoon, ladies and gentlemen. Welcome to George W. Norris Legislative Chamber, the afternoon session is about to reconvene. 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. Do you have any items for the record?

CLERK: I do. Confirmation reports from the General Affairs Committee, three separate reports. An announcement: the Business and Labor Committee will have an Executive Session at 2:00 under the north balcony. That's all that I have, Mr. President. (Legislative Journal page 1593.)

PRESIDENT FOLEY: Thank you, Mr. Clerk. Members, we'll now proceed to the afternoon agenda. Mr. Clerk.

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CLERK: Mr. President. Senator McCollister, before recess, presented his motion to override the Governor's line item veto with respect to the Supreme Court Program 420, State Specialized Court Operations. That motion is pending. [LB327]

PRESIDENT FOLEY: Senator McCollister, why don't you take a minute to refresh us on your motion before we proceed to the debate. [LB327]

SENATOR McCOLLISTER: Thank you, Mr. President. Good afternoon, colleagues. This motion would override the Governor's line item veto of Program 420, State Specialized Court Operations. A total of \$26,828 is proposed to be eliminated by this fiscal vote for fiscal year '17-18 and '18-19. Creation of the two specialized courts in the past year is compelling argument for courts to retain these funds. Could I have a gavel, Mr. President? [LB327]

PRESIDENT FOLEY: Members, please come to order. [LB327]

SENATOR McCOLLISTER: Problem solving courts cost \$5,000 to \$7,000 per year, per person. Prison costs around \$35,000 per year. It would be shortsighted and foolish to reduce funding for these proven programs when they save money and are more effective than the alternative of locking people up. Okay, colleagues, let's consider this \$26,800. Burke Harr said it well this morning: with this modest investment, \$28,000, that's less than putting one person in prison...one person in prison. It's absolutely crazy for us not to support this. And after saying that, Mr. President, I withdraw my motion. [LB327]

PRESIDENT FOLEY: Motion 144 is withdrawn. Next motion, Mr. Clerk. [LB327]

CLERK: Mr. President, the next motion I have is from Senator Crawford. Senator Crawford would move to override the Governor's line item with respect to Agency 25, Department of Health. Program 354, Child Welfare. [LB327]

PRESIDENT FOLEY: Senator Crawford, you're welcome to open on motion 145. [LB327]

SENATOR CRAWFORD: Thank you, Mr. Lieutenant Governor. Good afternoon, colleagues. Welcome back to our budget discussion. Colleagues, we've talked different days here on this floor this session that the votes that we make in this room say a lot about who we are and what we value. And, colleagues, a budget is particularly the case because it's really...it is really, literally, putting your money where your mouth is and what is it that you really care about. Colleagues, this is a motion to override a line item veto of child welfare spending. It's to override the Governor's line item veto in Section 106, Agency 25, Program 354, Child Welfare. When you

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ask what is that? What is this funding that we're talking about? Program 354 is services and benefits to children, youth, and their families who are in need of assistance because of abuse, neglect, and dependency. Colleagues, these are not only just our children, these are our most vulnerable children who need our assistance due to abuse, neglect. And, colleagues, the amount of funding we're talking about in this motion is only \$1.2 million across the two years. Colleagues, that's less than 50 cents a Nebraskan per year. This is a very small amount of money in terms of what we are spending as a state; very small to us, but very, very large to those group homes and nonprofits who are providing services to these, our most vulnerable children and their families. Colleagues, specifically what these cuts are that we are wanting to reverse with this motion, and again, we're going to...we're trying to reverse the cuts and just keep the spending flat, those specific cuts are 2.2 percent cuts to congregate care, which are group homes: 2.2 percent cuts to drug testing for these vulnerable families; 2.2 percent cuts to family support. And colleagues, regardless of your party or ideology, I think we all agree that public safety is a fundamental government responsibility. And, colleagues, surely the safety of our children, the safety of our children who have been subject to abuse and neglect would surely be considered a core government responsibility. The rates for the group homes have not been increased in five years. So this is a group of partners that have been holding their reimbursements from us flat for five years. We're asking...and our initial budget request was asking them to please keep it flat for just a little while longer until we can rebase. And instead with a veto, those rates were actually cut after five years of just staying flat. And colleagues, this is a system, as we've spoken before, that's under a great deal of stress. We are trying to do public-private partnerships. But we already pay only about 40 percent of the cost for our partners. They are already raising money from other sources and pulling in philanthropy to try to help make ends meet. And colleagues, many of you in this room were here to see the damage to our children and our community when the child welfare providers folded up and left after our last child welfare crisis. Senator Krist, Senator Brasch, Senator Smith, Senator Harr, Senator Schumacher, Senator Larson, you were all here through that crisis when, because of our choices and because of the choices of the administration at that time, people decided they just could not be partners with us and taking care of our children who are abused and neglected and decided to fold up and leave. Colleagues, the department's own statement about the likely impact of a cut in this specific agency, in this specific program, reads as follows: Impact--congregate care service providers have long advocated for higher rates and a decrease in rates may cause some to refuse to contract with DCFS. A decrease in the rates for family support and drug testing services may decrease capacity of service delivery in rural areas of our state where providers may choose not to provide these services because it can be more costly to deliver these services in rural areas. Colleagues, we've worked hard as a body and the department has worked to improve child welfare services. In my own eastern service area we've seen improvements, in part because of larger investments in that area. Our budget this year has a 19 percent increase in child welfare services in the eastern area. Yet we were trying to just hold rates flat in the rest of the state and the line item veto actually decreases several of these services for our most vulnerable children due to abuse

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and neglect, 2.2 percent. As a member of HHS, though, I see it is important to be attentive to and care for the children in all the states. So even though my own area got a 19 percent increase in child welfare service spending, I think it's critical that we at least hold flat our child welfare services across the state. Colleagues, in fiscal year '15-16, we had 22 deaths and serious injuries to our children in our child welfare system; our own kids, 22 deaths and serious injuries. We've had deaths and serious injuries even following a child maltreatment investigation. And when Julie Rogers came to brief us, Julie Rogers is the Inspector General of child welfare, she talked about the particular crisis in our state of child endangerment, especially our younger children, especially in our rural areas. And, colleagues, from her report, between June 2013 and June 2015, 11 Nebraska children who had recently been the subject of child abuse and neglect investigation died or were seriously injured. In all of these cases, the injuries were caused by abuse and neglect. And all of these cases came from areas that are not the eastern service area: we had near drowning, collapsed lung, skull fracture, abusive head trauma, abusive head trauma, battered child syndrome, death, abusive head trauma, starvation, skull fracture, death--all in those areas of the state that are not in the eastern service area. Colleagues, many of you have talked about going door to door and having people talk to you about property taxes, property taxes, property taxes. Colleagues, when a group home in your community does not have enough staff and so the children who are in that group home misbehave, cause problems in your neighborhood in your small community, who do you think gets called? Local police, sheriff. How do you think they're paid? Property taxes. When a parent struggles with an alcohol addiction and there is a blowup in the family, who is called? Police, sheriff. How are they paid? Property taxes. Colleagues, when we think about the importance of making sure that in this room, in this body... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CRAWFORD: ...we do our job taking care of the issues that are our responsibility. It's not only for the health and safety of our citizens, which is absolutely critical, it is absolutely critical for life or death of our children, but it's also a part of making sure that everybody's paying their part. And, colleagues, frankly, our property tax crisis in our state is because we're not all paying our part. The state has not been paying its part and the motion, motion 145, is just one small step to try to make sure that we're doing a better job of trying to pay our part so that these burdens are not shifted all down to our city and county. And, unfortunately, down to the actual risk of life for our children who live in our state. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Crawford. Debate is now open on override motion 145. Senator Chambers. [LB327]

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SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Howard a...I meant Senator Crawford a question. [LB327]

PRESIDENT FOLEY: Senator Crawford, would you yield? [LB327]

SENATOR CRAWFORD: Yes. [LB327]

SENATOR CHAMBERS: Senator Crawford, at one point you mentioned 22 deaths had occurred. Then further in your presentation you mentioned other deaths. Were those the means by which those 22 died or were they additional children who died? [LB327]

SENATOR CRAWFORD: I'm sorry. There are 22 deaths in that year. Then there is a report summarizing 11 of those. That second batch was the 11. [LB327]

SENATOR CHAMBERS: All right. So 22 is the number... [LB327]

SENATOR CRAWFORD: Of deaths and serious injuries. So they weren't all deaths. [LB327]

SENATOR CHAMBERS: Oh, thank you very much. Thank you. [LB327]

SENATOR CRAWFORD: Yes, thank you. [LB327]

SENATOR CHAMBERS: Members of the Legislature, I come before you with a heaviness that's not in my heart. And you wonder why I smile. Well, some smiles, brothers and sisters, are from the teeth out. I'd like to ask Senator Clements a question if he would respond? [LB327]

PRESIDENT FOLEY: Senator Clements, would you yield, please? [LB327]

SENATOR CLEMENTS: Yes. [LB327]

SENATOR CHAMBERS: Senator Clements, if I were to drop the "t-s" from your name, and substitute it "c-y," your name would be "Clemency," which is a term signifying mercy. But I won't do that because I don't want to falsely label you and I might insult you by doing that. So I want to ask you this question. Was I correct in saying that on your lapel you have a pin with tiny feet symbolizing what? [LB327]



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SENATOR CLEMENTS: Innocent life, protection of innocent life. [LB327]

SENATOR CHAMBERS: Okay, but children basically? [LB327]

SENATOR CLEMENTS: Yes, true. [LB327]

SENATOR CHAMBERS: All right. Now, I've heard it said by those who say they're prolife, when some of us... let me put it on myself. When I'm fighting very hard to retain the right of a woman to determine whether or not she will carry a pregnancy to term, sometimes the argument is made that all of the efforts to outlaw abortion are worth putting forth if it saves or rescues one unborn child. Is that your philosophy, too? [LB327]

SENATOR CLEMENTS: Yes. [LB327]

SENATOR CHAMBERS: Do you believe that a full-fledged human being exists when the female egg is fertilized by a male sperm? [LB327]

SENATOR CLEMENTS: Yes. [LB327]

SENATOR CHAMBERS: Do you believe...well, I won't ask if you believe. That is known as a zygote. Do you believe farther in the development you have an embryo? [LB327]

SENATOR CLEMENTS: Yes. [LB327]

SENATOR CHAMBERS: Is that a human being? [LB327]

SENATOR CLEMENTS: Yes, I believe life begins at conception. [LB327]

SENATOR CHAMBERS: And it carries all the way forward to birth, which would include the fetal status. Would you agree? [LB327]

SENATOR CLEMENTS: Yes. [LB327]

SENATOR CHAMBERS: Well, if you think all those efforts are worthwhile to save one fertilized egg or embryo or fetus, how much effort do you think should be put forth to save 22

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children who are, as the philosophers say, in esse, e-s-s-e, who are in being? How much effort do you think should be put forth to save 22 children in being? [LB327]

SENATOR CLEMENTS: As much as possible. [LB327]

SENATOR CHAMBERS: Are you going to support this effort to override? [LB327]

SENATOR CLEMENTS: No. [LB327]

SENATOR CHAMBERS: Thank you. You've just seen a demonstration of hypocrisy. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: He ought to snatch that emblem off his lapel and stop that fibbing about any effort is worth being put forth to rescue a zygote, an embryo, or a fetus, but not children in being, because he loves the Governor more than he loves his God. That's what we're talking about. You all are afraid to say it. He brought that in here today with that lapel pin, just like you all bring religion in here. And as Santa Claus did, I'm a whistle, shout and call you by name, because whether I say it or not, your God sees you. But you feel your God will forgive you 7 times 70 in a day. So if you lie, lie, lie, he'll forgive you. Take that pin off. Be what you are. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Senator Chambers, you're next in the queue, you may continue. [LB327]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I have an article which I may read later. The headline of which is: "Pope Cheered to Honor Children Who Urged Peace." Jesus told you, Senator "Clemency," to suffer the little children to come unto Jesus. He didn't say, and make them suffer; you're willing to see them killed. You're not willing to go against your Governor to save these children. Now, let me tell you all something that Senator "Clemency's" Jesus said: It's easier for a camel to go through an eye of a needle than for a rich man to enter the kingdom of God...the kingdom of heaven. Now, I build on things like that. It's easier for a camel to go through the eye of a needle than for a rich man to enter heaven. It's easier for a rich man to enter heaven than it is for a boot-licking lap dog who sniffs behind a rich man to enter heaven. So in the hierarchy of those who can pass through the eye of a needle, the camel, the rich man, and then the lap dog who sniffs behind the rich man. And you have some of those in here today. You have them in here and they sniff behind that rich man rather than bow the head and bend the knee to worship in their actions, that God they profess to serve. And there are some churches called fundamentalist. They supposedly believe the "Bible" as it's written.

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Now, I'm not going to blame anybody by saying they go to one of those kind of churches because that's a slam and I don't think anybody deserves that. But there are such churches and there are such people. And why should you feel embarrassed for them? They're the ones who make the public profession. I am entitled to believe that they say...that they are what they say they are. But Jesus said, by their works you'll know them and their works mark them as the children of the devil. That's the "Bibble." He said, will a man gather figs of a thorn bush? No. Thorn bushes don't produce figs, thorn bushes produce thorns. Liars produce lies. And liars are of their father the devil, said the "Bibble," who was a liar from the beginning and who is the father of lies. So they are children of the devil based on what the bible says. So when you fly a false flag and say this is what you believe and your conduct goes contrary to what you say you believe, you are a liar based on the "Bibble." Now, if you get mad at somebody, get mad at the "Bibble." And the "Bibble" also says in Revelation, all liars shall have their part in the lake of fire, which is the second death. And fear him who can destroy both body and soul more than the one who can just destroy your body. That's the "Bibble." So if you have some of these hypocrites running around here and they're hypocrites because they profess to believe that "Bibble," but they don't practice it. Then they got to take that up with God, not me. I'm fulfilling the scriptures, if anything. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: We come to the children and you hypocrites talk about protecting children and family values. I relish these times in the session because it exposes you all for what you are, a bunch of fat-mouthed, lying, hypocrites who hate children, who have no concept of family, and the words sound good and they roll off your tongue like oil would roll off the forked tongue of a snake, with apologies to the snake. I like snakes. Snakes are what they are. Some of them will even warn you. But these hypocrites won't. And when we get to Title X, we're going to hear a lot of these hypocrites speaking against Planned Parenthood because they're so concerned about preventing abortions, but they don't care about the children who are in this world now. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Wishart. [LB327]

SENATOR WISHART: Thank you, Mr. President. I rise in strong support of the welfare of children and the motion to override the Governor's line item veto of child welfare. I would have brought this motion if Senator Crawford had not. I believe that public safety is one of the top, if not the top responsibility of government, and I would argue that probably most of the members in this Legislature would feel that way as well. We have made a commitment in our budget to prioritize public safety. We funded \$75 million for the construction of a reception and treatment center that will create 64 high-priority beds. We funded additional Correctional staff officers for

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the next three years. We're not cutting Corrections by additional half percent. We have prioritized public safety in our budget. Oh, except for children. These dollars that are being cut from child welfare directly affect the safety of the most vulnerable children in our state. These dollars go toward providers who provide emergency shelter and group home care for these children. You may not think that \$640,000 a year is a lot of money, but let me tell you about one child that I know. This is a child that I think about when I'm thinking about this budget and these dollars. When my husband and I were first starting in foster care, we started doing respite care. And that's where a foster parent, since you're licensed, you can take a child for the weekend and we had the pleasure of taking a nine-year-old child. He was redheaded, freckled, glasses, just the cutest little nine-year-old. He had been severely abused in his life. And so much so that he had bounced around from different foster homes because he would have these meltdowns every 15 minutes and there was no foster family who could handle his needs. And we took him for a weekend and he was a lovely child, but he had a lot of needs. This is a kid who had been through a lot of trauma. And I remember picking him up from the group home that he was at and taking him for the weekend and then taking him back. And this group home, I believe it was through Christian Heritage, and it wasn't...when you think about group home, sometimes it comes to mind sort of a negative thought. But this was a beautiful place for this kid and he was actually thriving there. And when we're talking about these cuts, we're talking about cutting providers who provide to serve this group home for this child. That's what we're talking about here. I also want to bring up the fact that in our budget we have prioritized child welfare for one portion of the state. We are increasing child welfare by 19 percent for the Omaha kids in the state who are in our child welfare system. The rest of the state we are cutting by 3 percent if we do not override this veto. So the decision we're making today is going to affect...basically it's...now as a kid, where you grow up and when you are in a tough situation, one of the toughest situations you probably ever be in in your life, hopefully it was in Omaha. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR WISHART: We're doing this at a time when we're seeing increases in out-of-home care in the western portion of Nebraska and the southeast portion of Nebraska, the highest rate of increases in out-of-home care. Does that make sense to you that that is the same place where we are cutting services to help families stay together and we're cutting important services to provide emergency shelter and group home for kids who have the highest needs in our state? That is so irresponsible. We are balancing this budget, \$1.2 million, let me remind you, \$1.2 million, 3 percent of the rate that go to shelter... [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR WISHART: ...group home care. Thank you. [LB327]

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PRESIDENT FOLEY: Thank you, Senator Wishart. (Visitor introduced.) Continuing discussion, Senator Howard. [LB327]

SENATOR HOWARD: Thank you, Mr. President. I rise in support of the motion to override on the child welfare funds. And just to be clear on the record, I don't think any of you are bad people. If you don't vote for this, I don't think you're a bad person. I was raised to always assume good intent. And so maybe our intentions are different, and maybe you're thinking of a different long-term outcome for these kids than I am. And so that's okay. None of us are bad people for the votes that we take. But I want to make sure that we're all on the same page about what's going on for kids in this state because it's not good. It's dangerous for kids to be involved in our child welfare system. And it's scary if you're a kid who is in an abusive setting and maybe there is nowhere for you to go. This amount of money seems really small. But honestly, I shouldn't be standing up here worried about it because it doesn't impact my district one iota. All of this money goes to outstate Nebraska. Douglas and Sarpy County are set. Their contract is done. Their money was not reduced. All of this is in outstate Nebraska. The three things that it impacts: congregate care, which are group homes; or shelter care, drug testing, and family support. And the two that are most important for outstate Nebraska, the biggest one is shelter care. When you have a kid who is in an unsafe environment, where do you take them if there is no funding for your shelter care? Do you have the cops drive them around in a car like we do right now for people who are EPCed, drive them around and hope that a hospital bed will take them. Or do you take them out of western Nebraska and bring them to Omaha to a group home because that's where they have enough funding for them. Is that what we want, to be out of their communities? My understanding of western Nebraska from my colleagues is that you like to take care of your own and I want to encourage that. But cuts like this prevent your providers from staying in your communities. This also cuts family supports. Family supports are wraparound services. It's when you see that a kid is...the situation is 50/50. Right? Maybe it's a dirty house. You'd want to remove that kid, but you also want to keep the family intact. So a supportive method would be to say, we're going to help you clean that house so that your kids can stay there so that that family can remain intact. That's what family supports look like. These are pieces of the puzzle, and while this seems like such a small cut, it is huge for small communities. These providers can't keep providing these services when they're not getting paid for them. So I keep checking up there...actually, Senator Brasch, would you yield to a question? [LB327]

PRESIDENT FOLEY: Senator Brasch, would you yield, please? [LB327]

SENATOR BRASCH: I will yield. [LB327]

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SENATOR HOWARD: Thank you. Can you tell me, are there any kids up there, up in the balcony? [LB327]

SENATOR BRASCH: There are not. [LB327]

SENATOR HOWARD: Perfect. Thank you. All right. I wanted to make sure there were no kids up there because I'd like to share some stories with you for kids in outstate Nebraska who died or were seriously harmed. So I'll start with an 8-month-old who was flown to Children's Hospital in Omaha after being found unresponsive while in the care of his 26-year-old father. The child died two days later due to a subdural hematoma, retinal hemorrhage, and a lacerated liver; in addition, he had several broken bones. The father led guilty to causing his son's death. Now it was an isolated incident, gosh, maybe something happened, right? Maybe we didn't know as a state. But that's not accurate. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR HOWARD: The department had received five reports to the hot line about this child and they didn't send anybody out. Right? They knew that the mom was suffering from depression. They knew that the caseworker had made contact with the family and that mom was so overwhelmed, she had made arrangements for her own child to live with the baby-sitter. And the DHHS caseworker helped the mom give power-of-attorney for her son to the baby-sitter who only a month later sent the child to live with the father who subsequently killed him. These are our kids. These are Nebraska babies and they're not in Douglas and Sarpy County. They're in southeastern Nebraska, they're in western Nebraska. And when we make choices about this, while it seems like a small thing, we are making choices about children in our state who are scared and vulnerable and alone. And yeah, I'm scared of the thunderstorm, but I'm going to be fine tonight. If we don't have shelter care services in western Nebraska, there are kids who won't be fine tonight. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR HOWARD: Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Howard. Senator Crawford. [LB327]

SENATOR CRAWFORD: Thank you, Mr. Lieutenant Governor. And thank you, colleagues. I rise, again, in support of the motion to override the veto...line item veto. Colleagues, again, I just want to emphasize what we were talking about here. We're talking about 2 percent cut in

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congregate care, 2 percent cut in drug testing, 2 percent cut in family support; talking about a little over \$600,000 a year. It's a very small part of our budget. We're talking about public safety for our most vulnerable children. We're talking about our state's commitment to our public-private partnerships to take care of these children, a commitment that we have not been paying our fair share for. We pay about 40 percent of these costs and we've kept that flat for the last five years. And this motion to override is just asking to keep that flat for another two years. An important part of our work with the CMS, with federal agency, has been trying to show them that we are willing to reform our child welfare services, make the commitments that need to be made to make sure we're taking care of our children. Colleagues, again I want to remind you that in this same budget, we've increased child welfare services in the eastern service area by 19 percent. And we're just asking to keep it flat in the rest of the state and the line item veto cuts it, many of these services by 2 percent instead. Colleagues, while we have made some improvements, there is still work to do. There was a 7 percent increase in the number of children removed from their homes this last year. We have children who are being removed from their homes, some of them end up in this congregate care. We have children, many of our children in cases of abuse and neglect, are in families where someone struggles with substance abuse. And, colleagues, this line item veto cuts drug testing funds. So some of you have come before our Health and Human Services Committee, Senator Groene, Senator Hughes, telling us how important it is for these families to have drug tests before we give them SNAP benefits. That drug testing is an important part of making sure that we're helping these families make good choices. And, colleagues, drug testing is one of those cuts that is in the line item veto that we're seeking to override at this time. Colleagues, again, these are congregate care facilities in your rural communities. And again, I want to remind you our Inspector General for the child welfare whose job it is to help us as a body understand and be...and hold accountable our child welfare system. In her briefing this year, she noted this crisis in our rural communities, for our youngest children, especially those children under three. These are the children most at risk for death and serious injury in our state, our children under three, in our rural communities. And, colleagues,... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CRAWFORD: Thank you, Mr. President. This funding, 2 percent for drug testing, 2 percent for family support services, those are funding cuts that cut at those very services we're trying to provide to protect the safety of those children who are at risk. At risk because their parents have substance abuse challenges, at risk because their parents need additional support. And, again, the more we don't take care of this problem, the more this problem lands on the doorstep of your local police departments and sheriff departments and your neighborhoods and your communities. We all have a responsibility. It's critical that we do our part, pay our paltry portion, at least keep these rates flat to take care of these most-at-risk children in our state. Thank you, Mr. President. [LB327]

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PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Chambers. This is your third opportunity, Senator. [LB327]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I listened to the pleas that are being made this morning. I listened again to those being made this afternoon. And all of them are in vain. Let me tell you what I saw happening this morning. I often mention that as a black person there are things that I understand about being dehumanized, degraded, abased, and mistreated when you're a child by grown white people. I know why it was done. But I find it to be very distasteful; it's just my way of looking at it, when we have disabled people outside that glass with their noses pressed against the glass looking in like poor people walking past a posh restaurant pressing their nose against the window looking for crumbs or anything. So parents bring their disabled children. It is degrading. It is abasing. It is debasing, and that should have been enough for the senators to say, enough! We don't need that. We understand. Take your children home. But no. What would have been the next step? Those in wheelchairs, those who might have aids in walking could come trundling and parading down this aisle, all the way up to the front of the Chamber, then line up across the front of the Chamber in front of these hardhearted people in hopes that some modicum of mercy could be found deep within the inner bowels of their being and that would have been a waste. Here this man who sits behind me degrading his Jesus every day, votes against this because he claims to believe what Jesus said. And Jesus condemned him. Jesus told him to take care of these little children. And if you don't become as a little child, you're not going to heaven because of...such is the kingdom of heaven. You don't believe that though, obviously. And I get tired of you all making these appeals to religion. I listened to a priest the other day and told you all about it. In my office, he impressed me. The words that impressed me came at the end of his homily when he said, talking to whatever God he believes in, look out for the children, the elderly, and those who live at the margins of society. And some of you will be up here nodding, um-hum, amen, amen. Then time comes for us. You pray to win the lottery. Time comes for us to buy the lottery ticket and we won't buy the ticket then wonder why we don't win the lottery. You've got to do something. He ought to stop wearing this thing. All of you should stop. Don't wear crosses. Don't talk about religion. It's offensive to me. It's disgusting to me because I have no heart; I have no religion, but I have a brain and I can weigh your conduct against what you say and when you talk like a wise person and behave like a foolish jackass, then that is offensive to me as a Homo sapiens or a wise one who walks upright. It is offensive to my intellect and your spiritual life is supposed to be above the intellectual. Yet it doesn't offend your spirit? [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: Take that mess and do what ought to be done with it and stop bringing it in here. Stop offending one whom you have elevated to a position higher than yours. You make it impossible for me not to look down my nose at you with contempt and disgust. That's why



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Jesus was crucified. He told those hypocrites, you bind burdens, grievous to be born, place them on other men's shoulders and you won't touch one of them with your fingers. And they said, we got to get rid of this cat, and they did. And the religious people like you all had him crucified because people like me with no religion were not in sufficient numbers to say you'll have no killing by the state of innocent people if indeed this Jesus was innocent and you lie about everything else, so you're probably lying about that, too. Thank you, Mr. President. Was that my third time? [LB327]

PRESIDENT FOLEY: Yes, it was. [LB327]

SENATOR CHAMBERS: Okay. [LB327]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Wayne. [LB327]

SENATOR WAYNE: Well, this issue...thank you, Mr. President. This issue I have talked about multiple times and it just takes me back to a couple songs that I keep thinking about. The first one was way before I was born, Sam Cook, "Change is Going to Come." There is a line in there where he talks about: I go to my brother and say, help me, please. And all he does is wind up knocking me on my knees. And I feel like when I walk through the entryway to get here, that is what all the people outside keep saying is, help us, please. Help us stay and maintain our lifestyle. And we're refusing to do so today. And then when I look at this particular override, which I'm going to get to with the next song, the lyrics say: I hear Brenda has a baby...Brenda "gots" a baby, but Brenda barely has a brain; a damn shame, the girl can hardly spell her name. And then somebody, like in the crowd, says, well, it's not our problem. It's up to Brenda's family. And then he says: well, let me show you how it affects our whole community. And through the entire song, he's showing you the different steps. And the reason those steps are important is because that's what this override is about. We're talking about young people who, unfortunately or fortunately, are caught in a juvenile system. It affects our entire community, the entire community. Not just Omaha and, in fact, in this case, quote, unquote, urban centers from the eastern district, Omaha and Sarpy County, we saw a 19 percent increase in this area. We actually got more money and more services for the children. This is about Senator Crawford, quote unquote, urban senator, trying to help western Nebraska to make sure they at least don't lose their services. This is about family support. Everybody in here says the family is the most important thing, we got to keep a family together. But we're taking those services away right here. Again, Douglas and Sarpy County, we're okay. Although I don't necessarily agree with NFC on some things, but from a money perspective, we got an increase, 19 percent. This is going to be taken from the rural senators. So while we sit here today and talk about all the things that we could have done prior to getting here today, a decision has to be made. Are the children in rural Nebraska, are the children that many of you represent, equal or should have the same

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opportunities as the children at least in Omaha, Douglas, and Sarpy county? Because what we're essentially saying is, they have a higher priority. They, meaning the people in my district, have the higher priority than the children in your district in western Nebraska. They're not getting the same support services on paper, in our budget, that we are in Douglas and Sarpy County. And I find it just ironic that the one leading the charge on this and the one speaking the most are the ones who aren't really affected by this. Any other time this body, when it comes to property taxes, every rural senator here stands up and says we need it. And when it comes to something for inner cities, every urban senator stands up here and says we need it. But this is the only time, at least in the seven years that I've watched this body, although I've only been here for a year, where I see inner city urban senators saying we're trying to protect your kids in rural Nebraska because they deserve the same thing. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR WAYNE: So I would just tell you, we're talking about \$1.2 million, \$600,000 over two years. We can find that out of an eight, nine billion dollar budget, we have a cash reserve. If you think we're going to stop a special session, Senator Erdman and everybody else, over \$1.2 million, we have a bigger problem. This is not going to change anything, but it sure is going to help the families out there in western Nebraska, rural Nebraska, making sure they have the same kind of support services that the kids of Douglas and Sarpy County have. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator Pansing Brooks. [LB327]

SENATOR PANSING BROOKS: Thank you, Mr. President. I just decided it was time to look...I really do care about words, so I decided to look at Merriam-Webster and look up the word "hypocrisy." Hypocrisy is a feigning to be what one is...okay, excuse me, a feigning to be what one is not or to believe what one does not. Behavior that contradicts what one claims to believe or feel. Quote, his hypocrisy was finally revealed with the publication of his private letters, especially the false assumption of an appearance of virtue or religion. And again, I feel like there is so much of this discussion today where we're showing ourselves to be hypocritical. We have to protect the youngest. We have to protect the least able. We have to protect the most vulnerable. And if not, why in the world are we here? What in the world are we doing? I don't get it. I know all of you pretty well here. I know that you have big hearts. Where are they? Except Senator Chambers, he wants us to know he does not have a heart. But where is your compassion? Where is that right now? And Senator Howard made a comment saying she doesn't think everybody is a bad person and I'm trying to get to that point. I do not get it. I don't get why it is that you profess to care about people and care about children and care about Nebraskans and yet we have these major cuts to things that are critical for people who cannot take care of themselves. We have

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heard the ridiculous problems that we had in this state a very short while ago. And we had to completely redo how we look at and take care of our children. And now we're back at this "let them eat cake." People with disabilities are having issues and can't afford to get jobs or work because places like North Star are closing down. Well, "let them eat cake," pull yourselves up by the bootstraps, what's wrong with you? What is wrong with you? Let's turn that around. What is wrong with us? Again, these are children. I did not come here to fight for all the most capable and the most able. I came here to fight for the voiceless, for the people that do not have the ability to fight for themselves, for the organizations that are fighting day in, day out to help those people. And yes, we have some responsibility to help those organizations help us because it didn't work before when government took it all on. So now quit helping the organizations in the public, quit helping the children. The state's going to take it back on. We're going to grow government. I'd like to see a show of hands about how many people want to grow government in here. Again, that's why I looked up the word hypocrisy. I just don't get it. And yes, we have problems. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR PANSING BROOKS: We got to be looking at the people in our state that are getting benefits that aren't in as high of need as the children, as those with disabilities, as those who can't come here and speak on their behalf. I'm here to speak, so many of us are here to speak for them. This is not the place to cut, my friends. And I know that a number of you have big hearts. You don't need to listen to whomever is pulling some string. I'm very disappointed about some of these actions. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Groene. [LB327]

SENATOR GROENE: Thank you, Mr. President. Just to throw some facts back into this argument or debate if you look at 33 of your budget book, it has a 20-year history of what this hardhearted, I guess you'd call it, Republican state has done in our budgeting. It's basically broke down into three sections: agency operations--3.6 percent average increase over the 20 years; aid to local government is 3.7--that's state aid to education, special education, property tax credit fund; aid to individuals: Medicaid, child welfare--5.7 percent average over the last 20 years. Hardhearted, huh? I don't think those numbers show that. We are talking about a budget, an aid to individuals of the biennium over \$2.8 billion. We're talking about \$32 million out of that. Two point eight (2.8) billion (dollars) will be spent for all these programs that we've been discussing... \$2.8 billion. There will be \$32 million not spent. I don't get into religion, but I've read the bible a couple of times. I never once seen where Jesus went to the city council or public hearing and said, government should do the good works for me. I want you, state senator, to confiscate the property of my neighbor and do my good works with it. Never seen that. All the revised versions

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that I've read, I've never found that in there. He spent his time with the poor. He did it himself. Many of these hardhearted conservatives do that. I mentioned a cousin of mine who started the Sharing Tree. Not a pat on their back. I mentioned the brother today of mine that lives in Senator Chambers' district who has helped kids for 25, 30 years, he and his wife. He's never looked for a pat on the back, never took a dollar from government. Bought a van with his own money and takes kids to church every Sunday; runs football teams, basketball teams, he's got a lot of kids in that neighborhood of all colors that respect him, and men. That's what conservatives do, they read the bible. So don't bring religion up to me. Christ never said there ought to be a law...never did. Never said, do your good works with your neighbor's tax dollars--never said that either. Let's get back to what government does. We try to get people back on the path. We're going to spend \$2.8 billion on state aid to individuals. We had options. You gave the Governor no options; he doesn't control, he can't adjust TEEOSA. We spent \$40-some million on education. I apologize to this body that I didn't try to cut it more, because after we did give them \$44 million, they gave themselves raises. Now that's heartless. Not all districts, but some did. Water Sustainability Fund, that's \$22 million, we could cut that. I'll give a challenge to this body. We're coming back next year. I'll vote to refund all these programs if you got the guts to bring education down a little bit more, get rid of some of these special programs, Water Sustainability Fund for a year. You do that and I'll support you to refund some of these programs. But the Governor had no choice. You took the options away from him. The majority of people want tax relief. You know what; some of them want tax relief so they can do their works. Quietly, not telling the left hand what the right hand is doing. That's what some folks want to do. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR GROENE: So don't bring up religion to me. I've read the book. I understood the book, I thought. But what I'm hearing on the floor, I apparently missed a chapter or two. So anyway, I support the Governor's veto. Do I want to? No. I wish the Appropriations Committee would have took some of the Water Sustainability Fund. I wish they would have still took some of the...I would have paid a little bit higher gas tax. But I'm going to support the Governor. There is other things we could cut. Quite frankly, we're tenth in the nation what we spend on our public education. The taxpayers have no apology to make to education. It could do its side of it and spend a little less and help the state out. Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Blood. [LB327]

SENATOR BLOOD: Thank you, Mr. President. Fellow senators, friends all, I was initially not going to stand and speak, but it's so hard to sit here when you're in favor of motion 145 and stay silent. As a new senator, I can say that there are people on this floor that have shown me great compassion. Senator Brewer, Senator Groene, Senator Hilgers, people who think very

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differently, quite often, than I do. But I think of them as good people and I think of them as trying to do what's right. But when I hear things like Senator Groene asking about Jesus coming to a city council--I was on city council and Jesus never came and talked to me--the first thing that came to mind is that why we're doing this is because we live in a democracy, Senator Groene. We live in a democracy and because we live in a democracy, we are a civil society. It is our goal in a democracy to work towards the greater good. We all learn that in government class in high school. We are talking about babies, our babies. Not somebody else's babies, our Nebraska babies. Where is your compassion now? We can afford to help these babies. All it takes is a green vote. With that I would ask that Senator Murante yield to a question. [LB327]

PRESIDENT FOLEY: Senator Murante, would you yield, please? [LB327]

SENATOR MURANTE: Yes. [LB327]

SENATOR BLOOD: Senator Murante, weren't you blessed with a new baby this year? [LB327]

SENATOR MURANTE: Last year, yes. [LB327]

SENATOR BLOOD: Last year...in the last 12 months, I'll say. [LB327]

SENATOR MURANTE: Within the last 12 months, yes. [LB327]

SENATOR BLOOD: Congratulations. [LB327]

SENATOR MURANTE: Thank you. [LB327]

SENATOR BLOOD: What a blessing. Didn't you recently have a resolution in reference to voter fraud where you said two cases of suspected voter fraud was two too many? [LB327]

SENATOR MURANTE: I think we're conflating issues, but I have said, yes, there is no inconsequential, insignificant amount of voter fraud, yes. [LB327]

SENATOR BLOOD: So the question that I would ask you and we'll make it open ended, is how many babies are too many? [LB327]

SENATOR MURANTE: How many babies are too many? [LB327]

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SENATOR BLOOD: How many babies need to die? How many babies need to be injured? How many babies are too many before we can get a bill like this passed with this motion? [LB327]

SENATOR MURANTE: I mean, to directly respond to how many babies in the world are too many, I'm not sure I have a direct response. [LB327]

SENATOR BLOOD: I answered...I did this question incorrectly then. We know that two cases of potential fraud are two too many and that you felt there should be a voter ID law. Now Senator Crawford offers a great motion to make sure that we're protecting those most vulnerable. They've brought up 22 cases of either death or abuse. How many more babies do you think we need before we can get people to vote on this motion? [LB327]

SENATOR MURANTE: I do not know what it is going to take to get more votes on this motion. That would require me to read other people's mind. [LB327]

SENATOR BLOOD: Thank you, Senator Murante. I just thought you might have an opinion. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Blood and Senator Murante. Senator Crawford, you're recognized; this is your third opportunity. [LB327]

SENATOR CRAWFORD: Thank you, Mr. Lieutenant Governor. Colleagues, we've just received from the Department of Health and Human Services, Division of Children and Family Services in the middle of our conversation here, they provided a communication to us letting us know that they are expecting efficiencies in their drug testing. And so they are expecting an estimated annual savings of \$1 million per year in drug testing alone. Between those of us reading this communication, I would say we're still skeptical that that's possible. But the argument is that they will take the savings required by this line item veto and that ought to be covered with drug testing efficiencies alone. And so I will expect, as a member of Health and Human Services Committee, that I will be asking our group home and shelter providers and our family support service providers whether or not they saw any drop in their rates for taking care of our children. And I'm going to expect that the answer will be no. And I know that my colleagues on Appropriations, we've just had this communication, they're going to be asking our group home and shelter providers whether they saw any drop in their rates or reimbursements and they're going to expect that the answer is no. And they're going to ask our providers of family support services whether they saw any decrease in their rates for their service provision for our children and they're going to expect that answer to be no. And in the committee, the Health and Human Services Committee and in the Appropriations Committee, we're going to want to see how these drug testing efficiencies were carried out. And we're going to want to see that we still were able

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to provide the necessary drug testing to protect these children. But if there is a way to do that that saves a million dollars, then that's wonderful; if we can have efficiencies that save money and how these drug tests are carried out, and that's where we're able to get the savings, that's great. And we will be anxiously waiting to hear how those efficiencies were carried out and we're going to be asking questions to make sure that that is where the cuts were taken. And again, both in the Health and Human Services Committee and in the Appropriations Committee, we're going to be asking to make sure that the cuts were not taken in rates or services in our group homes and shelters and our family support services. And with that, Mr. President, I would pull my motion. [LB327]

PRESIDENT FOLEY: Motion 145 is withdrawn. [LB327]

CLERK: Mr. President, the next motion I have is from Senator Krist regarding Supreme Court, Program 437, Juvenile Justice. [LB327]

PRESIDENT FOLEY: Senator Krist, you're recognized to open on motion 146. [LB327]

SENATOR KRIST: Thank you, Mr. President. Good afternoon, colleagues. Good afternoon, Nebraska. Just as the group of 27 and the Governor's gang has been told not to get on the mike and talk, but to sit back and let us talk it to death, I will tell you that the rest of us have a plan. So listen up. A lot of these amendments and an introducer is going to get up and say something about it, make a point, and pull it, and we're going to get down to one vote or two votes at the end of this that have to do with the DD community. Let me leave it at that. Let's talk about motion 146. And for those of you in counties around Nebraska, this is an unfunded mandate. The Governor has cut the money that is used for transportation of your kids, Senator Erdman, Senator Groene, Senator Friesen, Senator Clements, Senator Briese, Senator Lowe. Those are the kids that get hauled away from one courthouse to a detention center or vice versa. This is the money that transports those kids, because after the revisions that have been made to juvenile justice in the last few years, money was set aside at the state level to make sure that that happened because you, the counties, told us, nope, don't want to do it; can't do it. You put an unfunded mandate on us, you're going to do it. My attempt with motion 146 was to restore that money so that your kids could be transported to detention centers. In some cases from Scottsbluff to Omaha. That's probably the most dramatic example I can give you. That's what this is going to affect. This cut takes money out of juvenile justice in probation that was meant for that transportation. I'm not going to put you folks in a position to have to vote for this, and many of us don't want to do that, because we don't want the Governor, in two years when you have to face reelection, to say, see, he wasn't a puffin; he didn't follow me off the cliff. She wasn't a puffin; she didn't follow me off the cliff. Governor, you're going to own this budget at the end of the day. You are going to be responsible for the people who are not getting funds. You are going to be responsible for the

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nursing homes that are going to have to close. You're going to be responsible for the services that are not there. You're going to be responsible for the budget. Just as you own the Legislature, you will now own this budget. Be on notice. Be on notice. Motion 146 is a unfunded mandate back to your counties. Now, all of you who have been told to sit and say nothing, do that. And I hope your constituents will realize, and your county commissioners will realize that you took money out of the transportation department for juvenile justice and those kids still have to be transported and guess who is going to have to do it. With that, I withdraw motion 146. [LB327]

PRESIDENT FOLEY: Motion 146 is withdrawn. Mr. Clerk. [LB327]

CLERK: Mr. President, the next motion I have...Senator Morfeld, with respect to the line item veto for Program 781, the University Administration. [LB327]

PRESIDENT FOLEY: Senator Morfeld, you're recognized to open on your motion. [LB327]

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I rise today and filed this motion to defend the Appropriations Committee's recommended university budget. This is out of a commitment that we made over 148 years ago to the people of Nebraska to provide a quality and affordable higher education to all Nebraskans, regardless of economic background. Because of the Governor and his complete lack of vision and sense of responsibility, this commitment is quickly slipping away out of the reach of many working families, the working families you represent and the working families that I represent. As a young Nebraskan, I often think about what kind of state I want to live in. What kind of community do I want to call home and be a part of? This is a question I ask not only of myself, but other young Nebraskans, from both political spectrums. It is a question that we've received feedback from over 300 young Nebraskans across the state in a recent survey myself and other young legislators put online. Universally this is what we found: young Nebraskans want to work hard, be educated, skilled, and successful. However, increasingly crushing student loan debt inhibits our ability to be entrepreneurial, to obtain critical education and skills, to take risks and invest in our state. The Governor's veto not only inhibits young people like myself and so many others to grow our state, young Nebraskans in our state believe in an unspoken social compact, the notion that we are all in this together. That not only do we need to ensure that the farmer and greater Nebraska has all the tools and resources to be successful to ensure affordable and steady food supply, but the factory worker, the service worker, and the business owner also have critical tools such as affordable healthcare and child care so they can provide critical services and grow our state. There should be no divide between rural and urban Nebraska. We are either going to thrive together or die together. And when Lincoln's economy is strong and the panhandle's economy is equally strong, we all benefit. Government has a critical role to play in leveling the playing field and the University of Nebraska serves that purpose, whether at the flagship campus in my district or at the Nebraska



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College of Technical Agriculture in Senator Hughes' district. This veto in the Governor's shortsighted political games weaken working Nebraskans and their (inaudible) ability to be successful and grow the state. Like some of you, and actually more like many of you, I am a story of first in my family. I was the first to receive my graduate degree. I missed being the first in my family to receive my undergraduate degree by a year. My father, who is enlisted in the Marine Corps and worked for many years for his undergraduate, beat me to that. I was the first to start a nonprofit agency that employs over 40...excuse me, over 50 people this time this year. I'm the first to be in an elected position. However, none of these opportunities would have been possible had I not gone to the University of Nebraska. And the only reason why I was able to attend the University of Nebraska was because of the foresight and investments made by our predecessors and the citizens before us to ensure that we have a strong and affordable university system. My story is just one of countless thousands of Nebraskans who support public institutions such as the university, and because of that support, became captains of industry, prominent legal scholars, civic leaders and were given the knowledge and skills to grow Nebraska. With each cut over the last 30 years, those opportunities are slipping away for young Nebraskans and our state's ability to be competitive. The Governor's veto only widens the gap. Finally, young Nebraskans want our state to come together not just on football Saturday to support our university, but on days like today to ensure that our institutions of higher education are strong, that the most vulnerable are taken care of, and that everyone has equal access to opportunity regardless of their economic background and an opportunity to continue to make Nebraska strong. This veto weakens Nebraska and the opportunity for every one of our residents to live the American dream. The University of Nebraska did not ask me to bring this motion. I wish they had. And I still wish they would. Rather, I brought it because it's the right thing to do for my constituency and our state. Over the course of the morning, I have talked to many of you and it's abundantly clear that the support and votes for this override do not exist. So at the end of my opening, I will ask the presiding officer to pull the motion. But I'll say this, the Governor lacks the political courage to support people with disabilities today. The Governor lacks the political courage to ensure our communities are safer through the court system today. The Governor lacks the political courage to help ensure juveniles in our justice system have the supports and resources that they need. And now the Governor has turned his back on an institution that has been integral in educating our children and driven our economy for the last 150 years. That will be the Governor's legacy. It won't be mine. Cuts are not only the only answer, but because this state lacks leadership in the Governor's office, we will continue to make cuts and weaken our state and weaken our families and the opportunities that they will never have. Political expediency rings hollow when working families increasingly cannot afford higher education. Growing the economy through tax cuts rings hollow when they're targeted only toward the wealthy, and for the last 20 years while working class wages remain stagnant and families struggle to feed their families despite working one, two, and three jobs. And now because of political expediency, our friends, our families, and our neighbors' children will face an even bigger hurdle to obtaining a college degree that 70 percent of all Nebraskan employers

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require to work. This is no way to grow Nebraska, and this is not a vision for the state that myself and the four generations of my family that have grown to love and call home. Colleagues, a budget is not merely a document with numbers and words, but rather it's a moral document, a statement of our values and vision and as a people and a society and a state. Great societies are not simply built on tax cuts and tax breaks for the most wealthy, but rather by public and private investment into institutions that empower those with the least in our society to be successful. But I have hope and it is a vision that I and many others will continue to fight for. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Morfeld, did I hear you say earlier you're going to withdraw... [LB327]

SENATOR MORFELD: I wish to withdraw the motion. [LB327]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Motion 147 is withdrawn. Mr. Clerk. [LB327]

CLERK: Mr. President, the next motion, Senator Bolz with respect to Agency 25, Department of Health and Human Services, Program 348, Medical Assistance. [LB327]

PRESIDENT FOLEY: Senator Bolz, you're recognized to open on motion 149. [LB327]

SENATOR BOLZ: Thank you, Mr. President. When the Appropriations Committee began our deliberations at the beginning of this session, five priorities came to the top. These were priorities discussed both within committee members and with the stakeholders from across the state. It's one of the things that I appreciate the most, and one of the things that's different from the other two branches of government in that we have members of the community coming in to testify in front of us telling us their stories, their struggles, their successes, their missions. And so these five priorities were built among people in this room who are elected representatives, as well as people from outside our community talking about what's important to Nebraska. Those priorities were: protecting our pensions; sustaining provider rates so that we can protect our systems in healthcare and human services; education; the property tax credit program; and public safety. Colleagues, I still stand behind these five priorities. I still believe that these are the priorities not only of this body, but also of the greater Nebraska community. And I stand behind specifically today the provider of services, those mission driven organizations that are the heartbeat of our Nebraska communities. I stand specifically behind our nursing homes and assisted living facilities, as well as our critical access hospitals with motion 149. I stand behind the 28,000 employees that are employed by Nebraska nursing facilities and assisted living facilities, those nurses, those doctors, those LMHP's, those direct-care staff members. I stand

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behind the 20,000 Nebraskans per day that are served by those services. And I stand behind the folks who will serve on their boards and in their leadership and administration as they make difficult decisions now that the 3 percent cut will result in \$32.55 per resident, per day underfunded in nursing home facilities. So colleagues, at the end of this day, I'll look to all of you and I'll look to the Governor and his administration to also stand behind the providers of these services. We'll all need to roll up our sleeves to solve the problems that are in front of us, to stand up, to look for solutions, and to continue to work for success for these organizations that serve our most vulnerable. I do think that there will be rocky times ahead. While I am cautiously optimistic about our economic situation, I am simply cautious about the impacts of this decision on our Medicaid providers. And so I hope that those providers who are listening know to come to me and to come to other members of the Health and Human Services Committee and other members on this floor so when the inevitable problems arise, we can dig in and solve them. And I hope that those who are accountable to other parts of this system and those of you who are also accountable to your nursing homes, assisted living facilities, and hospitals on this floor do the same. So regrettably, I withdraw motion 149. [LB327]

PRESIDENT FOLEY: Motion 149 is withdrawn. Mr. Clerk. [LB327]

CLERK: Mr. President. Senator Bolz...I now have, Senator, motion 150. It's a motion with respect to the Department of Health and Human Services, Program 038, Behavioral Health Aid. [LB327]

PRESIDENT FOLEY: Senator Bolz, you're recognized to open on motion 150. [LB327]

SENATOR BOLZ: Thank you, Mr. President. To continue my thoughts, the behavioral health providers will be in a similar situation to the nursing homes and assisted living facilities and hospitals, but perhaps a more difficult one. Nebraska has seen nearly 40 providers close their doors since 2009 with the latest being Epworth Village in York, Nebraska, closing their residential services. And so behavioral health providers have done their best to continue to provide services to Nebraskans, including those out of the Corrections system. But for some, it has been impossible to keep up with growing costs, even with previous rate increases. A 2015 study conducted by Seim Johnson, a healthcare consultant, shows that Medicaid rates since 2003 have not come close to keeping up to inflation. So we'll all need to dig in. We'll need to step up and work with the nonprofits, the therapists, the families, the providers of these services, our county commissioners, our general assistance providers. Frankly, colleagues, our emergency responders and law enforcement officials to respond to the significant mental health needs in our communities. So looking forward, I hope everyone, including the Governor's office and administration, feel the weight of this responsibility moving forward if we are not fully funding

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the needs of our behavioral health providers. I continue that commitment. I hope you all will continue that commitment as well. With that, I'll withdraw motion 150. [LB327]

PRESIDENT FOLEY: Motion 150 is withdrawn. Mr. Clerk. [LB327]

CLERK: Mr. President, the next motion I have is from Senator Krist. Senator Krist would move to override the Governor's line-item veto with respect to the Department of Health and Human Services, Program 424. [LB327]

PRESIDENT FOLEY: Senator Krist, you're recognized to open on motion 151. [LB327]

SENATOR KRIST: This one is going to a vote. This one is going to a vote. So stay off the mike if you've been told to stay off the mike. Believe what Melissa Hilty is telling you, that the department is telling and Courtney Phillips is telling you all, that the same DD rates will apply, no one will be cut, even with this line item. Believe what you will. This one is going to a vote. I think I almost invite one of you to punch your button and call the question immediately because we've had all the debate we're going to have and the other side is in place. This one is going to a vote. It's going to a vote for Courtney and all the other kids out there that rely on DD services on a daily basis to survive and to thrive. I promised you I would not put you in a position of voting seven times or nine times on these vetoes. I don't think it's necessary. I think this one is the litmus test for how you feel about taking care of the most fragile, the most fragile, those who cannot advocate for themselves, those who cannot come here on a daily basis and bend your ear and buy you a drink and buy you dinner. These are our kids. These are our adults. These are people in your society that sometimes other people won't even look at because once these kids grow up to be adults, they're not cute anymore. This is the essence of what we are in business to do, to protect the innocent. If you're going to goose step to somebody's parade or somebody's anthem, then go right ahead and do that. But I'm asking you to put it on the line for your constituents and tell them what you're made of because you have the DD community in every one of your districts and the most vulnerable among us are looking for you to vote green on motion 151. What does this add back into it? Senator Bolz yield to a question, please? [LB327]

PRESIDENT FOLEY: Senator Bolz, will you yield, please? [LB327]

SENATOR BOLZ: Of course. [LB327]

SENATOR KRIST: What is this going to cost us per year for the next two years in the biennium? [LB327]

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SENATOR BOLZ: Approximately \$3.2 million per year. [LB327]

SENATOR KRIST: Thank you, Senator Bolz, for your courtesy; \$3.2 million, \$3.2 million. We put all the money back in Roads, or most of it. And if we want to talk about it, we can talk about it. But right now, we're going to talk about the DD funding. You rejected a package that was worth nearly \$30 million because it was too expensive and would take us from the 3 percent down to the 2.7 percent. But if you want to lock step and vote red on this one or not vote or not take a stand for those people that are depending upon you to make this vote today...I'm not trying to pull your heartstrings. I'm telling you that this amount of money, \$3.2 million per year, is probably some of the best money we could spend. Not probably, it is. It provides services and provides training and provides livelihoods and it provides those kinds of people who would never have those opportunities with the opportunities. Is that dramatic? I don't think so. I've seen it up close and personal. Go out in the Rotunda and take a look. Ask the people who are sitting right here in the wheelchairs in front if this affects them. Put a face to this as I said earlier. Put a face to this. So let's have a little bit of a discussion on motion 151 and let's say this is the last discussion we have today. But let me reiterate now and I will reiterate in my closing, the Governor owns this one. He owns the budget and all of you who support him in this budget and would not compromise and would not talk about the kinds of things that I tried to talk about all session, that Senator Schumacher tried to talk about all session, that Senator Harr tried to talk about all session. The tax giveaway programs that in this particular era should, this particular time should have had a play. They should have had a play in how we came out of this downturn. I'm asking you for a green vote on motion 151 for no other reason than to take care of the people who I have described today and you have heard pleas for today. Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Bolz. [LB327]

SENATOR BOLZ: Thank you, Mr. President. I debated as to whether or not to stand up on the mike on this particular issue because I do have something of a conflict of interest and I have filed the appropriate forms. I think we've all got a conflict in some way, shape, or form on some issue in front of this body. I do work in the developmental disability field and I just decided that I have the conviction to stand up and share the information that I know. And some of the information that I know is that beginning October 1 of last year, providers were asked to provide services in adult day settings for half of their rate because of a complication with CMS. Those providers stepped up and did that and they did it for six months because of their commitment and their mission. And while we were able to put some of those funds back, we will still see lost funds for those providers because of that complication between our state and the feds for March, April, and for May as we transition to a new agreement with the Centers for Medicaid and Medicare Services. There are other fiscal pieces of this puzzle that are important to recognize, too. The next is that we are currently working on a rate methodology that was developed in 2011. Colleagues, a lot has happened since 2011. Nebraska's voters decided to increase their minimum

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wage. The full impacts of the healthcare reform have come into place. We've seen increases in workers' compensation and inflation. And so I can tell you that those providers are struggling to continue to provide the highest quality services possible to our most vulnerable individuals in spite of significant pressures. And, unfortunately, colleagues, I can also tell you that one provider earlier this year was not able to keep going. They were absorbed by another provider and they were able to responsibly take care of the needs of the individuals that they had been previously serving, but they are no longer in business in one of the rural communities in this state. And, colleagues, I'm beginning to hear more concerns about more coming. And it's not because these businesses haven't established good business practices. In fact, the alternative is true. They have relied on their savings. They have delayed construction projects. They have made do with the staff that they have. So at this point in time, pushing them any further, I do believe, is a moral issue and, I do believe, it's time to step up, support them, to support the individuals they serve, to support the Nebraska that we all believe it to be. I urge your support for motion 151. [LB327]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Hilkemann. [LB327]

SENATOR HILKEMANN: Thank you, Mr. Lieutenant Governor. We're talking about God's special people. For 37 years, I have seen special needs people in my practice. I would defy any of you who have ever spent time with special needs people and not realized that they are God's special people. I have gotten lots of hugs because I care for them. I've taken care of them. Many of these work in workshops and I would challenge you if you've never been to one of the disability workshops such as Mosaic in Omaha, take a few hours and go there and see them. I have said many times when I was taking care of these folks, if Americans all had the work ethic of these folks who are with disabilities that do these jobs to the max that they're possible to do, we wouldn't have to talk about making America great again. America would be great. I challenge you to go to Axtell, Nebraska, and go through the Mosaic home. As Senator Krist said, this is not that many dollars. This is not going to break the budget. We still have a rainy day fund of at least \$375 million. Every morning at about 7:30 you can step out on my deck and you can look to your right and there's a young man...not a young man, he's 40 years old. They come with a van and they get him and he goes to Mosaic. This is for him. He's at the same work project that Senator Krist's daughter is at. They are friends. Folks, please, I urge you, we're not talking about...we're not talking about lots of dollars. All of those of you who are...I'm pro life and we want to stop abortions. You know, the father of this young man told me one day, you know, that 90 percent of these special needs people are being aborted today. Folks, these are God's special people and they need us today. So I would ask you to vote green on motion 151. Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senator Hilkemann. (Visitors introduced.) Continuing discussion, Senator Crawford. [LB327]

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SENATOR CRAWFORD: Thank you, Mr. Lieutenant Governor. Good afternoon, colleagues. I appreciate that Senator Bolz again reminded you and put on the record that these DD providers have really stepped up to the plate for us this year. They've been willing to provide services despite the fact that we had a mess up with CMS and so we were...they're having...only being able to be provided at half their rate and yet they remained and still provided services. Also going to remind you that in this year we, as one of our budget-cutting steps, are now asking them to pay for their annual background checks. That was one of the budget-cutting steps we took. Previously, we paid for these background checks and we passed a bill to require that they pay for those background checks and turned that to a cash fund expectation instead of a part of our General Fund. Colleagues, I urge you to support this motion to override this line-item veto. Going to try to talk about two personal stories that I have that have been sent to me. And the first is, as I already talked about, one mother and her son. This is from a couple, Jim and Pat Flanagan from Bellevue. As many parents of children with developmental disabilities, they are intimately familiar with these policies because they impact their life day to day. Dear Senator Crawford, we are the parents of Sean Flanagan who has developmental disabilities and is receiving services of a DD provider in Omaha. Because of the ever-increasing cost related with this support, we were hoping for the passage of the requested and much-needed 3 percent increase in service provider rates. We were bewildered and disappointed in learning that this request was denied. And then they go on to talk about how they feel even holding the funding flat and it is a serious problem and talk about the fact that the renewal of the Nebraska waiver covering developmental disabilities by the Centers for Medicaid and Medicare was contingent upon a rebasing of rates, in other words, a recognition that our rate structure is out of date and must be rebuilt based on actual and current costs. The cost of providing healthcare coverage to qualifying employees has increased just like employees in other agencies. And in 2014, final federal rules were approved that increased the requirement for services to be provided in community settings rather than workshop or institutional settings. And those transitions must take place in the next five years and these parents argue these changes require increased staffed resulting in increased cost. They close, we encourage you to do all you can to reverse this reduction and restore the 3 percent rate increase to providers of developmental disability services, which will only begin to address the need for improved rates in Nebraska. The other e-mail I have is actually from a provider of who actually is from Senator Bostelman's district. And this provider is the CEO Northstar Services. And I'm just going to read an excerpt. The state of Nebraska is asking for expectations that frankly cannot be met with more cuts. The bottom line is this. Services for people with developmental disabilities are the responsibility of the state, period. We are doing the work of the state. We cannot raise tuition or tax or charge fees. Our funding is state and federal match funds. Some of us receive county funds. Others do not. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

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SENATOR CRAWFORD: Thank you, Mr. President. If this veto stands, Nebraska will lose capacity. I have already made over \$300,000 in cuts. Where else do I go in my budget? The DD system is about to collapse under its own weight. I don't know if your colleagues will listen, but at some point, they will have to look back and they won't be able to say they weren't warned. I've worked in this field for 36 years. This is, capitalized, by far the worst things have ever been. We've made severe cuts and now we will leave communities and never go back. We will consolidate to a point of large geographic areas of Nebraska and those large areas will be underserved. Nebraskans working for us already are losing their jobs and now more job losses are certain. I will seriously consider recommending to our governing board that we consider our, quote, doomsday plan to cease operations. It is absolutely that bad. If that were to occur, over 200 people would have to find new services and over 500 jobs would be lost. This is what I would say if I had a floor speech to give on this topic. I'm not a Senator. I don't have that opportunity. I hope you'll consider sharing this. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Crawford. (Visitors introduced.) Continuing discussion, Senator Hansen. [LB327]

SENATOR HANSEN: Thank you, Mr. President. Colleagues, I rise today in support of Senator Krist's motion 151. I've...and Senator Ebke has been watching me and giving me grief. I've been turning my light on and off all day on whether or not I was going to talk on any of these motions to override. But I finally put my thoughts well enough together to get up and speak on this one. A little while ago on one of the previous motions it was said we left the Governor no choice. These cuts were our fault because we didn't do enough and we left the Governor no choice. I just double-checked. The Final Reading copy of LB327 was 146 pages long. There were 146 pages of different numbers, different funds, different programs, what have you, operating the state. And the Governor had 146 different pages of choices and on each one of those pages there were multiple programs that he could have taken down any sort of different numbers. A lot of them ended up being .5 percent, but some could have been more, some could have been less. There is quite frankly a literally impossible number of ways he could have line-item vetoed this budget. But he chose one. He chose one particular set of line-item vetoes and I have the letter here on my desk and I've been reading it and going through it. And who did he choose to take the biggest hit in this budget? He chose juvenile justice, behavioral health aid, child welfare aid, and aid to the developmentally disabled. He chose children in our court system, children in our foster care, people seeking medical attention, and the developmentally disabled. He had an unlimited number of choices. The Governor had those choices and he chose to pick on people with health issues and children. Those are his choices and that's on him. We could have done roads, we could have done any sort of other different cuts. We could have done water sustainability. It's all in there. But instead, children, those with developmental disabilities, those with behavioral health issues, and juveniles in our court system took some of the largest brunts, all over \$300,000 going all the way up to \$11 million. That's who's going to be hurt by the Governor's decisions. That's



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who's going to be hurt by the Governor's budget. We have the option to fix that, at least in part, with motion 151 and I will be supporting that and I'll urge my colleagues to do so. But I just want it to be clear that whatever future issues come forward from here, the Governor had his choices and he made them and I hope he is comfortable with what we can go forward and how the state continues to serve those who need it. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Chambers. [LB327]

SENATOR CHAMBERS: At last, my time has come again. There was a guy who was a captain of a ship or something, but his name was John Paul Jones. He's famous for one thing. He said, I have not yet begun to fight. I listened for leadership from the Appropriations Committee and we were led backwards. I don't quit just because the odds seem overwhelming. My principles do not ebb and flow based on the number of people who might agree with me or the number who disagree. The Governor has bought and paid for some of these people and I told you all that from the beginning and I'm going to pull out one of my early rhymes where I named them who got money from the Governor. He bought them. He owns them. You all know it. Ricketts' "Crickets" are not chirping even though when they...after lunch they were "irping" and burping. Ricketts said to his "Crickets," thou shall not chirp. And they said (chirping sound). In cricket that means, yes, master. And he is your master. I see Senator Hilgers walking down the aisle. I'm not going to ask him any questions. I thought he had a lot of potential when he came and he does, but it's not for what I thought. Now, I make predictions. He's lining himself up to run for another office. He is very intelligent. He is educated, he's well read, and he's positioning himself as the spokesperson for the backward conservatives in this Legislature and when they need somebody to sound like he is rational, that it is plausible, they give Senator Hilgers the ball and he runs with it. Now, he can defend himself. I don't want Senator Albrecht to stand up and defend him like she tried to do somebody on this side of the aisle and thought somehow she made a man appear to have more manhood by defending him when he's got a mouth. I'd like to ask Senator Groene a question. [LB327]

PRESIDENT FOLEY: Senator Groene, would you yield, please? [LB327]

SENATOR GROENE: Yes. [LB327]

SENATOR CHAMBERS: Senator Groene, don't sound...look, this is not going to be confrontational. I think I heard you say read the bible a couple of times. Did you say that? [LB327]

SENATOR GROENE: Through and through, yes, I read it all the time, a little bit here, a little bit there. [LB327]

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SENATOR CHAMBERS: Did you... [LB327]

SENATOR GROENE: I do go back to make sure what you say is right once in a while. [LB327]

SENATOR CHAMBERS: Right. Did you read...and you haven't found me to be wrong, or have you? [LB327]

SENATOR GROENE: Your interpretation is way off base, but besides that. [LB327]

SENATOR CHAMBERS: He said he read to see if I had been wrong and I ask him. Then he's talking about interpretation. I'm talking about the words that I give. Senator Groene, have you read the bible from beginning to end? [LB327]

SENATOR GROENE: Yes, I have. [LB327]

SENATOR CHAMBERS: All together. [LB327]

SENATOR GROENE: Yes, I have. [LB327]

SENATOR CHAMBERS: Not in bits and pieces but all the way through. [LB327]

SENATOR GROENE: Yes. [LB327]

SENATOR CHAMBERS: How many books are there in the Old Testament? [LB327]

SENATOR GROENE: I didn't count them as I read them. [LB327]

SENATOR CHAMBERS: How many books in the New Testament? [LB327]

SENATOR GROENE: That wasn't why I was reading it. [LB327]

SENATOR CHAMBERS: Can you name the first five books of the Old Testament? [LB327]

SENATOR GROENE: Yeah, Genesis, Exodus, Lamentations, I don't know if I have that one... [LB327]

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SENATOR CHAMBERS: Wait a minute, not Lamentations. That's by the crybaby prophet. Jeremiah wrote that. He's in the major prophets. He's much farther along. You're right in Genesis. You're right with Exodus. Come on. [LB327]

SENATOR GROENE: No, I'm not going to follow up on that. I just read it. As I read it, I go through it. I couldn't name you half the titles of the books I've read in my life, but I can quote you some verses. [LB327]

SENATOR CHAMBERS: Are you a believer? [LB327]

SENATOR GROENE: Yes. [LB327]

SENATOR CHAMBERS: Okay. What do you believe in? [LB327]

SENATOR GROENE: That there's got to be a reason he put us here, or somebody did. And there's got to be a reason that there's compassion in the world because by evolution, that would not exist. [LB327]

SENATOR CHAMBERS: What's the name of the first book in the bible? [LB327]

SENATOR GROENE: I'm not going to go any further. What's your point? [LB327]

SENATOR CHAMBERS: I'm asking you questions. If you don't want to answer, tell me. [LB327]

SENATOR GROENE: That has nothing to do with the budget, sir. [LB327]

SENATOR CHAMBERS: Thank you. That's all I have. I want to show these people up for what they are. He said he read the bible. I disbelieve him. I don't believe like he does. But I know Genesis, Exodus, Leviticus, Numbers, Deuteronomy. He probably couldn't name the first six books in the New Testament, but for his edification, Matthew, Mark, Luke, John, Acts, Romans. Last book is Revelations. I read it. You know what I did? When I was in high school, I read it eight times from cover to cover. That's why I know it. And I don't stand up like he and other people on this floor to make a point and tell a fib and say I've read this and then I can't back up what I said. I'm not going to lie to impress men. If I believed in God, God is the one that I should be a coward toward. [LB327]

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PRESIDENT FOLEY: Time, Senator. Senator Wayne, you're recognized. Thank you, Senator Chambers. [LB327]

SENATOR WAYNE: Thank you, Mr. President. I will keep this short because many of my colleagues have already spoke on many of the things and I support this override. I guess I just want us to think about, what is the purpose of a rainy day fund? And the reason I ask that question rhetorically and maybe I should ask some people directly on the mike is, if there's a \$1 billion shortfall, isn't that the time to use it? Isn't that the time to think about who are the most vulnerable individuals that need our help and let's make sure that they at least have their basic needs met? We have a rainy day fund and we are literally in a severe thunderstorm, severe thunderstorm warning. It's been raining off and on all day. And maybe that's just a sign for us to really think about what this fund is used for. We are literally talking about places closing, people having to figure out what to do. I had a Facebook message about an individual who his in-home care provider will no longer be there and his sense of independency, his sense of dignity that he believes will go away because now he has to go somewhere else and probably won't even remain in the same community. I know many of you are not talking. I know many of you may not change your vote. But if there is a special session or when there is a special session, I'm going to ask the same question. What is the purpose of the rainy day fund? And if we're not going to do it right now for those who need it the most, then please know that when it comes to a special session, you aren't going to be able to take anything else from them or we'll be here for a long time. We're going to look at other cuts. I was going through budget by budget this morning looking through things. I noticed some staff and some staff salaries and those in the Governor's Office are still there. We could have cut some budget, could have cut PRO. We could have cut a lot of things. That's where we'll start with the special session in my book. We will start with the administration's offices. We will start with the administration's agencies and we won't look anywhere else because we can't use a rainy day fund to make sure those who need us the most, those who have, many of them, been a part of this society and we made a deal with them that we would help them through this process to make sure that their independent living, that they have a sense of value of being able to go and do things through all this extended family networks that we started providing and many other things we're doing. We can't touch the rainy day fund. We're scared of a gasoline tax increase, even though it's already in law and it's just a trigger, so I don't know how the increase falls on us. But that's another issue. We're not asking for a whole lot here. I'm not asking for you to even be compassionate to those individuals. I'm just asking for you to think, what was the purpose of this fund if we can't use it literally in a rain storm? Over \$350 million, \$350 million... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR WAYNE: ...and we can't carve out a little bit to make sure that families who need it, individuals who need it are taken care of? So I'm not going to sit here and be personal with

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people. I was telling somebody this session seems a little long because everybody is getting personal about everything. I'm not going to talk to you about moral turpitudes and everything like that. Just tell me what the purpose of the fund is if we're not going to use it to take care of our most neediest individuals. That's all I ask. Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator Vargas. [LB327]

SENATOR VARGAS: Thank you very much, Lieutenant Governor. Thank you for Senator Wayne. That's part of what I was going to say, actually. I haven't spoken too much today and part of the reason is I'm...I think I enjoy the one-on-one conversations, understanding people's perspectives. I've been doing a lot of that. I think there are many different reasons why people have decided to be a candidate, to run for office, and even more so for the decisions they make on this floor. I've been reflecting on my time on this committee, in Appropriations, and the work we've done. And I am proud of what we've done. I'm proud of the process we've taken. I'm especially proud of the members of the committee and the discussions and the dialogue we've had. I'm most proud of the fact that when we've made our decisions and we continue to do it, we have always tried to balance how do we maintain government services. Who are the individuals that we want to prioritize to make sure that they're receiving those services. And how do we make sure that we're also being responsible with the funds of taxpayers? And that was not...it was never easy. And for those that are listening, it's not easy even today. What was easy was deciding which decisions we're going to move forward on overriding on the Governor, because it was very, very easy for me to decide that we are going to support our neediest families in this state. It was simple. Sometimes I'm a little naive in thinking that it is that simple for others in this body as well and that we would be able to come together and push forward that package but we weren't able to. And now we're looking at one specific group of providers. We're looking at developmental disabilities. And I am asking individuals to see it within not just their hearts but also their minds that, yes, we're held accountable to voters. We're making decisions that are impacting families, making decisions that are impacting individuals that are the most vulnerable. Now keep in mind, we have protected certain things that do matter to us. We protected property tax relief. We protected Corrections. We have made some concessions in higher education, although we have done a lot to try to support them. But here we are, the last hurrah is, are we going to protect those most vulnerable and ensure that services, quality healthcare services are provided specifically for our developmentally disabled in our state? And I am dismayed that we are not coming together on this. And more of this...I'm saying this because I think on the record, as we continue to have more conversations and we move into our next biennium budget and the next and potentially a special session and whether or not Senator Erdman gets his way or his bet, that we remember what we did and the conversations we had this session about what concessions we made. And that we don't, that we follow up on every single one of the decisions we made and we don't operate as if they're in isolation because I don't believe this is the last time we're going to be talking about our highest need and most vulnerable populations in this state. And it's

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definitely not going to be the last time that I'm on this mike trying to advocate for those that got us elected. So, colleagues, I ask you to stand in support... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR VARGAS: ...of motion 151, not only for our developmentally disabled and for the people that helped elect us here, but also I believe for our checks and balances, that we are standing up for those individuals that don't have a voice in this body but elected us to have that voice for them, because if we're not doing that, then what are we doing? Thank you very much. [LB327]

PRESIDENT FOLEY: Thank you, Senator Vargas. Senator Schumacher. [LB327]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I was initially when I pushed my button going to give my time right away to Senator Chambers because when he's on a roll, he's on a roll. But I did want to take issue with a comment that's been made several times: that \$350 million is enough in a rainy day fund--wrong, long settled, two months' revenue, closer to \$700 million. And if I were running the ship, it would be three months' revenue. Another thing, that this is a rainy day. No, it's not. We've had no drought. We've had no major storms. We've had no national crisis in economics. We've had no floods. This is normal. This is not a rainy day. The sun is shining as good as it's going to get. So this is the house you're going to live in. And with that, I yield my time to the man on a roll, Senator Chambers. [LB327]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Chambers, 4:00. [LB327]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Schumacher, "Professor" Schumacher, my colleague whom I greatly esteem. I look around this Chamber. I see people hiding under the balconies, sitting around watching a show. I look at others at their desk, shoulders slumped, tired. If young people came here on a field trip and we were not told their purpose and their purpose was to get up in the balcony and look down here on this floor and see these are the ones who comprise the government, which one would you want to be like? Which one does what you think you ought to do if you're in that Legislature? Should you duck out when a serious vote comes up? Should you say, this I believe, but not enough to fight for it so I want to withdraw my motion. A committee that met in the morning when we didn't have to come back to the session until 1:30 to determine which of the Governor's vetoes we would attempt to override, that's where the leadership should come from. Then one by one, the pens began to fall because people were tired, people were discouraged because Ricketts' flunkies, bootlickers, won't talk back. Why do you want him to talk to? What can they say? The Governor told them what to do. He told them to not even be here. Look around here. Then you get offended when all I do is

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make a description. Do you know why Aristotle is considered one of the most reputable, credible philosophers? Because Aristotle did not deal in the realm of the purely theoretical and hypothetical. Aristotle was probably the first scientist of the classical world; that means way back there. He formed conclusions based on observation. He is the one who talked about the development of a creature. I'm not going to tell you which one. I'm not going to tell you whether it produces eggs or bacon, the one or the other. From "egghood" all the way through the fetal stage and carefully wrote what he observed. If you read Aristotle, he will seem remarkably modern but what it ought to make you think about, is he remarkably modern,... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: ...or are those we call modern really that far behind the times? Have human beings as a group progressed no further than where at least one person, Aristotle, was all those centuries ago? The human race as a whole has never advanced. Periods in history are identified usually with one individual or a school of individuals and the rest comprise the great unwashed masses as they are called. When they talked about an industrial revolution, not all of the people were involved in that. There were not people tinkering in their workshops creating machinery. Machines came into being and replaced a lot of people who were doing hard work and they fell into poverty. Oscar Wilde had suggested that when these companies... [LB327]

PRESIDENT FOLEY: Senator Chambers,... [LB327]

SENATOR CHAMBERS: Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: ...your time expired, but you're next in the queue. You have five more minutes. You're next in the queue. You have five more minutes. [LB327]

SENATOR CHAMBERS: Oh, thank you, Mr. President...that when these enterprises create and use these machines and put people out of work, they should have a social obligation to help provide upkeep for these people who had worked faithfully and now have been rendered obsolete because there is a way to do the work that a lot of them did so now they are not of any value. In this society, machinery doesn't become obsolete. People become obsolete. I'm going to show you how you all don't think and I do. Elvis Presley sang a song about the ghetto and he talked about this angry young man, this baby at first is going to grow into an angry young man, but because the story obviously was about a black kid who would grow into an angry young man, you didn't care. But Elvis was telling you, people, won't you look around and see what you're doing? Okay, you don't give him a chance as a child. So now he lies face down in the street with a gun in his hand and his mama cries. And you say, well, that's black people. You don't think people should get angry when they have no opportunity, do you? But what happened with all these old and

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middle-age white men who became obsolete, lost their jobs in the Rustbelt when the factories closed down and they couldn't get these jobs where you got a screwdriver and you turned the screw one-half turn and you got a large salary for it? When they lost their jobs, what happened? They became angry, old white men. Isn't that what they were called? And who did they vote for? Donald Trump, and didn't they emphasize these are the angry white men? Elvis was singing about what white men would become but you didn't have sense enough to see it because you don't read and you don't pay attention and somebody has to tell you, cross the t, dot the i, and say this is not a square because all four sides are not the same. This is a rectangle, but it's not a square. Somebody told you that. I asked Senator Groene did he believe, was he a believer? He didn't even ask me, believe in what, because the term "believer" means a specific thing to him. If you ask me, am I believer, I say, yeah. They say, in what? I'd say algebra. People make presumptions on this floor and he's the Chairman of the Education Committee and he can be gruff and loquacious with others. But when he brings up a subject like the "Bibble" then he doesn't want to talk about it because I show that he doesn't know what he's talking about, he ought to leave things alone if he's dealing with me. You all who quit because you're tired, they walk on you. They have no respect for you. The Governor has no respect for the Legislature as a whole but he doesn't mess with me. I'm going to show you all some of the poems I wrote about him, how his daddy found him to be a drag on the business so he told him you get into politics, I'll spend whatever it takes to get you out of the business. Then they kicked him off the board for the Cubs and the Cubs started winning. When they kicked him out of the business, Ameritrade's stock went up. And I've got articles to prove it and I wrote the rhymes to demonstrate that this happened. And you all sit here because you're tired. And you are the law. You are the government. Why did I say you're the law? Because you make the law. And look at you. You're whipped. I can see why the Governor has nothing but contempt for you. He's laughing at you right now. He's saying, thank God, if there is a God. Now based on how persuasive Chambers is, I'm not so sure. But come to think of it, I don't know whether Chambers believes it or not. But I know he's not afraid of me. That's what the Governor says about me. But the rest of them, call them out there. And tell them to do this and they'll do it and I will buy them, \$5,000 for some of them, \$10,000 for others. I'll go speak for some of the rest of them and then watch them be my puppets. I am Edgar Bergen. Here's Charlie McCarthy. There's Elmer Fudd. Elmer Fudd is a cartoon character who has a speech impediment. Mortimer Fudd, Mortimer Snerd, how am I supposed to remember all these famous Americans, these contributors to American culture? They could take any ten of you out of this room... [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR CHAMBERS: ...and give you a ninth grade examination... [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]



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SENATOR CHAMBERS: ...in civics and you'd flunk it. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR CHAMBERS: Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Pansing Brooks. [LB327]

SENATOR PANSING BROOKS: Thank you, Mr. President. Well, I am disappointed right now. I'm disappointed that my colleagues are not talking. And by not talking, they're not communicating and they're not working to find common ground. They're sitting under the balconies, not responding to a hue and cry of Nebraskans. I'm disappointed that most Nebraskans, I believe, have turned off NET, basically aren't listening to our pleas for the children and the adults and those on the margin of our communities because, of course, this is the budget. And I'm as guilty as any prior to coming in here. Let the fiscal analysts figure out the numbers. It's a fight about dollars and numbers and we don't have to worry. But I'm discouraged because this issue is way beyond numbers. And I walked in and have walked around here quite discouraged. But then I started thinking I need to be grateful. I can tell you what I'm grateful about. I'm really grateful that we didn't pass those tax cuts to the wealthy. That's one thing I'm really, really grateful about that most of the people sitting under the underhang were pushing for because we would be fighting for even larger cuts...fighting against even larger cuts for the kids. I'm so grateful that we're not doing that right now. I'm grateful that I can look into the eyes of the providers in my district. I'm grateful that I can look into the eyes of the developmentally disabled in my district. I can look into the eyes of the children that are under state care in my district. And I can look into the eyes of the university professors and students who live in my district and know that I have worked hard to fight their fight with others in here. I'm grateful to be among those fighting. I'm sorry for those of you who have not joined this fight with us. I'm also grateful that tonight I will not go to bed ripped in two by not responding to the voice in my heart that tells me what I should be doing. And I'm grateful that I don't need to respond to any person or group as I fight these battles and work as a legislator in District 28. I'm really grateful about that. I'm sorry for those who have to listen to a voice and not do what their hearts tell them because I believe that is happening in here today. And lastly, I'm grateful because today I can go have a sundae on Wednesday with my friend Courtney Krist and I can sleep well that I have fought for her. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Harr. [LB327]

SENATOR HARR: Thank you, Mr. President. I'm going to take exception with what Senator Pansing Brooks said because I have the best constituents who allow me to do what I want to do,

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so. But with that said, folks, think about this. One of the reasons we are doing the cuts that we are is because the Governor got up and said, don't trust projections. We got to cut some more. They have come in lower than expected 14 out of the last 22 months, the same Governor who not two weeks earlier was supporting a bill based on projections that we should cut taxes and saying we can rely on those projections. He wants it both ways, folks. That's not how it works. This cuts the most vulnerable in our society. The motion 151 overrides those cuts to the most vulnerable. I want to also make note that we have changed the board. Earlier it said motion to override...well, now it says "motion to override Gov." Earlier today, it stated "motion to override Guber." I think that might have been a little bit more correct. And with that, I give the rest of my time to Senator Chambers. [LB327]

PRESIDENT FOLEY: Senator Chambers, 3:00. [LB327]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Harr. Members of the Legislature, I don't know if you've heard me ridicule that so-called fortuneteller board. You call them the Forecasting Board. They are never right and they reach their conclusion by a vote. If statistics mean anything, if economic...what do you call these things when you put them together? If they mean anything, why is it all ultimately resolved by means of a vote? Five say yes; four say no. So the five yes have it and they could be wrong. I think what you need to do--and we as a Legislature could require this--we could require the fortunetellers to get a new contract for tea leaves and they ought to contract with Lipton tea because I like Lipton tea and Lipton tea provides what they promise. Lipton tea, the brisk tea, the best that you can buy. Always saves you lots of m-o-n-e-y. You know it's Lipton tea if it's b-r-i-s-k. And those of you who have any years will now how to finish that. But Arthur Godfrey's name is in it somewhere. You probably don't even know who Arthur Godfrey was. But I want to tell you all something. Senator, my self-adopted goddaughter, Pansing Brooks, said that these people who are sitting around and not communicating, there's a term for that: nonverbal communication. They communicate with me. I read them better than those fortunetellers read the tea leaves. And they show things on their face that I read because they don't know what their expressions are, but I read them. And by the way, do I need these specs? You don't know whether I need them or not. You don't know whether I hear well or not. You don't know anything about me. You know about me what I will show to you. So when you think you know me, think deeply and pay attention to some of the other things that I say and it might call into question the knowledge you think you have. But you will never see me fold on this floor because the Governor is playing the game the way a Governor is positioned to do. He is doing what a Governor can do. The position he is in gives him that kind of power. And he has no power over anybody in here more than what that person knuckles under to. And if I were over there sitting in his office, other than the fact that Chambers is over there and you never know whether he might pull a rabbit out of that weak hat over there, I'd go on home if I was the Governor or wherever he goes and whoever he is with

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when he goes, because all those motions were taken out. Our leaders left the field. Senator Brewer is even gone, of all people. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR CHAMBERS: Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Howard. [LB327]

SENATOR HOWARD: Oh, thank you, Mr. President. I would yield my time to Senator Chambers. [LB327]

PRESIDENT FOLEY: Senator Howard, I was distracted. I didn't hear what you said. [LB327]

SENATOR HOWARD: Oh, of course. I yield my time to Senator Chambers. [LB327]

PRESIDENT FOLEY: Thank you, Senator Howard. Senator Chambers, 4:45. [LB327]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Howard. And I will use all the time anybody gives me. And I put a motion up there that Senator Howard..."Sherry" withdrew and I'm going to take it to a vote. It has to do with child welfare and I care about the children. I'm the one who should carry the motion and if everybody leaves here, I don't care. I wouldn't even ask for a call of the house to make sure that we have a quorum. If we didn't have a quorum, we would be adjourned but I want the people watching to hear me talk. I want them to watch me. And show that this old man will do what he said he would do. When everybody else quits, he will be here. The same strength that was shown the first day will be shown the 90th day. This is not the 90th day. We don't even have to go 90 days. I told you all that I'd be here when the end comes, but you all won't. Before they drop you in that hot water, you're just like a piece of macaroni or spaghetti, strong, straight, and rigid. They put you in that warm water and then suddenly, you become flaccid and disappear under the water. But here I am because I'm not made of macaroni. I'm made of steel. A hard life makes a hard man. And a hard man had better be prepared to stand alone anywhere, anywhere against anybody. I don't care how big they are. I don't care how young they are. I don't care how tough they are or pretend to be. They're used to getting their way by threatening people. And the Governor sees that and that's why he cows you all down and you withdrew everything that our leadership on that committee was supposed to give us. The heart was taken out of them. That's why I tell you this is hollow. There's no heart in there. For all you know, I could be a droid and perhaps that's why I do better than all of you and why I am the same the last day as the first day because I don't have the human frailties that you

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have. I don't even have to vary the tone of my voice. And suppose I don't, does that mean my words have no meaning? They have more meaning because you're paying attention now and I know you pay attention now because I know you better than you know yourselves. We don't have a brain. We don't have a heart. We have wiring and we are trained to perceive you and your brain sends out impulses. We pick them up and we relate the impulse to the expression on your face and the metrics for your face are processed in our circuitry and we know how you feel based on the expression on your face and the words you speak. You don't know whether I'm a droid or not. You don't know what I am. Jesus told you beware of how you entertain strangers, for some have entertained angels thereby unaware. What does an angel look like? You don't know. You don't even know how to really communicate with each other because you're not honest with each other. You lie to each other. You mislead each other. You make promises that you don't intend to keep and you all know it. That's why when you go around here with these little cards and you've got people checked off to vote a certain way, you have to go back to them as the moment of truth approaches because you know people get frightened and they back away. It was that Franklin Roosevelt fellow who gets credit for saying... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: ...we have nothing to fear but fear itself. But I might be mistaken, but I think it was a guy named Wellington who said I fear nothing except fear. I fear nothing except fear. And I believe Wellington predated Franklin Roosevelt. Now that's in white people's history and I read. I'm a slow reader. It took me longer to learn how to read than it took anybody in this Chamber. But I don't fake it unless I'm doing it on purpose and will tell you that's what I was doing. But I won't say something like, I read the bible when I really haven't read it. There was a guy named Bacon, not the Congressman. And this Bacon wrote essays. He talked about how you read books. [LB327]

PRESIDENT FOLEY: Time, Senator. But you're... [LB327]

SENATOR CHAMBERS: Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: ...you're next in the queue. Senator Chambers, you're next in the queue. This is your last opportunity. [LB327]

SENATOR CHAMBERS: This will be my third time? [LB327]

PRESIDENT FOLEY: Yes, sir. [LB327]

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SENATOR CHAMBERS: Thank you, Mr. President. Time and chance do happen to all, even moi. Some books you chew up and swallow. Some you taste. Some you digest. Newspapers you just skim through them. Textbooks you study so that you can answer the questions that you're asked, but there are other books that you want to really get the sense of. You want to read what's on the lines. You want to read what's between the lines. You want to read what's behind the lines. One statement can be read three different ways. And it's most effectively written when it makes sense whether you read it on the line, between the lines, or behind the lines. And that's the difference between good writers and hacks, the difference between poets and poetasters. There are people who play at a lot of things and think get away with it because they're dealing with people who are poseurs, p-o-s-e-u-r-s, poseurs. They pretend to be what they're not. And neither one will tell on the other. If you don't tell on me, I won't tell on you. So you sit in here and play like some of these people are brilliant. And until they're challenged, it might seem to be so. But challenge them and they fold and say, I don't want to talk about this. Where is this going? I don't want to talk about it, because they had the cover pulled off them. Pull the cover off me. Challenge me. I've never said I wouldn't answer a question. But I've had colleagues who are very bold until they get into a little back and forth with me. Then I'm not quite as dumb as they think that I am. And they do think that I'm dumb and they think that I'm weak until they decide to confront me directly. And that's why people like to watch me and not the rest of you, because you don't have anything to say and you know it. You get these positions because people vote for you as a result of an agreement, not because you have qualification or talent or ability. Look at the trash that comes out of these committees, look. Question the Chairperson. Chairpersons don't know and understand the bills that they bring. They don't know what's in the constitution because they don't read it. They have people who will copy trash from other states and then give an argument that it's like this in ten other states. And I tell them it's like that because they don't have anybody like me in the legislature of any of those ten states. So one does it, then monkey see, monkey do, all these other states follow and then all of them make the same mistake because they have no thinkers. You all don't realize how much power there is in this Legislature. The Governor, not just this one, always worries that one of these days the Legislature is going to wake up. It's going to come out of that sleep. In Spanish, there's a poem and one of the lines says: la vida es sueno, y los suenos, suenos son. And if Senator Vargas was here, I bet he could tell you what it said. Life is just a dream, and dreams are but dreams. And there's a lot of fakery going on. Senator Williams knows that song by the Police. Every smile you fake; fake, fakery. I see my good friend--you won't think he's my good friend--Senator Murante sitting up there. I told you he's going to run for another office. He wants to be Secretary of State. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: Now if he could cook or if he was a cattle grower he could also, if he failed at that, be the secretary of steak, s-t-e-a-k. And the secretary of steak makes a lot more money than the Secretary of State. I'm just putting something on his mind because he ain't going

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to win because there's a guy named Evnen, I pronounce it Evening (phonetically) who's going to win because he's head of the "Repelican" Party and he's got it locked up if he decides to run for it. I can predict that right now. You all didn't even know he was running, did you? A couple of you nodding your head. I don't know if you're nodding because you're about to go to sleep or because it's an affirmative. There is such a thing as nonverbal communication. And I can go on like this until midnight. And my motion is going to come up. And probably nobody will speak on it and it can't be amended because all it is, is a motion to override the Governor's veto on a specific item. I will have the chance to open. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR CHAMBERS: I'll have a chance...thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Schumacher. [LB327]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Just to put things in context, the Krist motion involves \$3 million, \$3 million. I'll bet you could look at any major company, including TD Ameritrade, and find out that the wages of some people there are \$3 million. So this doesn't even belong in the context of talking about what a proper cash reserve or something like that is. This is what amounts to a reasonably...don't go away, Senator Chambers, I was going to give you time. In context, this is not the kind of thing we should sell our souls for in saving \$3 million when we're dealing with what amounts to the most vulnerable of our population. And with that, Senator Chambers, would you please get around to talking about Steven Hawking because that's what I wanted you to talk about? I'd yield the rest of my time to Senator Chambers. [LB327]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Chambers, 3:50. [LB327]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, "Professor" Schumacher. But sometimes we must wait just a little while longer, because you brought up a subject that I need to mention. You said this is \$3 million, whatever it is. You all have to think. The amount is not what matters. Mastery, not money, is what matters. Senator Kuehn didn't even know that. He was just told to march, but not why. I'm going to show you that the amount doesn't matter. How much was involved with the first override, \$300,000? Is that how much it was? That's a small amount. The amount is not what it...what he's dealing with over there. He is showing you he will master you whether it's \$300,000, \$3 million, or \$30 million. He owns the people over here and his crickets will chirp the way he told them to chirp. And that's what is being shown you and he knew I would explain it to you because you are not getting his message. I want you to know his message to show the contempt that he has for you. Where's Senator Hilgers? Always here when things are

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being discussed. Here he comes running. He thinks I wanted to ask him a question. I just wanted to know where he was. I know he's within the sound of my voice. I know that. I tell you all I pay attention to you, and I pay attention to Senator Hilgers because he still has potential. He is being drawn and I want him to...he is being drawn and sucked into the vortex, right there with the rest of them. And you're better than that, and you know better than that; \$30,000, \$300,000 is not enough to give the vote that was given on that issue. You know why I say he's better than that? I've listened to him. He doesn't listen to himself. I see more consequence and significance in the words he utters than he does. Critics sometimes will take somebody's work, whether it's music, a play, a novel, a short story and see it from a position so different from the author that the author would say, I didn't know I said all that. If the person who invented the organ knew that it would be played in the same way that Jimmy Smith played it--you all don't know who he is, he's a black man--this man would say, that's the instrument that I played, that I made? [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: When Dolly Parton heard somebody saying (singing) and I will always love you, I will always love you, (ends singing) you know what Dolly Parton said? She said, I was driving around one of those hills in the mountains of West Virginia and I almost drove my car off the road because I said that couldn't be me. She wrote the song. She had never heard anybody sing it. And Whitney Houston did with that song what Dolly couldn't do. Senator Hilgers has spoken words, the significance of which, he does not even understand. But I know the potential that's in him. And I'm either going to draw it out or I'm just going to embarrass him. And you know why he can be embarrassed? Because he has enough intelligence to realize when the rug is being pulled out from under him and he won't be able to defend himself, because he will have forsaken and betrayed that which he believes in. []

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR CHAMBERS: Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Pansing Brooks. [LB327]

SENATOR PANSING BROOKS: Well, I'm really excited to hear about the Steven Hawking story. So, Senator Chambers, if you could, at some point, get to that story that would be great. Thank you. I'm yielding my time to Senator Chambers. [LB327]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Chambers, 4:45. [LB327]

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SENATOR CHAMBERS: Thank you, Mr. President. This is my goddaughter of whom I'm well pleased. Steven Hawking is a man who is chair-bound. If you look at him, he looks like just a lump in which there is life. But you'd have to pay close attention and not view him with the contempt that you have for most people who are out there in those wheelchairs who came here with their parents and said, look at my wounds, look how I hurt. You have a balm that will take away some of my pain. Will you do it? And you said, no. Well, Hawking has produced some of the most profound scientific works, theoretical and otherwise, that have ever been produced. He has a disease, which, in a lot of people have taken them away long before now. He has not let the physical condition take away that spark of humanity, which is lionized by everybody, but which has never been seen or manifested on this earth before Steven Hawking came along. Now the "Professor" gave me the title of a book, The Grand Design. You ought to read that book, and there are other things he's written. And it would be good if you could read these things before you were aware of his physical condition. In a sense, you could say that all that his body provides for him is a coffin that contains his spirit, his intellect, and for those of you who are superstitious, a soul, which I don't know whether he believes there is such a thing or not. But whatever it is that animates that man, if you want to be inspired and understand the heights to which a human being by sheer power of will and intellect can reach, you ought to acquaint yourself with that man. But you won't, because the kind of education you get in school goes in a different direction. You are to be a cog in a machine. The Governor and others who talk about education talk about how you can be an educated work force and you are a living part of a machine, and once the part that you play has been rendered obsolete, because that machine of which you are a part is going in a different direction, you're going to be one of these angry old white men or angry old white women, and you're going to wonder what's it all about, Alfie? What happened to me? How did I allow myself to let this happen? There was a guy named Ralph Waldo Emerson, and he said society is in conspiracy against the manhood of every one of its members; he should say personhood to include women. You all are commodities. You are to be used. Listen to the terminology they apply to you. You are being trained, not educated to think. You are to be pliant, compliant parts of the machinery that will make millions and even billions of dollars. The CEO of the company where you work may make 100 times as much as you make, and without you, he could not make a penny. But you're not taught to think about that. Just go to school and get your piece of paper and then go out and try to find a job. And some of you are going to realize you can't find a job. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: There are more things you need to get as you obtain education than just the dexterity to do some job that they give you to do, even if you do it with a pencil, even if you do it with a gadget, because those are very limited, confining worlds. And you saw that one person, one group can do bad things to all of these computers all over the world. And what are you left with? You're left with nothing. That's your whole life. Then you look at some old person



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like me who reads books, who has only a landline telephone, who uses an electric typewriter. That was one of the concessions I made because they didn't make ribbons for the manual typewriters. And they used to have a ribbon, the top part of it was black, the bottom part was red. And you'd push a key on there and it would make it type in red lettering... [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR CHAMBERS: You said time? [LB327]

PRESIDENT FOLEY: Yes, sir. [LB327]

SENATOR CHAMBERS: Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Krist, you're recognized to close on motion 151. [LB327]

SENATOR KRIST: Thank you, Mr. President. This one is the one that for me is probably the most serious. It means the most to me. But I think it means a lot to many of you. I believe that if you, as many of you have said, if I vote with my heart, I would vote for the services and the override in favor of those in the DD community. And sometimes we have to prioritize what needs to be done. I'd like to speak for just a second to something that I think needs to be said. There is a compassion that exists within this body and a camaraderie and a collegiality, maybe less so this year than other years, but it still exists here. And it's aimed at people like you and me. We don't want to be put in a position to vote and go against what we've told the Governor we would lock step and vote for. But at some point, you have to decide what's right for your constituents. You have to decide what's right for your communities. You have to decide what's right for those people who cannot advocate for themselves. You have to make a decision and you have to look in the mirror tomorrow morning. This is the litmus test. This is the one that we can at least stand up together as a body and say, it was important enough for us to override this veto. I'd ask for a call of the house and also a roll call vote in regular order. [LB327]

PRESIDENT FOLEY: Thank you, 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; those opposed vote nay. Record, please. [LB327]

CLERK: 25 ayes, 4 nays to place the house under call. [LB327]

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PRESIDENT FOLEY: The house is under call. Senators, please return to the Chamber and record your presence. The house is under call. Senator Krist. [LB327]

SENATOR KRIST: I would ask you, Mr. President, to read clearly what we are voting on when all the members are assembled before we start the vote, please. [LB327]

PRESIDENT FOLEY: Senator Wishart and Senator McDonnell, please return to the Chamber and check in. All unexcused members are now present. Senator Krist requests that I read his motion which is to override the Governor's line-item vetoes contained in LB327, Section 110, Agency 25, Department of Health and Human Services, Program 424, Developmental Disability Aid. Senator Krist has requested a roll call vote in regular order. Mr. Clerk. [LB327]

CLERK: (Roll call vote taken, Legislative Journal page 1595.) 27 ayes, 21 nays, Mr. President, on the motion. [LB327]

PRESIDENT FOLEY: The motion is not adopted. I raise the call. Mr. Clerk. [LB327]

CLERK: May I read some items first, Mr. President? [LB327]

PRESIDENT FOLEY: Items for the record, Mr. Clerk. [LB327]

CLERK: Thank you. I do have other motions, Mr. President. I have...your Committee on Education reports LR98 back to the Legislature for further consideration. I have a series of confirmation reports from the Health and Human Services Committee; two reports, Business and Labor Committee; the Education Committee, a series of reports from the Education Committee. And, Mr. President, Senator Brewer offers a new resolution, LR259. That will be laid over. (Transportation and Telecommunications Committee; two confirmation reports. Legislative Journal pages 1595-1598.) [LR98 LR259]

Mr. President, the next motion with respect to LB327 is by Senator Krist. He would move to override the Governor's line-item veto to Section 126, Department of Health and Human Services, Program 354, Child Welfare; and Section 110, Agency 25, Department of Health and Human Services, Program 424, Developmental Disciplinary Aid. [LB327]

PRESIDENT FOLEY: Senator Krist, you're recognized to open on motion 152. [LB327]

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SENATOR KRIST: Thank you, Mr. President. Again, good afternoon, colleagues and Nebraska. To say that I'm disappointed, to say that this is probably one of the darkest days I have spent in here, and I'm not talking about the light or the ambient light, goes without saying. There is a very vulnerable part of our population that based upon what we have done here today will not have the proper funding for services. You know that. I know that. The Governor knows that. He stood up, the Governor--let me make clear who the "he" refers to--stood up in front of a thousand people on Saturday at the Child Saving Institute and said, you are the best. You provide the services that we need in this state. Hypocrite, to use Senator Smith's words. I can't believe what we have done. I am only proud of the fact that I'm not part of the decision that will cut these services. And when the folks in western Nebraska--I've ceased calling it greater Nebraska--realize what this is going to do to your retirement homes, to your services, to your DD community, to your most vulnerable in the next year and a half, you will rue this day. You will rue the decision to follow lockstep into the kind of decisions that we've made. It started on Day 1. It was 30 days of debating and building a coalition of people that were going to stay together throughout the rest of the session. The thing I had faith in is that each one of you would be touched by something and have some faith in humanity or in what your responsibilities were. Didn't happen, didn't happen for most of you. Senator Chambers has a way of calling us all out together, and that's his style and I can appreciate that. My style is to aim specifically at the target, aim well, and hit the target. Today, Governor Ricketts, you own this budget. You own what has happened. You're going to own this budget and its ramifications, intended and unintended, for the rest of your term--singular. With that, I will pull motion 152. [LB327]

PRESIDENT FOLEY: Motion 152 is withdrawn. Mr. Clerk. [LB327]

CLERK: Mr. President, Senator Chambers would move to override the Governor's line item veto with respect to Health and Human Services Program 354, Child Welfare. [LB327]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on motion 153. [LB327]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, if I had a heart, I could say these children are my heart. But I will not be phony. I do not have one. And it does not take that for me to try to speak for those who are helpless and in need of the most assistance. I more than once have mentioned that Catholic priest who the other day prayed over you all, and he had uttered the words which I have said several times: Take care of the children, the elderly, and those who live at the margins of our society. That's what he was praying. You all don't even listen to that. So I'm not going to be like Senator Wayne, who said he won't get personal, he won't bring up moral notions. I will do all of those things. And when I'm fighting for something I believe in, isn't it stated that all is fair in love and war? And each of those could be interchangeable: war is love; love is war. They are one and the same. They occupy the same

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space at the same time so they are one. But there's a gentleman who is not as old as I am but I have a lot of respect for him. He goes by the name Francis, with "Pope" in front of it. Lincoln Journal Star, May 13, 2017: Pope cheered...to honor children who urged peace. And I will quote what the "Bible" said: A little child shall lead them. Fatima, Portugal--Pope Francis urged Catholics--Catholics--on Friday to tear down all walls and spread peace as he traveled to this Portuguese shrine town to mark the 100th anniversary of one of the most unique events of the 20th-century Catholic Church: the visions of the Virgin Mary reported by three illiterate shepherd children and the "secrets" she told them. Francis--and I'm skipping some of the other material--Francis is spending fewer than 24 hours in Fatima to celebrate the centenary of the apparitions and canonize two of the three shepherd children. I don't know why it's only two. The article doesn't make it clear and it does not specify which two. He is hoping the message of peace that they reported 100 years ago when Europe was in the throes of World War I, will resonate with the Catholic faithful today. These children spoke and gave their message, which the Pope and others believe came from a higher source, about peace when there was no peace and had the appearance that there might not ever be peace again. But what do children know? They come from a purer place. They are purer and they don't know enough to be as evil as what they might become later, because Hitler was a child, Eichmann was a baby. Continuing: In a prayer, the Pope urged the faithful to follow in the footsteps of the young shepherds and spread peace even in times of war. And I will refer to these Catholics as my Catholic brothers and sisters. I'm not of your faith but we are all of one blood. Quote from the Pope, "We will tear down all walls and cross every frontier, as we go out to every periphery, to make known God's justice and peace," said the Pope, who obviously is deceived. That part was thrown in by me. The Fatima mystery has fascinated Catholics and non-Catholics alike for a century, blending visions of the Virgin, supernatural meteorological events and apocalyptic messages of hell, World War II, communism and the death of a pope. It all began on May 13, 1917, when three cousins, aged seven to ten, Francisco and Jacinta Marto and Lucia dos Santos, reported that they had seen a vision of the Virgin Mary as they grazed their sheep. They returned to the same spot in the coming months and reported similar visions. Portuguese church officials initially doubted them. Many doubters, though, became believers after the so-called "Miracles of the Sun" on October 13, 1917. The children had predicted that the Virgin would perform a miracle that day, and tens of thousands of people flocked to Fatima and saw what witnesses reported was a vision of the sun "spinning" in the sky and zigzagging toward Earth." Do you all believe that? You don't believe the bible. You believe this? The Pope referred to you all who are Catholics as the faithful. Faithful to what? There are Catholics voting against children. The Pope lionized these children. Jesus thought a lot of children, thought a lot about children. And as I told this man back here who plays like he cares about children, I'm talking about Senator Clements so nobody will think I'm talking about some of those others in the nether regions. I call that the "Netherlands" back there. Anyway, Jesus had said that you better be nice to these little children, for of such is the kingdom of heaven and unless you become as little children, you are not going there. None of you all will go there, not one of you. Which of you thinks you're going to go to heaven if Jesus

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was not a liar? I was talking about somebody being brave toward a god and a coward toward men. A man will lie in God's face because he fears what a man might think of him. So you are a coward toward these men because you'll lie but you're brave toward God in whose face you will tell the lie. Shouldn't you please God? You all don't want me talking like this. But you ought to be glad. You have a minion of one you all would call the devil's disciple talking to you about your scriptures that you're supposed to believe in. And I'm sure the devil is...there's great joy in hell right now, if that's where the devil lives, because one of his is teaching you Christians about your God, telling you what your God said and mocking you with the words that your God spoke. And you know why the devil is happy? Because he's telling all of them they're all coming to hell where we are, they'll be here with us. They look at a lifetime of a human being. But for creatures such as us, a lifetime is quicker than the blink of an eye. They'll be here and they'll be with us forever. But we're going to play a trick on them. We're not going to put them in fire. We're going to hurt them even more. We're going to make each one of them sit in front of a screen, each one, and run their life across that screen in front of their mother and let their mothers see everything they did,... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: ...everything they thought, every lie they told, all of it. Then he's going to spread the screen in a big circle so everybody who ever existed on the earth will see what you did in your life. That's how devilish the devil is. That's why he's called the devil. He plots these things and you all can't say that what I'm saying is untrue. Look at you. Which of you can leave here and go home and fall on your knees and tell God that you served him? Hmm. [LB327]

PRESIDENT FOLEY: Fifteen seconds, Senator. [LB327]

SENATOR CHAMBERS: Oh. I thought you had said time and I went over. Well, thank you, Mr. President. I'll speak again when I'm recognized. [LB327]

PRESIDENT FOLEY: Thank you, Senator Chambers. You are next in the queue. You may continue. [LB327]

SENATOR CHAMBERS: Thank you. Mr. President, here's a rhyme that I scribbled out when this was before us before, and it's for the Christians. And the one who really inspired it or provoked it was Senator "Clemency." I call him that hoping he'll live up to the name. I don't want to forget this, but I got couple of times to speak. Then you all will vote me down because we're going to go to a vote. I'll reconsider, then I'll be through. Some people think that the executioner is the most powerful person because the executioner inflicts death. Others say, no, not the executioner, because the executioner does what somebody else tells or orders him to do. So then

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the Legislature, which passes the law that says there should be an execution, is the most powerful. That's where the power stands. And then a still, small voice says, uh-uh, power does not rest ultimately with the one who creates a death sentence, it does not rest with the one who pronounces a death sentence, it does not rest with the one who would carry out a death sentence. The true power is the one who can grant mercy and say all of these forces have said this one should die but I who exercise the power of clemency, Senator Clements, says, no, this one shall not die, this one shall live. I overrule the executioner. I overrule the hanging judge. I overrule the Legislature. Senator "Clemency," unknown to him, was given a name which I wish he'd live up to in that there would be a shred of mercy in him for these children. And if he's not going to show that mercy, he ought not wear that lapel pin again with those two little children's feet or the feet of the little child. Here's the rhyme that was provoked by Senator "Clemency": The holy hypocrites I most despise / do gleefully tear wings from butterflies. / Then rapturously stick pins in beetles' eyes, / then callously ignore little children's cries. / Then off to church each of them hies / to fall on their knees and clamp shut their eyes / and bawl loud prayers up to the skies. / Then, spiritually refreshed, from knees they arise, / and return to the cruelty which comprises their lives; / they're in a circle which is truly vicious. That's my colleague who stands behind, sits behind me, my colleague who stands in front of me, and all the rest of those of you who vote against the children. You know who you are. It doesn't matter whether I know or not. Your God knows. But what do you care about that? That's why I like to talk about it. Devil likes it to be talked about, too, because he doesn't care about this God either, but he respects that God more than you do, because he thinks that God tells the truth. That's why he's in hell. But the devil, based on what this poet wrote, that he'd rather reign in hell than bow and serve in heaven. I'm going to tell you all the story of Frankenstein. That was a story written by Mary Shelley. And Frankenstein was not the name of the monster. Frankenstein was the name of the doctor who created the monster,... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: ...Dr. Victor Frankenstein. And the most profound word in literature from my point of view is where the monster told the doctor: You created me, but I am your master. Some people thought her story was about science created by human beings but then got out of control and became a monster that destroyed them. But I see it even more deeply than she realized. This is the story of Jesus Christ and God and the human beings that were created. How much time do I have, Mr. President? [LB327]

PRESIDENT FOLEY: Twenty seconds. [LB327]

SENATOR CHAMBERS: Then I will stop and turn on my light. [LB327]

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PRESIDENT FOLEY: You may continue, Senator Chambers. [LB327]

SENATOR CHAMBERS: Based on the story, the monster's name was Adam and he was not the hulking, shivering, shaking individual that you saw in the movies. Adam could speak French. Adam was highly intelligent. Why should not this creature be able to think and speak and understand when the brain was taken from somebody who did all of those things? He was highly intelligent and he was very sensitive. But he did look like a monster and he didn't know what he looked like until one day he was drinking out of a pool of water and he saw what he looked like: yellowish skin drawn tight over his face, like bones, and then the skin, the very dark eyes. And he was repulsed by what he saw. The story went on and he decided that he wanted a mate and he told this doctor that he needed somebody to be with him. He said: Everybody has somebody, even Satan, who rebelled against God and was thrown out of heaven. Other angels fell with him. Satan has angels with him. Every human being has somebody. Every animal has somebody. I am the only one on this earth who has nobody. Make me a mate. And as the story would have it, the doctor decided to do this. Adam had accidentally killed a child and people took out after him and he could have handled them because he was very tall, over seven feet tall probably, and he lived in the glaciers where it was very cold but he could move at lightning-like speed. And that's where he stayed and he had conversations with the doctor. They were very intellectual. And Mary Shelley was a teenager when she wrote this story. So the doctor was making this mate. Then he got to thinking, if this creature could destroy the world, then what would happen if there were two of them? So he changed his mind. And the creature had been watching him like private eyes are watching you, everything you do. So the doctor destroyed what he had made and that infuriated Adam and that's when Adam started doing things. And he told the doctor, "You are my creator, but I am your master," and I will pay you back on your wedding night. So when Dr. Frankenstein got married, he supplied himself with pistols, knives, and things to fight the monster off. But then he heard this blood-curdling scream and it came to him. The monster outfoxed him. He wasn't going to hurt the doctor. He killed the doctor's wife and then began a pursuit of the monster by the doctor. And the monster mocked him and the doctor said he'd follow him to the ends of the earth. And as they were going through very rugged, barren terrain, the doctor didn't carry provisions, he was so angry. But the monster made sure he had plenty to eat. The doctor would go to sleep, he'd wake up, and there would be a rabbit or some other creature that he could cook for food. When it looked like the doctor would lose his way and not be able to follow the monster, the monster would break limbs, twigs on the tree, leave pieces of garment so that the doctor could certainly follow him, because he wanted that doctor to feel the agony that he, Adam, the now monster, felt. And that's all I'm going to tell you of the story. You ought to read it. There's far more to it... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

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SENATOR CHAMBERS: ...than in those monster movies that you see. Did you say time or one minute? [LB327]

PRESIDENT FOLEY: One minute, Senator. [LB327]

SENATOR CHAMBERS: It wound up all the way in the arctic. And I'm not going to tell you how that finished. But now I'm going to tell you why that was the story of Jesus, God, and you all. [LB327]

PRESIDENT FOLEY: Senator Chambers, you're recognized to close on motion 153. [LB327]

SENATOR CHAMBERS: Thank you. Colleagues, who created you? Who created you? Quiet. God created you. God was Dr. Victor Frankenstein. The monster that was created were you all. You all were the monster that Dr. Frankenstein/God created. And the monster decided that things were so bad that they had to take their revenge. So God allegedly embodied himself as a human being and came to this earth and you know what the monster told him? They knew who Jesus was because the devil informed them and they told him, we know who you are, you are our creator, but we are your master and we're going to prove it. And they proved it. They hung him on a cross and they killed him. The one who created them was not the master at all. He was the creator but you all were his master and you all killed him and you've been reveling in that ever since and what you're doing today carries it a step further. The one who created you told you to love these little children and you told him, you are our creator but we're your master and these little children can go to hell where we hope that we sent you. And that's what you're doing today. That's what you are. In the same way that collectively human beings knew who Jesus was, I know who you all are. I know what's in you. And you love that man in that office more than you love this God. You ought to tell those preachers and priests and others to stop praying in here because they're praying to something that has less power than you and the one more powerful than all of you is the Governor. That's who you worship. That's who dictates to you. I'm going to take this to a vote and I'm going to be not voting so that I can move to reconsider. And I will vote for my reconsideration because I'm for the children. But the only way I can continue my plea on behalf of the children is to be not voting and then I'll reconsider. I could vote no on my motion but I will not vote against the children even for a procedural reason. And I'm not doing this to try to get in good with the one who may or may not have created all of this. How do I know? The only information I have about it is what people like you all put out there. You're not worthy of belief. You don't believe it yourself. When I was a child, I thought as a child, I believed as a child, I behaved as a child. Senator Hilgers is who I'm looking at. But when I became a man, I put away childish things and now I know there's nothing to it and I'm watching you all because you show me there's nothing to it. And you know how you show me? You supposedly believe.



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But then when that opportunity comes to do what Jesus told you to do, you show me there is no such thing. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: I'm not going to comment. I see something in this man's face that I've never seen before. I won't even look at him again. And it's not something that turns me off. Sometimes, people experience what Paul experienced on the road to Damascus. He went there breathing, threatening; it's because he's going to do bad things to the Christians. And something struck him off his horse and he saw a vision. He changed his whole life and become what some people call the greatest apostle. That person may be sitting in this room. He's certainly not standing with me. He's sitting. It's not Senator Lowe. Thank you, Mr. President. I would ask for a call of the house and a roll call vote in any order. [LB327]

PRESIDENT FOLEY: Thank you, Senator Chambers. 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; those opposed vote nay. Record, please. [LB327]

CLERK: 25 ayes, 1 nay to place the house under call. [LB327]

PRESIDENT FOLEY: The house is under call. Senators, please return to the Chamber and check in. The house is under call. [LB327]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Senator Hughes, Williams, Stinner, Kolterman, Howard, McCollister, Morfeld, Bostelman, Vargas, Erdman, and Groene, please return to the floor. The house is under call. Senator Vargas, could you check in, please? Senator Hughes, Senator Morfeld, the house is under call. Please return to the floor. All members are accounted for. We have a request for a roll call vote in regular order. Is that okay, Senator Chambers? [LB327]

CLERK: (Roll call vote taken, Legislative Journal pages 1599-1600.) 19 ayes, 23 nays, Mr. President. [LB327]

SPEAKER SCHEER: The motion fails. Mr. Clerk. [LB327]

CLERK: Mr. President, Senator Chambers would move to reconsider that vote. [LB327]

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SPEAKER SCHEER: Raise the call. Senator Chambers, you're welcome to open on your reconsideration motion. [LB327]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, a convicted murderer had a favorite poem. And he was actually executed. He blew up that Murrah courthouse in Oklahoma. His name was Timothy McVeigh and he liked a poem. The poet who wrote it shared a least one name with me. His name, I think, was Thomas (sic: William) Ernest Henley. Now I may not remember it all, but I'm going to do the best I can: "Out of the night that covers me, / Black as the pit from pole to pole, / I thank whatever gods may be / For my unconquerable soul. / In the fell clutch of circumstance / I have not winced nor cried aloud. / Under the bludgeonings of chance / My head is bloody, but unbowed...It matters not how strait the gate, / How charged with punishments (be) the scroll, / I am the master of my fate, / I am the captain of my soul." That's not bad for 80 years, is it? I pay attention to things. They're things that jump out and grab me. You all cannot say that. You're not the master of your fate. You're not the captain of your soul. You have under the bludgeonings of the Governor, not only have you winced, but you have not cried aloud. You have squeaked like so many mice and your head is bowed. You're not worthy of respect. You're not worthy of consideration, because with all this talk of the most vulnerable, you've shown what you will and won't do. And those of you all who go to these, what do you call them, these fundamentalist churches, they're the worst people of all, Senator Friesen, the ones who profess to be the holiest. They're worse than Catholics and you know what I think of Catholics. The only group I think less of than Catholics are the ones in the church I grew up in, because I knew them better. Maybe if I knew Catholics better I wouldn't like them any better. But here's something these "ruralies" ought to know. I read an article in the paper where the Catholic Conference is thinking about closing some schools, some Catholic schools in the rural areas. Now when the church is talking about deserting an area, that lets you know it's in bad shape. And you "ruralies" think you got everything going your way. You "ruralies" are not the ones who are doing this. The Governor is doing it. He's using you. He doesn't have to live with anybody in here but you all do and we have a long session next time around. Sixty days, that's going to be a long 60 days, and I'm going to show you what somebody can do who's got a long memory. You all better pray that the Grim Reaper harvests me before next January because I'm going to go back to my serious exercising because I want to be ready every day of the session. See, I've been kind of weak this session. You all probably have felt sorry for this old, doddering, tottering, on his last legs, elderly gentleman. But I'm going to show you something next session. I know what I'm dealing with and I know who you are. Now there are some who won't come back and maybe they will do a better job and maybe they won't. One I'm going to convert is Senator Brewer. He is my target. I'm going to win him over. Watch me. When I settle on a target, I don't miss. And he's going to be easier for me than he even understands and realizes. I've picked out a couple of others. Senator Groene, I'm not worried about him. I think he'll be gone next time--I think. I'd like to ask Senator Groene a question if he'd answer. [LB327]

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SPEAKER SCHEER: Senator Groene, would you yield, please? [LB327]

SENATOR GROENE: Out of politeness, yes. [LB327]

SENATOR CHAMBERS: I didn't hear you. [LB327]

SENATOR GROENE: Out of politeness, yes. [LB327]

SENATOR CHAMBERS: Oh, thank you. I don't want to force you to do anything. I won't ask you the question. If he pretends to be polite, it's not sincere. I don't have anything to ask you, Senator Groene. And I'm not going to ask him anything else. I have dominated him. And when I've whipped the spirit out of somebody, I don't believe in beating a dead horse. And that's really the way I am. Somebody can be twice my size but if I knock him down and he won't get up, I won't hit him again. And that's what I've done to Senator Groene. And I'm not going to bother him anymore. Senator Groene doesn't exist to me. I see Senator Halloran. I see Senator Friesen, but between them I don't see anybody. What's going on? You wonder what this session has become, don't you? You worry more about him, a grown man, than you do about these children, don't you? I worry about the children. I don't care what any of you all think, but I care about the children. I don't care what any of you all think. Now if you show me consideration for the children, then you'll get some consideration from me. But when you don't show anything for these children, don't look for anything from me. That goes for all of you, even those who are not on this list that comprises my rogue's gallery. And I want you all to check the votes to see, and I'm going to read them again. And now on some of these, Senator Hilkemann was with them and on some of them; Senator--well, I don't remember so I don't want to put anybody on there who may not have been there but they know who they are--Albrecht; Bostelman; Brasch; Brewer; Briese; Clements; Craighead; Erdman; Geist; Groene; Halloran; Hilgers; Hughes; Kuehn; Larson; Lindstrom; Linehan; Lowe; Riepe; Watermeier; and I may as well put Friesen and Murante because they were roped in. And Senator Murante wondered what it would take for me to say...I won't use the "sometime" in front of his name. Well, he took care of erasing that "sometime." He's right there, thick as thieves with the rest of them now. I read the list. They want transparency, don't they? They want everybody to know how they vote, don't they? They want everybody to know who they are, don't they? Senator Erdman doesn't have to worry about anything like a special session now because he got the deal from the Governor, because the Governor cut, now they don't have to talk about a special session. But they weren't going to get any anyway. The Governor doesn't want a special session. And you few "ruralies" think you can make him call a special session? You think he respects you? You all need to learn something from the real world. You know what these women of the night know how to do? Take these men who have no self-confidence, no self-respect, and make them feel like they're somebody. And these men are at least smart enough to know that these women don't care about them. These

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women understand them and she'll say to them what they need to hear and that's how she earns her money and she has contempt for them. And that's why Donna Summer sang that song, "She Works Hard for Her (sic: the) Money." Look at the kind of men she has to deal with. They're not men; they're males but they're not men. I watch them. J-e-l-l-O is the substance out of which they should be made. Now when I'm gone, you won't hear the kind of conversation I'm giving because my young friend, Senator Wayne, has already said he won't get personal and he won't talk about moral things so you all won't have to worry about that. The only religion you'll hear is when you got somebody up there praying over you all. And you know what the theme song of these preachers could be? "To Dream the Impossible Dream." He looks out over this group of reprobates, hypocrites and before he prays, or she prays,... [LB327]

SPEAKER SCHEER: One minute. [LB327]

SENATOR CHAMBERS: ...that person will say, God forgive me, I shouldn't do this in front of them, and cast blasphemy in your face. But I have a certain amount of pridefulness and I want to go there among those reprobates and say a prayer over them. And they say words that mean nothing to anybody who sits in this Chamber, nothing. And it's demonstrated. As I always say, you all come here and pray to Jesus, then the rest of the time you do the devil's work. And you can turn your back and hurt these children, then you go home and you feel like you're somebody. Now those of you who hunt will go out and kill animals, you'll catch fish. But what kind of man are you? Nothing, nothing, because you won't stand for these children. Some of you have a heritage. Some of your people, like my people, suffered. [LB327]

SPEAKER SCHEER: Time, Senator, but you're next in the queue so you're up. [LB327]

SENATOR CHAMBERS: Thank you, Mr. President. And you forget it all because you want to be like these white people. I ought to sing a song for Senator Murante. (Singing) Hey, mambo, mambo Italiano, / Go, go, Joe, go like a Juliano. I understand everybody in here. We all understand each other. Maybe, instead of the devil, maybe I'm one of those angels and have to lash you. The "Bibble" talked about a point being reached with the Israelis where one king beat them with whips and this king would beat them with scorpions. That didn't mean the animals. That meant whips with bits of metal and other substances interwoven so you would know that you had been whipped indeed. But I don't want to inflict pain on you. Do you think I want to hurt Senator Lowe? No. What am I trying to reach in Senator Lowe? I don't know. He'd probably say he had a soul if I asked him, but I don't know what a soul is. He doesn't know either. I thought a soul was, from what I learned when the Jesuits was talking, were talking, is something that is immaterial and immortal, meaning it will never die. And it is supposed to be that thing which is the remnants of God or a touch of God and it's to make you godlike. And God sent a kid down here who was a child to teach you all something. And that child, when he grew up, said

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you all should love little children. He said, Lowe, you should love those little children. Lowe said, ah, don't talk to me about that, and all the rest of you, but I'm not going to go around the horn. Senator Lowe makes eye contact with me, so I talk to Senator Lowe. But the same goes for all of you. You'll leave here today. The Governor will have had his way, which I knew would be the case this morning. Others are disappointed and disheartened. You know why they're disappointed? They thought they were dealing with people who were better than those people are. I've explained to many of them, here's the way to avoid disappointment. Don't put your expectations high. Don't put your hopes high. When you expect a lot or hope for a lot and you don't get it, that's when disappointment results. When you properly evaluate a situation, you're never disappointed. You think I'm disappointed when Senator Lowe comes like...comes out on this rogue's gallery list? No, I'm not disappointed when any of them do. That's why I put them on the list. How could I do that so long ago? Because I read them. I read them and I put them on the list and the list is accurate because they are as transparent as a piece of window glass. And like that front that they use in movie sets, I open the front door and I step out into the backyard: no substance. And if I keep working on Senator Lowe, I will get him just like I'm going to get Senator Brewer. You saw Senator Lowe whip his head around. He couldn't even maintain eye contact. He had to take a break. When I put that withering gaze on him, see, I'm looking deep inside of him. I'm not going to ask Senator Briese if he'd want to make a wager anymore. All I want to do now is take some time. And you know why I want to take this time? Because I made a deal with myself. Knowing that every one of these attempts to override would be voted down,... [LB327]

SPEAKER SCHEER: One minute. [LB327]

SENATOR CHAMBERS: ...the one thing I didn't know was that the towel would be thrown in and people would quit and give up. When you give up, they'll never take you seriously again. They know you're going to fold. They don't know that about me because, see, I don't care what you think. I don't care if you're angry. I don't care if you're tired. You got to stay here until there's no more time that I can get under the rules. But you're fortunate because we only have a couple more days. But what can be done in those two days? Now on the first day God created heaven and earth. If God can create heaven and earth in one day, I should be able to create havoc in two. I'm not equating myself with God because I'd have done a better job than he did. I wouldn't have created creatures like you all. [LB327]

SPEAKER SCHEER: Time, Senator. [LB327]

SENATOR CHAMBERS: Thank you, Mr. President. [LB327]

SPEAKER SCHEER: And now you are the next in the queue. [LB327]

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SENATOR CHAMBERS: That's why I have to wonder if there is a God. The "Bible" says male and female created he him. And at least one of them is made in God's image. And that's supposed to be the male, because a male wrote the story. A male wrote the story and that's why God has a masculine pronoun. It's like this little black child who was talking to his father. After he had gone to the zoo he said, daddy, I saw this movie and Tarzan beat up these lions. He said after he saw a lion in the zoo, there's not a white man who could beat that lion up. So his father said, son, as long as the white man can write and the lion cannot, in every encounter written about the white man is going to beat the lion. So that father taught his son something. He'd better learn how to write so he can tell the story the way he thinks it ought to be told. And, unfortunately, there are not enough black people who will tell this story the way we know it should be told because we're trying to get along with you all when you don't like us anyway, you don't respect us anyway. And we think that by "tomming" and clowning and playing that game it's going to make you think something more of us. How could you respect me if I suddenly started scratching when I don't itch, grinning when nothing is funny? You wouldn't respect me. You wish that I'd do that, then I wouldn't be a problem. You couldn't respect me and if you did, you'd be out of your mind. I'm not deceived about my status or lack of status here. I know how things go. And you all know, some of you, that you've come to me for help and I'll give it. And I still will. You know why? No altruism. There's a certain level of quality I think our legislation should have, and if there's something that I'm not just completely opposed--like that craziness that Senator Hilgers brings and it's going to pass--then I will try to help bring it up to snuff. But his bill, even when he brings it back next time, the NRA wrote it and maybe Jon Bruning helped them write it. And it's some of the worst legislation I've ever read--worst. And there are unconstitutional provisions in it. I may not even fight it and then take it to court. And Senator Hilgers will have gotten what he wanted. He got a bill that the NRA commissioned him to get enacted. We still talk. We talked about his bill. We talked about it the day before he decided to withdraw it. And I let him know I'd fight it tooth and nail. And he knows that. Anybody who knows me and how I feel about legislation like that knows that I'm not going to give an inch on it. But I think he wanted to just see if there might be some accord we could reach. But we did reach one. I didn't think it should go any further and neither did he. And he's probably wondering how in the world he let him get himself enmeshed with the NRA, because it's making him turn into something that I'm sure he didn't think he would turn into. And were I not here, he wouldn't have, because you all would have all been running around here, oohing and ahing, because you don't see through Senator Hilgers like I do. And this is why I go after him: Where much is known, much is required, and he knows a lot more than what he's showing. If he cared about that legislation, he would have drafted it better. But he's so busy trying to get everybody to say they agree with it, he doesn't care if it's unconstitutional. [LB327]

SPEAKER SCHEER: One minute. [LB327]

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SENATOR CHAMBERS: He just wants to get something enacted that the NRA wants and he thought he had a deal. He got tricked. He got bucked off the horse. They can toy with him, too. And sometimes they want to put one of these whippersnappers in his place and let him know he's not as smart as he thinks that he is. There are dynamics associated with what we do in this Legislature that go beyond the words of bills, beyond the words in the statute books, beyond the words in our rule books. There are interactions between and among us. There are interrelationships that develop, some more tenuous than others. I can get along with anybody. That doesn't mean I have to like you. Did you say time? [LB327]

SPEAKER SCHEER: Thank you, Senator Chambers. I see no one else in the queue. You're welcome to close. [LB327]

SENATOR CHAMBERS: Was that my third time? [LB327]

SPEAKER SCHEER: Yes, it was. [LB327]

SENATOR CHAMBERS: Okay. Senator Crawford, Once upon a midnight dreary, while I pondered, weak and weary, / Over many quaint and curious volumes of forgotten lore-- / While I nodded, nearly napping, suddenly there came a tapping / As of some one gently rapping, rapping at my chamber door--not Chambers door, chamber door. I don't think I will make everybody else suffer through the rest of it. But there is a verse that I really like, because Poe could use words: And each silken, sad, uncertain rustling of each purple curtain / Thrilled me--filled me with fantastic terrors never felt before; / So that now, to still the beating--and this lets you know it doesn't occur to...it doesn't apply to me--So that now, to still the beating of my heart, I kept repeating, / 'Tis some visitor entreating entry at my chamber door-- / Such it is and nothing more. / Open here I flung the shutter, then, with many a flirt and flutter, / In there stepped a stately Raven from the saintly days of yore; / Not the least obeisance made he; not a minute stopped or stayed he; / But, with mien of lord or lady, perched above my chamber door-- / Perched upon the bust of Pallas...Perched, and sat, and nothing more. Then he had a line: What this grim, ungainly, ghastly, ominous bird of yore / Meant in croaking "Nevermore." And then the famous lines: "Quoth the Raven 'Nevermore.'" And I might quoth some more, but not right now. I just want to get my time that I'm entitled to, and I want to make it clear that were these overrides not involving children and the ones whom the priest described as living at the margins of our society, I would not have gotten as upset as I did. And I genuinely was upset. I hate to see those who are strong bully those who are weak. In the street you can intervene. There's no way to intervene here except through the rules. And if I get in a game, I'll play by the rules as long as everybody else does. And it's my job when I'm outnumbered, is to learn those rules, master them and then try to beat my opponents at their own game. So the Governor won today. Most of the time I own the Legislature; the Governor owns this Legislature. And you have put him in a

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position where he thinks he's going to get another term. And these "ruralies" think that because they work with the Governor, they own the Legislature. But the rural people don't have as many votes as the city people. And those who run are going to have to point out how the Governor did things that were hurtful. And the "ruralies" don't have enough votes to put him in. They usually count for those people out there who are out of touch with reality, who are behind the times, who are easily tricked, bamboozled, misled, and sucker punched, to go along with what the "Repelican" party tells them to do. Then the party does nothing for them, just as their hero Donald Trump has not done anything for them. He told them they'd have jobs. [LB327]

SPEAKER SCHEER: One minute. [LB327]

SENATOR CHAMBERS: He doesn't even talk about them anymore. He says, who are you talking, oh, those ignorant people? Well, Mr. Trump, didn't you say you love uneducated people? He said, I do, I love them because they're uneducated, they vote for me, they're so dumb they don't realize that I don't care anything about them. But we're going to have a chance one way or the other to talk about Mr. Trump and a provision in the U.S. Constitution which if invoked could make Mr. Pence the acting President of the United States of America. Thank you, Mr. President. Thank you, brothers and sisters. I'm through. [LB327]

SPEAKER SCHEER: Thank you, Senator Chambers. The question before us is the reconsideration motion for motion 154. All...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; all those opposed vote nay. Please record. [LB327]

CLERK: 21 ayes, 3 nays, Mr. President, to place the house under call. [LB327]

SPEAKER SCHEER: House is under call. Senators, please record your presence. Those unexcused Senators outside the Chamber please return to the Chamber, record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator McDonnell, Senator Linehan, would you please check in. Senator Smith, Senator Hilkemann, Senator Kolterman, Senator Howard, Senator Hansen, Senator Morfeld, Senator Vargas, please return to the floor. The house is under call. All those are accounted for. The question before us is the reconsideration. There's been a request for a roll call vote. Regular order, Senator Chambers? Mr. Clerk. [LB327]

CLERK: (Roll call vote taken, Legislative Journal page 1600.) 16 ayes, 26 nays on the motion to reconsider. [LB327]



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SPEAKER SCHEER: Motion fails. Mr. Clerk for announcements. [LB327]

CLERK: I have none, Mr. President, other than a priority motion. Senator Walz would move to adjourn the body until Thursday, May 18, at 9:00 a.m.

SPEAKER SCHEER: You've heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. [LB327]