

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2017

[LB22 LB119 LB122 LB149 LB355 LB368 LB447 LB506 LB576 LR31]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-eighth day of the One Hundred Fifth Legislature, First Session. Our chaplain for today is Senator Craighead. Please rise.

SENATOR CRAIGHEAD: (Prayer offered.)

SPEAKER SCHEER: Thank you, Senator Craighead. I call to order this twenty-eighth 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.

SPEAKER SCHEER: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SPEAKER SCHEER: Are there any messages, reports, or announcements?

CLERK: I have a communication from the Governor making an appointment to the Commission on Problem Gambling. That will be referred to Reference. That's all that I have, Mr. President. (Legislative Journal pages 463-464.)

SPEAKER SCHEER: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I do propose to sign and do hereby sign LR31. Mr. Clerk, we'll now proceed to the first item on the agenda. [LR31]

CLERK: Mr. President, Final Reading. LB119. [LB119]

SPEAKER SCHEER: As this is our first Final Reading, Senators, would you please return to your seats for Final Reading. Thank you. Mr. Clerk, the first bill is LB119E. [LB119]

CLERK: (Read LB119 on Final Reading.) [LB119]

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SPEAKER SCHEER: All provisions of law relative to the proceedings having been complied with, the question is, will LB119E pass with the emergency clause attached? All those in favor vote aye; all those opposed. This will require 33 votes, green votes, to pass. Please vote. Have all voted that wish to? Record, Mr. Clerk. [LB119]

CLERK: (Record vote read, Legislative Journal pages 464-465.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President. [LB119]

SPEAKER SCHEER: LB119E passes with the emergency clause attached. We'll now proceed to LB22E. [LB119 LB22]

CLERK: Mr. President, I have a motion on the desk. Senator Krist would move to return...well, Senator, before I go there, I have two amendments earlier filed that I have a note you wish to withdraw, AM151 and AM104. [LB22]

SENATOR KRIST: That is correct. [LB22]

CLERK: Mr. President, Senator Krist would move to return LB22 to Select File for specific amendment, that amendment being AM235. (Legislative Journal page 455.) [LB22]

SPEAKER SCHEER: Senator Krist, you're welcome to open on your amendment. [LB22]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. First, before I start, I just want to assure this body that this is not my attempt of trying to block essential legislation. But as many of you know, I was detained on a family matter while this bill was on Select File and was unable to be here to discuss this amendment. What I'm asking you to do is to return it and discuss an amendment. This amendment is very clear and very simple. It removes the Legislative Council's budget from the budget that we...the motion or the substance of LB22. I will discuss how important I think this is if we actually do return it. I think it's worth discussing both because of the future that we see in the HVAC, which would be LB...or which would be a 2018 time frame and starting, and some of the other budgetary issues that we have set in time and space and in motion in the Legislative Council. So I ask for your green vote to return from Final Reading so we can amend it. Thank you. [LB22]

SPEAKER SCHEER: Senator Chambers, you're recognized. [LB22]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I would like to ask Senator Krist a question or two if he would respond. [LB22]

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SPEAKER SCHEER: Senator Krist, would you please yield? [LB22]

SENATOR KRIST: Absolutely. [LB22]

SENATOR CHAMBERS: Senator Krist, even when we were in the greatest heat of our debates, have you heard me say that we will get done this session, as we have every session, the necessary legislation which would include the budget? [LB22]

SENATOR KRIST: Yes, sir. [LB22]

SENATOR CHAMBERS: And you were not here the other day and I wanted to discuss your amendments. Do you think for the relatively short amount of time we're staying here in the morning that had I chosen to do so, I could have made motions and offered amendments that would have kept us on that bill until you returned whenever you came back? [LB22]

SENATOR KRIST: Yes, sir, I do. [LB22]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I find out that some of my colleagues don't pay attention, so I'm saying things for the record. I am not a lunatic. It may seem so because if I went over there and talked to that--let me not point that way, you'd think I'm talking about Senator Groene--talk to that marble column, you would say I'm some kind of lunatic. But that's what it's like when I speak on this floor. I really care about the Legislature. The things that we are supposed to really be doing, I want to do. But I'll fight tooth and nail and take however much time it takes to defeat, if possible, to delay, if that's all I can do, actions by the body as a whole which would undermine the integrity, the reputation, and the significance of the Legislature as an institution and as a coequal branch of government. In my view, the Legislature has paramouncy because we control the purse strings. If we don't appropriate, nobody can do anything. We also exercise oversight. You might say most importantly we enact laws. So the Legislature has paramouncy in my view. I'm kind of throwing a bone to the executive and the judicial branches by suggesting there is parity among and between the various departments of government. I could have delayed that bill as I can delay any bill, but soon as I found out that Senator Krist would not be here and, furthermore, that the amendments that were pending would be withdrawn ultimately, I had nothing else to say on the bill. It moved. When sane, sensible proposals are before us, I can behave differently from what is necessary, in my opinion, when the Legislature is moving and dancing to the tune of somebody outside of the Legislature. I spend a lot of time on legislative matters. I know that during the course of a year I spend more time here than any other senator. This session I've spent more time on the floor than any other senator. But despite all of that, the Legislature is neither my life nor my wife. It's one of those things that I have agreed voluntarily... [LB22]

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SPEAKER SCHEER: One minute. [LB22]

SENATOR CHAMBERS: ...to be a part of, and I'm going to do the very best I can here. And if it means resisting other people who are here, that's what I will do; resisting actions that I think undermine the Legislature, I will resist them. I wanted that in the record. And today when we get to Senator Krist's amendments, at least one of them that pertains to the Legislature, I will have more to say. Thank you, Mr. President. [LB22]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Stinner, you're recognized. [LB22]

SENATOR STINNER: Thank you, Mr. President. Members of the body, I oppose sending this bill back to Select File. Presently, we were working on a...Senator Kuehn, Senator Watermeier, and I believe Senator Krist also are working on modifications to Legislative Council budget to include three or four of the items that Senator Krist believes is essential. We are working on other ways of possibly accommodating things like the telephone and the emergency network, things like the board and getting that appropriately repaired or replaced. Those items are now being worked on. I think we have a way forward on those items. We continue to look at them in the Appropriations' side of things. I think we need to pass LB22E and get it to the Governor's signature. We have the...I believe it's bill LB149 which we can make modifications if we need to make them. So this is the bill that we put in place in order to catch all the stuff that needs to be changed. This is an item that could go into that. So thank you. [LB22 LB149]

SPEAKER SCHEER: Thank you, Senator Stinner. Senator Krist, you're recognized. [LB22]

SENATOR KRIST: Wonder if Senator Stinner would yield to a couple of questions. [LB22]

SPEAKER SCHEER: Senator Stinner, would you please yield? [LB22]

SENATOR STINNER: Yes, I will. [LB22]

SENATOR KRIST: Philosophically, we have two different viewpoints. The Governor gave you a budget and he clawed back reappropriations. You, as a committee, have made several changes that you feel are appropriate. Having not been on that committee but knowing that the Legislative Council, in my opinion, was not represented to the extent that they need to be and that long-term expenditures within appropriations that have to do with HVAC, which is, in my opinion again, grossly underfunded based upon what needs to be done logistically, there's two ways to solve this problem. One is to continue to do what the Governor wants us to do in this area and do the reappropriations clawback, and give up the \$800,000 which would be our fair

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share, or leave this money in place and you could move it out as you see fit in LB149, which would be part of a deficit bill, as well as the actual budget itself. So philosophically where we stand here is I want to keep the money in the bank until you appropriately take it out after much more thought in the next step, which would be LB149, or in the budget. You want to get it under the gate and through doing exactly what has been proposed. I'm not going stand toe-to-toe with the Chair of Appropriations not knowing what's in your mind to say that you're wrong. But are you sure, are you absolutely sure that in 2018 that this money is going to be able to come back to us for the logistics efforts that will go on in response to HVAC in particular and logistics moves inside and outside this building? [LB22 LB149]

SENATOR STINNER: You're asking me to give you 100 percent assurance when the Governor has line-item veto. I'm not sure I can do that, but I will do it on a best efforts basis through the shell bill. I think we all in this Legislature understand the importance of these items. We've been given an opportunity to reshape those items into maybe different categories that may pass the Governor's veto. If you reverse this, I will say that the Governor probably will use his veto. [LB22]

SENATOR KRIST: Senator, what this does is make the Legislative Council on this round of debate veto-proof. So if you have any doubt that the Governor might take a line-item veto to LB22, this amendment saves the Council budget as it exists. And that's the reason that I pulled the rest of them and put this in place. It removes the process of the Legislative Council adjustment from this bill. And you just said in your own words, you're concerned about the Governor's line-item veto. If there's any concern at all, we should leave the money in the bank and deal with it in LB149 or in the actual budget. [LB22 LB149]

SENATOR STINNER: I'm in disagreement, but that's... [LB22]

SENATOR KRIST: Okay. So... [LB22]

SENATOR STINNER: ...that's I guess what the Legislature has to determine. [LB22]

SENATOR KRIST: Thank you, Senator Stinner. So what you're hearing right now is that if the Governor has line-item veto authority, and he does, and he would want to line-item veto on a particular issue, and he potentially could, then this money is safe by doing what we do until we get to a decision point in LB149 or in the actual budget bill. It makes no sense to me to give up this leverage that we have for this body, for this body, for this body. I'm not talking about anybody else now. Don't confuse what went on before where we... [LB22 LB149]

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SPEAKER SCHEER: One minute. [LB22]

SENATOR KRIST: ...were talking about Foster Care Review or different items that were going to be saved. I'm sure that the Appropriations Committee themselves will handle those individual items. I don't want to give up this money. That's the reason I'm doing what I'm doing. And I don't want the Governor to have line-item veto over something that we know we're going to have to spend and we also don't know to the extent that those bills will be piling up once we start the HVAC move that will take eight to ten years. I'm asking you to bring it back, let's have a discussion on that. And you philosophically know the difference between the Chairman of Appropriations and where I'm coming from, from my time here in the Legislature. Thank you. [LB22]

SPEAKER SCHEER: Thank you, Senator Krist and Senator Stinner. Senator Harr, you're recognized. [LB22]

SENATOR HARR: Thank you, Mr. President. And I'm a bit confused. I just want to clarify the record. Would Senator Krist yield to some questions? [LB22]

SPEAKER SCHEER: I'm sorry. Senator Stinner? [LB22]

SENATOR HARR: Krist. Krist. [LB22]

SPEAKER SCHEER: Senator Krist. Excuse me. Senator Krist, would you please yield? [LB22]

SENATOR KRIST: Absolutely. [LB22]

SENATOR HARR: Thank you. So it's my understanding, and correct me if I am wrong, that budget bills are different than all other types of bills. Is that correct? [LB22]

SENATOR KRIST: The mainline budget bill and of course... [LB22]

SENATOR HARR: Mainline. [LB22]

SENATOR KRIST: Mainline. [LB22]

SENATOR HARR: Mainline. And this...and they're different in the regard that a mainline budget bill cannot be filibustered. Is that correct? [LB22]

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SENATOR KRIST: That's correct. [LB22]

SENATOR HARR: There is no cloture? [LB22]

SENATOR KRIST: My point in bringing this bill forward today is not to filibuster, though, so let's not confuse that issue. It is simply to bring up an alternative philosophy in terms of how we pass this particular deficit bill. LB22 is no different than what LB149 will be, which is a shell bill that they've held in place in case they have to make additional judgments before...adjustments before they get to the mainline. [LB22 LB149]

SENATOR HARR: Okay. Thank you. And I was not inferring that you were filibustering. If I did, I apologize. [LB22]

SENATOR KRIST: No, I just wanted to make it clear. Thank you. [LB22]

SENATOR HARR: Thank you. However, a regular bill, meaning a non-mainline budget bill, cannot...the Governor cannot do a line-item veto. Is that correct? [LB22]

SENATOR KRIST: The Governor could line-item veto this deficit bill on any part of what we do or do not do, yes. [LB22]

SENATOR HARR: On LB22? [LB22]

SENATOR KRIST: Yes, sir. [LB22]

SENATOR HARR: Why is that? [LB22]

SENATOR KRIST: Put the way that I had in amendment before, the Governor could say, no, we're not going to talk about adjustments to the Council. This takes it out of the picture completely. We are just saying we're not making any adjustments and, therefore, he would have no line-item veto authority in this way. [LB22]

SENATOR HARR: Okay. Thank you. Senator Stinner, would you yield to a question? [LB22]

SENATOR STINNER: Yes. [LB22]

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SPEAKER SCHEER: Senator Stinner, will you please yield? [LB22]

SENATOR HARR: Thank you. And I apologize. I really did miss this. Why can the Governor do a line-item veto on LB22? [LB22]

SENATOR STINNER: It's a deficit bill and it's the budget bill and my understanding is he can. [LB22]

SENATOR HARR: Huh. I had not realized that until just now. Okay. And where does he have the authority...where does that authority come from? [LB22]

SENATOR STINNER: I believe it's the constitution. [LB22]

SENATOR HARR: Okay. All right. Well, okay, I appreciate that. Thank you. I have to think about this a little bit now. I'm going to sit down. I didn't...I assumed this...only mainline budget bills could the Governor do line-item vetoes. I didn't realize he could do it on bills such as this. That's my fault and I apologize. I'll have to review what I'm going to do. Thank you. [LB22]

SPEAKER SCHEER: Thank you, Senator Harr. (Doctor of the day introduced.) Senator Chambers, you're recognized. [LB22]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, to help bring clarity I would like to ask Senator Krist a question or two if he will yield. [LB22]

SPEAKER SCHEER: Senator Krist, would you please yield? [LB22]

SENATOR KRIST: Absolutely. [LB22]

SENATOR CHAMBERS: Senator Krist, precisely what would your amendment do if we brought this bill back and attached your amendment? [LB22]

SENATOR KRIST: Within LB22 there are adjustments made to the budget. They are...they take away reappropriations to a certain percentage across the board and they have the 4 percent cut in them for the entire state of Nebraska. My amendment takes the budget only for the Legislative Council, this body's budget, out of this consideration so we would have time, they would have time in Appropriations Committee and we would have time to analyze what our investments or what our liabilities are going through the next two years, realizing that the HVAC system starts,

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those moves start, in summer of 2018, which would fall in this next biennium. I'm concerned that if we take any money out of there we're going to have to be adding money back in, and I don't see the sense philosophically in doing that. So AM235 would exclude the Legislative Council budget from consideration on this round of cuts. [LB22]

SENATOR CHAMBERS: Thank you. Members of the Legislature, if your home is being invaded, you're going to let it be invaded to be on good terms with the invader? I don't think people have paid attention. I don't think they're going to pay attention. And I think I was snookered on this bill. I did not try to hold it up on General File because had there seemed to be an understanding among all of the players who have been active that some work would be done by the time we got to Select File, and additional work would be there...done there. Not all of that work was done. I didn't try to hold the bill up on Select File because I thought that Senator Krist's amendment that he's talking about would be attached, let the bill go to Final Reading. Then a motion, for the new people, has to be made to bring the bill back to Select File because a bill cannot be amended on Final Reading. No amendment can be offered on Final Reading. The only places that amendments can be made would be stages of consideration prior to Final Reading. So I should have held that bill on Select File. I gave away any leverage I had because I think there was integrity...I thought there was integrity, honesty, and straight dealings on this bill. I didn't have as much to say on it as some other people. And when I did speak, I stayed on point, mentioned the groups, the entities which I thought should not lose money. But I didn't offer any amendments. Now here we are on Final Reading. I have no leverage. I was tricked and I'll concede that. When I have blundered, I will admit it because I won't make the blunder again, Senator Stinner and those on the Appropriations Committee. I wouldn't try to kill the mainline budget bill, but I am inclined to make better use of it than I did on this bill because I don't know that people's word means anything. [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR CHAMBERS: All that we're talking about with Senator Krist's amendment is that our branch of government...we are not a state agency, code or noncode. We are a branch of government and we do the appropriating. And you mean to tell me we are afraid to deal with our own situation? I think Senator Stinner has fallen under that malady, m-a-l-a-d-y, that falls on all people who become Chairs of the Appropriations Committee. The process by which that committee works becomes more important than the work that's being done and the issues involved. For my part, nothing is as important in this bill as the Legislature and the welfare of this branch. We should be taken out of this bill altogether... [LB22]

SPEAKER SCHEER: Time, Senator. [LB22]

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SENATOR CHAMBERS: ...and that's...thank you, Mr. President. [LB22]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Watermeier, you're recognized. [LB22]

SENATOR WATERMEIER: Thank you, Mr. President. Good morning, Nebraska and fellow colleagues. I'm going to stand in opposition to the bill, excuse me, the motion to return it to Select File. Senator Krist and I had several conversations last week and again this morning. He's accurately described, I believe, what his amendment would do by striking everything out of Legislative Council out of LB22. It would make it, quote, veto-proof in just that idea. But that idea, that argument about funding and fighting for those dollars is going to have to happen probably twice more this year with our shell bill that Senator Stinner has explicitly described. If you look it up, it's actually a \$1 change. I think it's LB149. It's a \$1 change in the Legislative Council. So that's a shell bill that's going to be sitting out there and waiting for us, if we need it, for not only Legislative Council but there's going to be several other things that are going to happen in the next four to six weeks, I'm going to say, six to eight weeks. We needed that vehicle out there. So we will have several other opportunities to discuss the Legislative Council. I fully intend to add in the dollars. And I'm learning more every day. I had another conversation with the CIO Office last week and the week before. There are several things that are of concern about making sure we have contingency dollars in there when we do make the HVAC system. But Senator Krist has described it accurately. His motion, if we pull this back down, put it on Select File, we use his amendment, it would make it veto-proof in the fact of the Legislative Council. But the Governor could still veto any and everything else in that bill. The Legislative Council argument will now have to come back in LB149. We can never be veto-proof. We can never be veto-proof as far as protecting our own budget, so let's just be clear with that. I am opposed to the motion to bring it down on Select File because there are several different ways to look at this. If you talk to any one of us on Appropriations, we would probably give you a paraphrased analysis that's completely different than our neighbor. But the end result is we got to talk about \$900 million shortfall. We have the entire session to talk about it. What this does, though, is gets the first deficit request off our table. We put last year's budget aside and we start working on next year's. But we still have the shell bill, LB149, which I realize makes it complicated. So I'm just going to stand in opposition to removing...or moving it back to Select File and ask that you allow us to go forward with the conversations that we've had and we'll continue to have. The idea to not do it now recognizes the fact that we have six to eight weeks of a lot of conversation that has to happen yet. Thank you, Mr. President. [LB22 LB149]

SPEAKER SCHEER: Thank you, Senator Watermeier. Senator Chambers, you're recognized and this is your third time at the mike. [LB22]

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SENATOR CHAMBERS: Thank you. Mr. President, see, where this bill is now, I could offer motions to return it for various amendments and hold this bill right here for as long as I want to. But I'm not going to do that. I was tricked, and it's my job to make sure that doesn't happen. I didn't go to sleep at the switch. I trusted people whom I thought I could trust. That won't happen again. Every member of the Appropriations Committee is a member of this Legislature. Nobody on that committee saw fit to protect the Legislature. They have capitulated to the Governor. Now, I cannot sing. I cannot even hum. But I'm going to try to hum something. Then I'll tell you what it is. It goes (humming). That's Chopin's "Funeral March." Something died here, as far as I'm concerned. And that which has died, as far as I'm concerned, is trust. I wrote a little couplet that can be on the gravestone. Senator Stinner, as he mentioned a shell bill: That shell bill should be called by a different name. Rather than a shell bill, it's a shell game. We are afraid to see to our own interests and our own concerns. How long would it take this bill to be processed? We bring it back. We would add Senator Krist's amendment, then we'd make a motion to return it to Final Reading. There would be the processing of that amendment. The bill would come back on Final Reading and we would then vote it across the board. How do you hurt the Governor other than by showing that you're going to show some independence and concern for the Legislature? This is now. Remember, I am giving one person's opinion. I'm not speaking for anybody else, obviously. This is a point at which we should function as the third branch of government. Let the Governor wangle, wrest, extort anything else he can extort from this body. But when it comes to the welfare of the body itself, there are realities that you can say exist because they're a part of a bill. There are other deeper realities that go to the level of principle. What is the principle at stake here? The Legislature is capitulating to the Governor. He can say anything he wants to in any bill he sends over here. He may be able to line-item veto, but we can also modify any bill. And we can make bills veto-proof in the sense of having enough votes to override the Governor's veto. [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR CHAMBERS: It takes 33 votes to pass this bill because it has the emergency clause. It would take 30 votes to override a Governor's veto. Whatever bill we would put something into, any budget bill, and it was subject to a line-item veto, if it hurt the Legislature or any other entity we were concerned about, we can override the Governor's line-item veto. But what I seem to be hearing is that this would be such a gutless body that once the Governor speaks, everybody rolls over. I won't. I won't win. But I also will not lose my self-respect. Thank you, Mr. President. [LB22]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Krist, you're recognized and this is your last at the mike, other than your close. [LB22]

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SENATOR KRIST: Thank you, Mr. President. So let's review where we are. Philosophically, I would like to take the \$2 million, plus or minus a few, and keep it in our pocket. The Appropriations Committee would like to take it out as part of the deficit...I'm sorry, part of the reappropriations clawback. I would make that money veto-proof on this round of debate, because it's still in our pocket, and then we can deal with the dollars and cents down the road. Senator Chambers said one of the most educated things, educable things he could possibly have said this morning in simply saying, if we don't bring it back for discussion and if we don't attach AM235, which takes the Council out of this budget, then I would ask you not to vote, not to vote for LB22E. And I think there are probably 17 people in this Chamber that feel that there might be something rotten in Denmark and it's not the cheese. They would not vote for it. It would not get the 33 votes. And then we would be back to square one. That's not what I want to do. I just want to preserve the leverage point that this legislative body has. So I'll use this five minutes just to tell you what I would prefer to do, what I think we should do: Preserve our legislative prowess and keep this money in our pocket during this round of debate, which means you have to vote green to bring it back. You have to vote green after debate on AM235, in particular. And then we can vote, after we take the Legislative Council budget out of this LB22, we can vote with 33 votes with an E clause and pass LB22. Without the amendment on there, I think everyone in this room realizes it might be tough to get 33, and maybe not. Maybe I'll stand again with one or two or three green lights. But you know what? I'm doing what I believe in. I'm not going to give up this legislative body's prowess nor the money that is currently in our pockets. I worked for two years as the Vice Chairman of the Executive Committee. I worked for two years as the Chairman. The kinds of things that Senator Watermeier is spinning himself up on, I've spent the last two years posturing us to get to a point where we would get the new phone systems, we would get the upgrades to our hearing rooms, we would have some money in our pocket, without asking for any other money. I had no intention of asking for any other money going into this budget cycle if I'd have been the Chair. None. Zero. Nada. There's no other way to say it. I was just going to use the reappropriated money that we had to be postured to take care of ourself throughout the next four or five years. Do a common-sense approach to this. Don't vote because it's Krist's name up there. Do a common-sense approach. Do you want to keep the money in your pocket and move forward in a more postured way? Senator Watermeier and Senator Stinner both told you, this is not just two more bills. This is not just LB149 and a mainline budget bill. This, folks, is the next four years of a downturn in the economy. I just don't think we have to make this cut this deep right away. That's the common-sense approach. Thank you, Mr. President. [LB22 LB149]

SPEAKER SCHEER: Thank you, Senator Krist. Senator Bolz, you're recognized. [LB22]

SENATOR BOLZ: Thank you, Mr. President. I just wanted to make a very brief point of clarification. This is a unique year in terms of having a deficit budget bill that moves more quickly than our typical process. So there is a deficit budget bill reflected in LB22 that we are

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debating today. There will also be a deficit budget bill that will be a part of our budget package. That budget package is the typical appropriations budget bill, our Cash Reserve Fund transfers bill, and the deficit budget bill. So that third deficit budget piece, you could call it a shell bill. You could call it a shadow bill. You could call it the typical deficit budget bill. But I just wanted to be clear that the unique part of this legislative process this year is the deficit budget bill that we are working on now. And it is usual and typical to have a deficit budget bill that accompanies our overall budget package. Thank you, Mr. President. [LB22]

SPEAKER SCHEER: Thank you, Senator Bolz. Senator Schumacher, you're recognized. [LB22]

SENATOR SCHUMACHER: Thank you, Mr. Speaker and members of the body. Just to kind of put some things in context because this is probably going to be a theme that we hear over and over this year as we struggle with cuts in spending, often in areas where there can be very little cut, and desires to grant big tax relief, the necessity of raising revenue from somewhere. Right now, Senator Krist tells me this is about \$2.5 million budget impact. Okay? And we're being asked that we take that hit in basically what amounts to largely renovations to an old building-- this one. At the same time on the flip side of the aisle over in Revenue Committee, there is \$15 million a year in tax credits being allocated to fix up what mostly is old buildings in Omaha. Okay? Where is the balance there? You see how money can be spent out of Revenue and it never gets into this review process, this debate process on appropriations, how it is long forgotten about and amounts to terrific amounts of money? Where are programs like that being asked to cut 4 or 8 percent? In fact, there's even efforts to extend out the claim periods on some of those programs. Don't take your eye off the ball. The \$2.4 million, \$2.5, you all see those pretty fountains going in each of those quadrants, \$600,000 apiece times four. What does that come to? We probably wouldn't be making that expenditure had we been asked to make it today, but we needed fountains in those courtyards, you know? So in context, I think what this is boiling down is the practicality of needing to address the budget shortfall, balanced against the interest the Legislature has in doing...in carrying out a series of programs needed to modernize the Legislature. And whether it's here or whether it is in a few weeks or months, we're going to have a conflict between the agenda and the necessities of the Legislature and the desires of the executive branch. I don't know where the whips will guide you, but it's something that you need to start thinking about because we've got a real problem and I think it's going to extend more than four years. I think this is a...ag prices have normalized. They are unlikely they're going to take a spurt like they did a couple of years ago. We've got financial challenges in baby boomers and retirement plans. So let's not delude ourselves that we can just cut our way out of this by slashing here and there. We have to look at revenue. And we have to look at getting rid of a lot of the perks that we've granted over the years. And this one kind of uniquely positions it with fixing up, fairly modestly, \$2.5 million on this building and fixing up downtown Omaha condos. [LB22]

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SPEAKER SCHEER: One minute. [LB22]

SENATOR SCHUMACHER: Thank you. [LB22]

SPEAKER SCHEER: Thank you, Senator Schumacher. Senator Stinner, you're recognized. [LB22]

SENATOR STINNER: Thank you, Mr. President. Members of the body, I just wanted to say this so that you understand there is nobody on Appropriations that's fighting the idea that we need to spend money on these projects. These projects will come over an extended period of time, different timing for different things. Just compare and contrast what we're trying to get done. Now, Appropriations is working with the Legislative Council folks, trying to come up with a plan that structures these improvements to go along with the biennium budget, that extends further than that, that works a little bit with reappropriations, possibly some other types of funds. It's a little bit more complex. If you exclude it, compare and contrast, you're going to have to spend all that money between here and the end of the year. You're not going to do that. We're going to work with the Legislative Council. We are committed to making sure these projects get done. So we do have a shell bill that could be added or subtracted, whichever case we come up with in Appropriations on all the bills, and we have that mechanism to get this done. It makes no sense to me to pull Legislative Council out in some kind of fashion that we're going to show we're really powerful in this Legislature, we want to be treated differently. We've already acknowledged we have a commitment to getting all of these replacements done. We already understand that dollars have to be allocated for moves. Those moves won't happen till like 2018, I believe is what Senator Krist had said. So we have to structure this with the biennium budget. And with that, obviously, biennium budget comes the potential for line-item veto. So we want to avoid that. We want to get it structured. We want to pick it up in the appropriate fashion. Excluding it now just does not make much sense. We can work together with the shell bill, with the biennium budget, with other alternative ways of getting this done. There is no reason to do what--what is it, I can't hardly see it--AM235 does. So I would urge you to vote red on AM235. [LB22]

SPEAKER SCHEER: Thank you, Senator Stinner. Seeing no one in the queue, Senator Krist, you're welcome to close. [LB22]

SENATOR KRIST: Thank you, Mr. President. Once again, philosophically, the Chairman of Appropriations and I are at opposite sides of the spectrum. I respect the fact that he says it's 2018, let's not worry about it. Folks, it is security, safety, logistics that will be adding up in the next two to three years. And the difference that Senator Bolz tried to point out to all of you, and I have tried to do it on several occasions, is that this is different. This is not a deficit bill where

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we've taken a little bit of money out of places. This is a clawback of the reappropriations that we have put aside for some very, very, very expensive projects. If it were just the \$840,000 that was our share, that would be a deficit bill. That's not what this is. This is a clawback of the reappropriations, the investment that we were going to make. And for any member in Appropriations who could stand up and say something now, I think they would agree this is different. The Governor went out six months ago and told the people under his control, I'm taking back that reappropriations. We all knew that. We had some questions about whether he actually could do that or not do that. This isn't about that. This is about us maintaining the cash reserves that we need, our reappropriations, until the next phase or the phase after that. It makes about \$5 million stays in our pocket. When I talk about the \$2.4 (million) to \$2.5 (million), that's what I project we need going into the biennium...or going into the HVAC process. So they very well could be able to take another \$2.4 (million), \$2.5 (million) out after we pass the amended portion...or the amended bill, LB22. I, from the very beginning, have had some philosophical differences with the Governor about how he was going to approach a \$900 million deficit. And I, from the very beginning, have said, having been here in 2009 during that special session, it was bloody and I would never want to go through that again. So I'm the last person that would ever say we shouldn't take the proper steps to get to the end of the road and balance the budget, the last. But this is too fast, too quick, slash and burn, and I think we should just have a little bit more conversation on whether or not we should exclude that money. Now, you'll remember in my amendment that I pulled, I kept just that amount of money, just that \$2.5 (million). But by doing that, that's a line-item veto for the Governor. By doing it this way, excluding ourselves from doing that and allowing us to have the choices to make down the road, we keep the reserve moving forward and then we can claw back eternally if we need to. I'm not sure why that doesn't make sense. If we don't pull it back and we don't talk about it anymore, and it goes to Final Reading, it requires 33 votes to have an E clause. And in order for LB22 to be effective, it has to have the E clause on it. Now, I would think the Appropriations Committee, particularly the Chair, would realize that some negotiation might be necessary because I'm not sure the 33 votes are there. Maybe I'm wrong. Again, maybe I stand here and there's only three people that will vote green with me...or red. Maybe I'm wrong. But it's a chance that the Chair of Appropriations... [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR KRIST: ...I think wants to take. We have a choice. We can do as we're told, we can take our reappropriations money and throw it back in the General Fund, or we can hold on to those funds through the next...this round and maybe the next round before the final mainline budget bill is presented to us. That choice is yours. I'm asking for a green vote to return from Select File so we can continue to talk about this and maybe readdress AM235. [LB22]

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SPEAKER SCHEER: Thank you, Senator Krist. The question before us is the return of LB22E to Select File. This motion takes 25 votes. All those in favor vote aye; all those in favor...in opposition vote nay. Please vote. Had a call for a record vote. Mr. Clerk. Senator Chambers. [LB22]

SENATOR CHAMBERS: Changing to not voting. [LB22]

CLERK: (Record vote read, Legislative Journal page 465.) 11 ayes, 30 nays, Mr. President, on the motion to return the bill. [LB22]

SPEAKER SCHEER: The vote...the motion fails. [LB22]

CLERK: Mr. President, Senator Chambers would move to reconsider that vote just taken. [LB22]

SPEAKER SCHEER: Senator Chambers, you're welcome to open on your amendment. [LB22]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I said I would not try to kill this bill and I mean it, and acknowledged I couldn't anyway. But I did not have enough time to speak the last time. The only way I can have a chance to do that is to offer motions on this bill. I am not going to be silenced. I will say what I have to say on this bill. Senator Stinner really puzzled me, and I'd like to ask him a question to be sure I heard him correctly. [LB22]

SPEAKER SCHEER: Senator Stinner, would you please yield? [LB22]

SENATOR STINNER: Yes, I will. [LB22]

SENATOR CHAMBERS: Senator Stinner, did you make a remark about not doing something just to show how powerful we as the Legislature are? Did you make a comment like that? [LB22]

SENATOR STINNER: I probably did. [LB22]

SENATOR CHAMBERS: Okay. And I'm not going to quibble with him having his opinion. The Governor does that all the time. He summons senators over there and tells you all what you better do. He told you on the campaign trail what you had better do. He let you know what he expects from you when you come down here to show his power. We had better make it clear what we as a Legislature can do. I think the Legislature has been gutted. We don't have the power

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in the sense of being unafraid to use it. In politics, you have to understand the kind of struggle in which you're engaged. There's a young man, Kim Jong-un, who is the head of North Korea. Your so-called President had made comments, as had other people in his administration, about North Korea along the line of bullying. Trump, when he was running for the office, said North Korea is trying to do thus and so, that will not happen. And what he was referring to was an intercontinental ballistic missile capable of delivering a nuclear warhead to the United States. So, while Trump is playing golf with the head of Japan, Kim Jong-un was preparing to steal the spotlight. So after Japan and America had become friends, I guess that's what they became while playing golf, Kim Jong-un shook up the world. He fired a ballistic missile into the Sea of Japan, not near enough to menace Japan, South Korea, or anything or anybody else, but it demonstrated a capability. And what about that missile particularly caught America's interest is that it was a solid-fuel rocket. If there is liquid fuel, it cannot travel as far, it cannot stay in the air as long. Solid fuel makes those two things possible--farther in distance, longer in flight. But also, because it does not take as long to prepare to launch as it does with liquid fuel, one of these missiles is capable of moving before anything can be done to stop it. And that was what Senator Stinner missed when he said the Legislature shouldn't do anything just to show how powerful we are. Well, the Governor is slapping you all upside the head, putting knots and bumps on your heads. I would like to ask Senator Stinner a question. [LB22]

SPEAKER SCHEER: Senator Stinner, would you please yield? [LB22]

SENATOR STINNER: Yes, I will. [LB22]

SENATOR CHAMBERS: Senator Stinner, if Senator Krist's amendment were to be adopted and the Legislature removed from this bill, what could not be done as a result of that? I'm not talking about the Governor can't veto the bill. What would we be prevented from doing as a Legislature if we take that action today? [LB22]

SENATOR STINNER: If you took the action to remove the Legislative Council from this bill, you would be focusing attention on the Legislative Council to get whatever changes that they would make. That would then be put in the biennium that would also be subjected to veto, not unlike just passing the bill as is, working on it, using LB149 to make the modifications, plus biennium, plus I just think that my impression is that you pass the bill as is. [LB22 LB149]

SENATOR CHAMBERS: My questions are more simple than what I think you perceive. My question is, if we remove the Legislative Council from this bill, what would that action prevent the Legislature from being able to do that it can do with it still in the bill? In other words...well, I'll just say it. Members of the Legislature, to adopt Senator Krist's amendment does not prevent the Legislature from doing anything that we choose to do. It does not inhibit our authority. It

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does not limit our alternatives. Now, I'd like to ask Senator Stinner another question. Senator Stinner, if you would yield? [LB22]

SENATOR STINNER: Yes. [LB22]

SENATOR CHAMBERS: Let's say we ultimately reject Senator Krist's amendment and the Legislative Council stays in this bill. And suppose some action were taken on the budget bill, the mainline budget bill, and there were adjustments made there. The Governor could line-item veto that, couldn't he? [LB22]

SENATOR STINNER: Yes. [LB22]

SENATOR CHAMBERS: So what difference...this...I'm through with you, Senator Stinner, at this point. What difference does it make? The line-item threat is there. Let us maintain and retain the integrity of the Legislature. Accept Senator Krist's amendment. This reconsideration motion gives us the opportunity not only to speak as I'm doing, and maybe nobody else will, but to vote to return this bill or there will be too few votes remaining to put the E clause on the bill. This is a crisis, if you want to call it that, of our own making; namely, that of the Appropriations Committee. You all are going along with Senator Stinner because he's Chairperson of the Appropriations Committee. I have never been one who accorded higher status to any Chairperson than any other member of the Legislature. Consider that he could be wrong. I believe Cromwell told some people to consider. It may have been the Battle of Dunbar. He said in the boughs of Christ, consider that you may be wrong. They didn't accept his warning, and they were destroyed. Consider that the Chairperson and even the Appropriations Committee may be wrong, not in the moral sense but in the sense of being mistaken. They are looking at a small, narrow, discrete piece of territory. I'm taking the panoramic, long-range view in terms of the Legislature, its integrity, and its dignity as a coequal branch of government. [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR CHAMBERS: We're being kicked around, with the help of the Appropriations Committee, as though we are an orphan. We have to get the Governor's approval. We can't upset him. So you don't mind upsetting the rest of us, and maybe I and Senator Krist are the only two who feel a measure of concern about what is taking place in the Legislature. The Governor ordered you all to get this bill handled. He ordered the Appropriations Committee to get it out here, and they got it out here. Now he's ordering them, one way or the other, don't change anything, so the Legislature doesn't change anything. We do business here on the basis of votes. My one vote, no matter how weighted,... [LB22]

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SPEAKER SCHEER: Time, Senator. [LB22]

SENATOR CHAMBERS: Thank you, Mr. President. [LB22]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Krist, you're recognized. [LB22]

SENATOR KRIST: Thank you, Mr. President. And I want to thank you for the second shot, second bite of the apple to talk with you. Now, let me be clear, LB22 with the E clause on it, the E clause itself is the important part of that deficit bill. Without the E clause that bill doesn't take effect immediately and, therefore, those changes are not made. I'm not suggesting that we should kill this bill, but I'm suggesting that the way that we used to do things in here was we would have a dialogue and a discussion, and we would come to a point where there would be a negotiation. The negotiation that I'm offering, because of the vote count that was taken--and you can go up and get a copy of it yourself, I'm not going to belabor the point--but it seems to me that there are a number of people that are not 100 percent comfortable with going through with this, and 33 votes are going to be required to send it through. So Senator Chambers was wrong when he said earlier--and he's not wrong very often, and I don't like to point it out--but he was wrong earlier when he said we don't have any leverage point. If you believe that we should keep our money in our pocket until the second or third round of this debate about how to solve a \$900 million budget then you vote yes on AM235. You vote yes to bring it back, vote yes on AM235 and we remove the Council completely from this very different deficit bill. It's been stated many times. For the record I want to say it again. This is not our normal deficit bill. When Senator Mello, Senator Gloor, Senator Hadley, former Senator Tony Fulton, the Commissioner of Tax...the Tax Commissioner, and I sat in that room three or four months ago, Senator Mello suggested that a deficit bill, a nice, clean deficit bill at the beginning of the session would be a way to go forward. Well, take the nice and the clean out of it, because that's not what this is. It is a deficit bill with a clawback on reappropriations. That's the argument. That's the argument. That's the matter of philosophical difference between the Chair of Appropriations and myself. It's also been my experience that usually the Appropriations Committee votes 100 percent together. If you look at that last vote, that's not what happened. So there's some concern even internal to Appropriations. We've got analysts who have been there for 30, pressing 40 years. There's probably, I don't know, a thousand years of experience in that office, and there are some concerns there about the way we're doing business. Let's not go to the dark side here. Let's just stay positive. The positive side is this. If we retain, if we pass...if we put AM235 on LB22 and the E clause goes forward, we'll take a great first step in adjusting 99.9 percent of the budget and retaining the \$4.8 (million), of which we'll probably need \$2.5 (million) going forward. I don't think those numbers are chump change. And having been here in 2009, we...in '09 through '11, if it had any kind of fiscal note on it, any kind of fiscal note, I think Abbie Cornett actually had a bill that had \$56,000... [LB22]

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SPEAKER SCHEER: One minute. [LB22]

SENATOR KRIST: ...on it and it went nowhere. So to say that you're going to find the money to add this back in, in 2017, '18, '19, it's not inconceivable, I'll give you that, but the better chance is that we keep the money in our pocket during this round and adjust what the Appropriations Committee adjusts in LB149, as it comes forward, and the mainline budget bill. Please vote green on the reconsider motion, when we get to it on AM235, and then green, if the amendment is put on, on LB22. Thank you. [LB22 LB149]

SPEAKER SCHEER: Thank you, Senator Krist. Senator Kolowski, you're recognized. [LB22]

SENATOR KOLOWSKI: Thank you, Mr. President. I'd like to yield my time to Senator Chambers at this time. [LB22]

SPEAKER SCHEER: Senator Chambers, you're recognized, and you have 4:50. You are next in the queue, so we will just run it continuously. [LB22]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Kolowski. Members of the Legislature, I want to ask Senator Stinner another question. And I hope you will pay attention to Senator Stinner's answer even if you don't pay attention to me. [LB22]

SPEAKER SCHEER: Senator Stinner, would you please yield? [LB22]

SENATOR STINNER: Yes, I will. [LB22]

SENATOR CHAMBERS: Senator Stinner, what's the rush to get this bill passed this morning? If it's not passed this morning, what harm is done? [LB22]

SENATOR STINNER: Then it...there is a time line that we have to abide by. It would be nice to get this passed so we can get on with the biennium and the session. [LB22]

SENATOR CHAMBERS: And what is the time line? [LB22]

SENATOR STINNER: Time line is, I believe, the first day of the fourth quarter. [LB22]

SENATOR CHAMBERS: And what day would that be? [LB22]

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SENATOR STINNER: I think that's April 1, is it not? Or would it be... [LB22]

SENATOR CHAMBERS: So we have a good amount of time. We don't have to do this today. Isn't that true? [LB22]

SENATOR STINNER: That's true. [LB22]

SENATOR CHAMBERS: Thank you. Members of the Legislature, haste makes waste. This bill didn't even have to be put on the agenda today, but the Speaker sets the agenda. If there are people who want to talk about a very, very important issue, especially as it relates to the Legislature, why rush? Is it necessary to tell the Governor or show the Governor how compliant the Legislature is? We are not even into the month of March and people have their tongues hanging out. They are panting because we have to get this done this morning. And we don't. Even if I could hold this bill up--and I can, but I don't know whether I want to do that--it could be on the agenda tomorrow, and we could start all over again. The Governor's people are going to be where he wants them to be. The only hope for the public is that there are enough of us with a sincere understanding and appreciation of the role of the Legislature to not let this hasty action be taken today. If a bill has the emergency clause and it fails to get 33 votes, the Chair then offers the bill to see if it shall pass without the emergency clause. But of what value would this bill be if it passed without the emergency clause? That would be the same, in the broad view, of its not passing at all. It would not take effect until 90 days after the end of the session. We were given the date of April 1, so let us accept that. That would be the deadline. There are a lot of days between now and then. I doubt that attention is being paid to this, because it's not the kind of issue where voices need to be raised, where passion has to be shown, where charges and countercharges are hurled. People can grasp that because you're operating at an emotional level. Emotion will carry you. Now is the time for intellection. Our brain should become engaged. And this is a point at which we should be considering what we are as a Legislature, what it is we do and how we do it. The Legislature is not under the control of anybody. The only control on the Legislature, as far as the state is concerned, would be prohibitions in the constitution, prohibitions that tell the Legislature what it is not empowered to do. The Legislature cannot encroach on the territory of the judicial branch or the executive branch, unless given specific, explicit authority to do so. Without that grant of authority, the Legislature has been imprisoned in the requirement that each branch stay in its own house and don't go into the house or onto the property of either of the other two branches. That is a limitation on what either of the branches can do, any of them can do. This is so painful for me. We ought to know it, but we don't. We don't read the state constitution. We don't understand what is the scope of legislative authority, where the constitutional limits are. So you probably are convinced that the Governor is in charge of the Legislature, and whatever he tells the Legislature to do is what we are constrained to do without knowing why it's that way, except that you've been conditioned to believe that the executive branch is the be-all, know-all, and end-all of state government. Take Senator Krist's

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amendment. As far as the Legislature is concerned, maintain status quo. No harm is done. Give the Governor LB22E. I want people to understand that E does not stand for Ernie. Give him what he wants. Give him what he dictated. Give him what he told you, you had better do. But don't foul your own home. Naturalists say that you can get a glimmer of when a species is going extinct when it fouls its own nest, its own living quarters. That's how you can tell. That's a sign. The Legislature is fouling its own nest. The Governor wanted some money spent for chairs in his conference room. The Legislature would make the money available, maybe through this Building Commission or however that money is funneled, but the Legislature did it. All that the Governor does is show you that he owns you and that you'd better do what he tells you to do. That's what we're looking at here. And the Appropriations Committee has capitulated. They don't want to call it that. If I were on the Appropriations Committee I'd probably be odd person out on that committee on many of the votes that they take. My first loyalty is not to any committee, not to any person, not to... [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR CHAMBERS: ...any entity outside of the Legislature. While functioning as a member of the Legislature, my primary aim and goal is to maintain the integrity of the institution of which I voluntarily have become a part. So I will talk a bit more on this, this morning, be ignored, but you all can withhold a vote. You can at least do that. This is one time when do-nothingism is actually doing something very significant. Retain what shred or modicum of dignity as a Legislature we may still be holding onto. Mr. President, which time was that for me speaking on this? [LB22]

SPEAKER SCHEER: You're on your own time, and there are five seconds left. [LB22]

SENATOR CHAMBERS: On my time. And that will be which of my time? Do I have another time after this one to speak? [LB22]

SPEAKER SCHEER: You have one more to speak and your close left. [LB22]

SENATOR CHAMBERS: Thank you. [LB22]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Krist, you're recognized. [LB22]

SENATOR KRIST: Thank you, Mr. President. And I'm using this time again to reinforce why I'm doing what I'm doing. I'm not trying to use time just to use time. So let's talk about LB22E, AM235, and then hopefully we get there through another vote. I did not ask this lady's

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permission to use this e-mail, but I will read the content because I think it's telling: I am in support, I quote, I am in support of what you want to do to protect the Legislative Council budget. I worked for the Legislature, from a certain time to a certain time, in the Research Office. The needs for the Legislature were always minimized, in my regard. I am pleased to see the progress that has been made over the years, but this is not the time to pull back. The needs are real and I for one appreciate your vision in looking ahead. I'll save the rest of it for my epitaph. The point I'm going to tell you, and I want to make one more time, is as we walk down this path realizing a \$900 million deficit, we will see in LB149, coming up after LB22, another opportunity for us to adjust the budget early on. And if LB22 fails with the E clause, it might as well fail completely because you've already heard the time line that Senator Stinner brings forward. Understanding what's at stake here is very important. This is not your typical deficit bill. It can't be said enough. This is a new twist on trying to balance a budget by clawing back the reappropriations across the board. And once again, as I said earlier today, I trust that Senator Wishart, Senator Bolz, and others will take care of those individual items that I spoke of in my other amendments on General File. But this, this is very important. The Capitol Commission has never been funded, back to its inception, the way it should be to take care of all nooks and crannies in this building. It has been up to the Legislature to take care of its own inhabitants, if you will, or office space. That money has come out of that Legislative Council budget for years. Fixing a falling ceiling right in front of the Speaker's Office my first, second, third year; trying to maintain the committee hearing rooms so that it is some place that, as Senator Brasch likes to say, the second house can come and visit and give their opinion, that doesn't look like the ceiling and the walls are going to fall down around them; having the proper IT support; the video teleconferencing capability; for everyone in the room to be able to hear; for transcribers be able to transcribe with quality, those things don't happen by magic. They happen because the Executive Board of the Legislative Council has the proper funding to do its job. And over the years, going back to Chairs before me, there was always a philosophy of making sure that we had the proper amount of money to take care of ourself. In some cases we did it on the cheap. We limited our travel before anybody in the state limited our travel...their travel. But now we have a serious time coming forward where the HVAC system in this building will be replaced from the basement to "The Sower." [LB22 LB149]

SPEAKER SCHEER: One minute. [LB22]

SENATOR KRIST: I fought very hard to make sure that none of us or staff would leave this building. Logistically that's a whole new idea than was first put forward by the Capitol Commission. It's going to cost more money. And I invited you all to go down and visit Senator Bolz's office if you want to see the disarray of her office. It is indicative of what has to be done over and over again to keep up with the building. I'll speak again on this because I feel it's important. Thank you, Mr. President. [LB22]

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SPEAKER SCHEER: Thank you, Senator Krist. (Visitors introduced.) Senator Chambers, you're recognized. [LB22]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm speaking for the record. Senator Stinner has not given us any reason as to why we have to pass this bill today or any day prior to April 1, no reason. He suggested that we as a Legislature should not just do something to show that we can do it. Well, that's what a group of the senators did the first day. I don't know whether Senator Stinner cooperated with them on everything they did, but he cooperated with them on some of the things they did. And they did it for a specific reason--to show that they had the naked brute power to have their way here. And some of us are going to resist that. From what's happening today, I may be the only one. But I will tell you what. Because I'm not basing anything I do on emotion, I don't stand and fight based on how I feel. It's not a feeling thing with me. It's an intellectual thing. It's a determination that reaches the level of a conviction that certain things are to be done by me, and whether anybody else does it or not is of no moment to me. Do you see how many people are sitting quiet today? The issue is not too complicated for people to understand, but it's the kind that requires thought and ultimately an act that will show some degree of independence that most people here are afraid to manifest. Those who were given considerable help during their election by the Governor already know he's a vindictive person. It was his vindictiveness toward certain incumbent senators that led him to line you-all's war chests, if that's what they're called. I don't know what you call it because I don't accept money to run for office. I don't campaign. I don't seek endorsements. I don't talk to the editorial boards of any newspapers. I don't attend neighborhood functions put on by people so candidates can come there and say whatever it is they're going to say. If people don't know what I am, that short amount of time is not going to show them. Knowing what I am, if they don't like what I do, vote against me. I don't beg people for anything. The kind of things I'm saying now are as close to begging as you'll see me come. I am asking that we, as members of the Legislature, behave as we should being the members of the third branch of government, the branch that enjoys paramouncy because of the powers bestowed on us by the constitution, the authority that we're allowed to exercise under the constitution. But we won't. Take a lesson from what North Korea did to show your so-called President something. What was the only thing he could say? Prime Minister Abe said when he was speaking, because his name is spelled A-b-e,... [LB22]

SENATOR LINDSTROM PRESIDING

SENATOR LINDSTROM: One minute. [LB22]

SENATOR CHAMBERS: ...some people pronounce my name "Abe," but I don't mind that because the one whose name that is was really a great President. So he stood, your so-called

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President, stood with Abe and said, we stand behind Japan 100 percent and we want everybody to know that. What does that mean? Then shortly thereafter, North Korea fired its ballistic missile into the Sea of Japan. People who make a lot of blustering, thoughtless statements create problems when they are in a position of great authority, as is the President of the United States. When the Legislature allows itself to be demeaned and insulted, that is the way the Legislature will be treated. Thank you, Mr. President. [LB22]

SENATOR LINDSTROM: Thank you, Senator Chambers. Senator Krist, you're now recognized and this is your third time. [LB22]

SENATOR KRIST: Thank you, Mr. President. I have bragged about the vantage point that I have back here and being able to watch things go on, and I understand now from the scurry about that they have 33 votes; that they're sure, "they" meaning the people who don't want to see us retain our money and want to support LB22E with the E clause attached. I'm not a quitter, but I'm not entirely sure that that vote count is where it needs to be, so I'll interject a little bit of the doubt there. And I also know that the quality of the vote sometimes is the quality of the vote counter. And I do appreciate the validity and the professionalism of Senator Kolterman, but I also understand that when you're vote counting sometimes, just sometimes there's one person with an element of doubt that doesn't follow through with exactly what he or she would have told you they would do. So I'm going to go after that one or two or three of you out there because I think we need to have a leverage point. We have about \$4.8 million in our bank. I'm asking you to exclude our bank from this first round of cuts. Why am I asking you to be different? It's not because I don't like Governor Ricketts or Gerry Oligmueller or Mrs. Kintner or anyone else who's out here lobbying behind the glass. It's because I fundamentally support us keeping what we have during this round of debate so we can go into the next two rounds of debate this biennium discussion and make sure that we're ready to go into the HVAC system with the right amount of money forward. I read a really good article in our own little magazine about Senator Lowe and the many, many businesses that he has been involved in, in his life and the success that he's had in the diversity of those businesses. And I would guarantee you that he has never short-sheeted himself in terms of having a cash reserve in that small business. I'll guarantee you he never leveraged himself to the point where they were going to take his house or anything away from his family while he was running a small business, and I appreciate that. That's what I'm hoping that you will take into account. You have a Cash Reserve that probably will have to be hit substantially. Ask the Appropriations folks. Senator Schumacher would tell you that this is just the tip of the iceberg. Baby boomers, the market, the stability of the markets, all those things weigh in. I'm in total agreement. This is not the beginning of the end, but it is the beginning of a time when we have to pay particular attention to our cash reserves. This amendment makes the Legislative Council whole during this round of the actual adjustment. It doesn't make any sense to me to give it all away right now. It makes sense to me to make this portion veto-proof, which is what my amendment does, and then allow Appropriations to adjust as they need to, to balance

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the budget. And we'll take our hits. We'll take those cuts. But we'll take them after careful, deliberate, fiscally conservative adjustments as we go down the road. [LB22]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: One minute. [LB22]

SENATOR KRIST: You know you're making some kind of impression when they start scurrying around and doing a vote count. Take that into consideration. Again, the best of both worlds: This amendment goes forward on AM235; the Council is kept whole for this round of debate only. We pass LB22E, E clause 33 votes, and we move on with life. It's called negotiation. It's called a difference of philosophy being adjusted. Or stand tall, get your 33, and I will once again stand alone whispering in the wind if that's what it takes. But I feel very, very strongly about eliminating our discussion of our budget from this round of debate. Thank you, Mr. President. [LB22]

SPEAKER SCHEER: Thank you, Senator Krist. Senator Schumacher, you're recognized. [LB22]

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. What have I learned from today's debate so far? Number one, if LB22 passes without the E clause, there are not 33 votes to add the E clause, then it's worthless. We just as well been enjoying the nice, spring weather this morning instead of sitting in here. That's the first thing I learned. The second thing I learned is that there really is no rush. April 1 is apparently the bewitching hour. Those two things are pretty certain. The rest of it's kind of murky, and it's made kind of murky by the fact that we all know we've got to deal with this humongous deficit, something that I think a year ago we'd have been doubtful we'd ever have to deal with. That's how quick these things change. It could even get worse. We might have to do something more Draconian than LB22 that we will learn of before April 1. We may not be getting any help out of Revenue Committee in the form of elimination of some of the tax perks. In fact, it's very possible that out of Revenue Committee you could see something that would aggravate the situation in the long term. So maybe Senator Chambers said it right. Haste makes waste. There is no reason to act on this today, so how do we kind of chill out a little bit, wait for any signals that we have from Revenue Committee, wait for the numbers to gel a little bit more on how sorry a situation we're looking at, and the way we do that, by just bringing it back to Select File and then keeping our powder dry on this situation. If there's no rush, why do it today? And if we do it today and screw it up because there's no emergency clause, what have we accomplished? You know, we might have to take one of those shell bills and pack this all into that and move that one, but we've got plenty of time to do that, too, I guess. It's April 1, April Fools' Day. So my inclination is to return this to Select File knowing that we...it will come back up on the agenda whenever the Speaker puts it there, which

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could be any time, and we advance it then once the fog has cleared a little bit. Thank you.
[LB22]

SPEAKER SCHEER: Thank you, Senator Schumacher. Seeing no others in the queue, Senator Chambers, you're welcome to close. [LB22]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, although we have not had the number of senators speaking on this bill as has happened on other issues not even involving a bill, our rules, for example, I have said almost in a boastful tone that I could keep us here until midnight on my own. I'm not trying to kill this bill, but there are things that need to be said. I put a motion up there that would say, return this bill to Select File and strike the enacting clause, that would have no chance of success. But it's the quickest, easiest motion to file when time may be of the essence. Again, the only point at which a bill on Final Reading can be amended or a motion attached, an amendment is when it's returned to Select File. So that pending motion that I have up there to return it, I'm going to discard. I've had the opportunity to listen to the discussion, such as it has been, and I have another motion that I'm going to offer, and it is a priority motion. Time is what we need. You don't see it that way. Maybe this bill needs to just stay on Final Reading without a vote today, and that gives us at least one more day. And it will show what I've told you all, that you cannot, under the rules, stop me. You know why I say under the rules? Well, I won't tell you because some people don't follow the rules. But I'm going to offer a bracket motion to a day certain. It will be to give a cooling-off period. It won't hurt the Appropriations Committee. They feel their work is done on this bill, so they don't have to do anything, just whatever it is they do when they do what it is that they do, whatever that is. You couldn't pay me to be on that committee. Last session a young, black female senator became the first black person to serve on the Appropriations Committee because somebody who had been there no longer was, and I was asked what I thought about that, had I ever wanted to be on that committee. I said, absolutely not. And they asked, well, what do I feel about having a black person on the Appropriations Committee for the first time of the history of the Nebraska Legislature? I said, I tender her my condolences. It's not always good to be the first, just because you're the first. I wouldn't want to be hamstrung, shackled, and be at odds with other committee members because they are dictated to in terms of what they got to do and the time frame within which they have to do it. Do you think you all could cluster outside the Governor's Office like these people cluster outside of this Legislature and dictate to the people in here what you must do? Why, if a bunch of you all stood outside the Governor's Office, he'd tell the State Patrol, clear the hall, they're impeding the egress and ingress of people who want to deal with me in my office. Get them out of here. [LB22]

SPEAKER SCHEER: One minute. [LB22]

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SENATOR CHAMBERS: And the State Patrol person would say, but they're state senators. He'd say, I...I shouldn't have said get them out of here. You're right, they're state senators. Kick them out of here. If the boot fits lick it. That's the way the Legislature is viewed. A bunch of bootlickers. And that's why they can order you, get out there and take your orders, and you get out there. The Governor says, bark, you bark. The Governor says bite, you bite. Look how quiet everybody is today. I think you want to test me and see if I've been just blowing smoke like my colleagues do when I say what I will do. So it's time for me to give a demonstration, and that's why I will offer motions on this bill. And maybe I can't keep us here until midnight because... [LB22]

SPEAKER SCHEER: Time, Senator. [LB22]

SENATOR CHAMBERS: ...we have hearings at 1:30. Thank you. Mr. President, I would ask for a call of the house and a roll call vote. Get them in here. [LB22]

SPEAKER SCHEER: 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; all opposed vote nay. Senator Walz. Record, Mr. Clerk, please. [LB22]

CLERK: 40 ayes, 3 nays, Mr. President, to place the house under call. [LB22]

SPEAKER SCHEER: Thank you. The house is under call. Senator Pansing Brooks has just arrived, thank you. Senator Linehan, Senator Friesen, the house is under call. Senator Linehan, Senator Friesen, the house is under call. Please return to the floor. We're all accounted for. The question before us is the reconsideration motion of returning the bill to Select File. All those in favor vote aye; all those opposed vote nay. I'm sorry, Senator Chambers, did you request a roll call vote? I'm sorry. Mr. Clerk. [LB22]

CLERK: (Roll call vote taken, Legislative Journal page 466.) 9 ayes, 31 nays, Mr. President, on the motion to reconsider. [LB22]

SPEAKER SCHEER: The motion fails. Raise the call. Mr. Clerk. [LB22]

CLERK: Mr. President, the next item I have, it's a priority motion. Senator Chambers would move to bracket the bill until February 27 of 2017. [LB22]

SPEAKER SCHEER: Senator Chambers, you're welcome to open on your motion. [LB22]

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SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, in keeping with the notion of two weeks' notice, this gives 14 days for the Legislature to think about this and try to do other things. Look on the agenda and see what's next. We have a subject that some of you might not be afraid to talk about. But what we do here is like a seamless web, what touches one part of it reverberates throughout and affects the entire web. We're not going to get off this bill quickly. When I first came in this morning I had no intention of doing as I'm doing because I had been, as I told you all, duped into thinking there was an understanding and that Senator Krist's...his motion...his amendment would be considered, not in the sense of Senator Stinner opposing us, putting it in a position to get a vote. I didn't know that was to be done. But I will take everything that certain people say to me now with a grain of salt. I do learn. I let my guard down, and that's something that should not be done. Senator Brewer may have heard this expression. The fortress that agrees to parlay talk is half taken already. I listened, and I was half taken, then completely faked out. So, I have to use the tools placed at my disposal by the rules to at least see that some things are put into the record to show that things can be slowed down. I see Senator Murante walking, just walking, adjusting his shirt...cuff sleeves on his shirt. If we get to the rules, I'm going to talk about something that I read about Senator Murante this morning in the paper and ask him, did he engage in some robocalls against one of my colleagues. But a report he should have made he didn't make because he didn't feel he had to, although he talks a lot about transparency on other things. But as I said on a little handout that I'm going to give you, culprits are being exposed as we go forward. The hypocrisy that I accuse people of is manifesting itself because a hypocrite can only be a hypocrite and will eventually crack and show what he or she genuinely is. And we're going to have an opportunity to see those things. I mentioned Senator Murante and the articles in this morning's paper. It was believed by some that he should have made a statement of a conflict of interest because he's on the board of an outfit out of Iowa that makes robocalls. He's on the board. He's paid more than \$1,000. He should have reported it. He should have declared a conflict, but he didn't. And he's the one who wants to have voter ID so that people cannot vote who shouldn't vote. But how about those officials who should declare a conflict who don't? And what will be done? Nothing. Who would mention it? Nobody except me, and I will. And since you all saw it, I wrote an open letter to Senator Hilgers. He may think it was rough. Senator, you're probably a Christian. It said, whom the Lord loveth, he chastiseth. If I thought he was an empty bucket it would be a waste of my time to deal with him. I've been on his case ever since he came into this Legislature. I'm not going to be here--hold the applause--I'm not going to be here forever. He's going to be here after I'm gone. Somebody with some intelligence, some knowledge of the law, the constitution, and respect for the Legislature as an institution has to be here. He hasn't reached that level yet. I'm working on him. He's a work in progress. He doesn't see what he was sent here for, so I'm trying to explain it to him. And once he takes the flame, you're going to see something. Once he gets the fire in his belly, his approach will not be what my approach is. See a white man doesn't have to show a lot of forcefulness in the way he says things, because with the status they have in this society they can speak in even tones. So I have to make up for that, but I deal with the people I have to deal with in the manner

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that I feel I have to deal with them. I wish the rest of you all believed in Jesus enough to do what Jesus told you to do. That's a side issue. Back to this matter. Fourteen days is what my motion would say that we will grant so that you all can be hounded by the Governor and his people, whipping you and lashing you and telling you what you'd better do, or it can give you time to think and try to reclaim a modicum of self-respect. You probably thought when you ran for this office that you had some dignity and had some self-respect, and then you got here and you sold it for a mess of pottage. You know where that expression came from? There was a guy named Abraham a long time ago, even before I came along, and he had a son named Isaac, and Isaac had a bad experience at the hands of Abraham. And since I've got time to talk I may as well tell you some things. Abraham was having one of his delusions when he thought God talked to him, and he said, Abraham. And Abraham said, is that you, Lord? And the voice said, who else? Abraham said, what do you want? He said, I want you to kill your son, and Abraham shook himself and he was awake. He said, do what? I want you to kill your son. Your son trusts you. He loves you. He respects you. He honors you. So I want you to take him up here and kill him. Well, how should I kill him? Same way you kill animals. Put him on the altar, tie him up, put the blade in him. Maybe even roast him. So Abraham trusted this voice more than he loved his son, or maybe he was put in fear. So he took him up there to where sacrifices are made, and little fellow said, Father, and he said it in such a way that Abraham felt shame, humiliation, and regret wash through him, that trusting tone that always was in his son's voice. He said, Father, the altar I see, the wood I see, but where is the sacrifice? [LB22]

SENATOR WATERMEIER PRESIDING

SENATOR WATERMEIER: One minute. [LB22]

SENATOR CHAMBERS: And Abraham said, Jehovah-jireh, the Lord will provide, knowing what was in store for his son, but his son didn't know. As happens with serials, you present enough so that people want to hear the rest of it just when you cannot go on. Thank you, Mr. President. [LB22]

SENATOR WATERMEIER: Thank you, Senator Chambers. Senator Krist, you are recognized. [LB22]

SENATOR KRIST: Thank you, Mr. President. I just want to stand and explain how I'm going to vote because I still have a concern that there are 33 votes in this body to keep the E clause on LB22 and, therefore, it would be worthless without 33 votes. I believe that Senator Chambers' bracket motion could have been a bracket motion for dilatory purposes, and it is not. It is truly a bracket motion that takes it a couple of weeks down the road where some careful consideration, as I've been trying to talk about all morning, can be given to LB22 in terms of the Legislative

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Council's budget. So, my concern about the 33 votes will lead me to vote for the bracket motion to take it off of the schedule as I think we need to do for that period of time to deliberate again on the budget matters. I am concerned that there will not be money to add back in at times, as the Chairman of Appropriations has said several times on the mike today. If it's just as likely that there will be money to add back in, then...and I, having been here for a while, would realize that that is a possibility and he said on the mike, very explicitly, he cannot guarantee that that's going to happen, then I might change philosophically in terms of where I am on this bill. There are things in this building and things that the Legislature does that are not funded properly. There are things in this Capitol, along with the Capitol Commission, that are not funded properly and there has been a deliberate attempt, a management attempt, and even you could say a business atmosphere intent to make sure that that money was there to do the things that needed to be done. I'm not sure that telling you that for the tenth time this morning is going to be any more effective than the first nine times. But as Senator Morfeld said the other day, I'm not going to sit and say nothing on something that means so much to me. I spent the last four years preparing to do what these things will do, and it's a little helpless now to see that some of those things that were put in place, that were put in motion, would be sacrificed. I believe that the right thing to do, as I've said all morning, is to take the Legislative Council budget out of LB22. The amendment that was before us, that you voted down handily, you told me...most of you told me that that wasn't the case. The problem now is we either have to let it fly or amend it in some other way, and if we amend it to take some of that money away as a line item, it can be vetoed by the Governor. That was the beauty of the amendment that was on...my amendment that was on LB22. That's not possible. So I'm not going to take the chance that LB22 will not have 33 votes. I think it's unwise to do that. I'm going to vote yes on the bracket motion because that also will give us some time to do what is right. And I will give the rest of my time to Senator Chambers, if he would choose to take it. Chair, I'd like to give the rest of my time to Senator Chambers, if he'll take it. [LB22]

SENATOR WATERMEIER: Senator Krist. Senator Chambers, you're yielded one minute.
[LB22]

SENATOR CHAMBERS: Thank you, Senator Krist. Thank you, Mr. President. Back to this story. Isaac was an obedient lad, so he was told to climb up on the altar and stretch out, and that's what Isaac did. Then something began to occur to him that he would not let himself think through, even though he was as young as he was, because his father wouldn't do this to him. So Abraham is having this internal struggle, as would any parent who loves his or her child and is confronted with the dictate from somebody that that parent must take the child's life. Abraham was not going to take his own life so that his son wouldn't have to die because there was something more fearsome than his own death that was hovering over him. And I'm going to finish this story but not right now, because my time is about up. I mean the bracket motion.
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SENATOR WATERMEIER: Time, Senator. [LB22]

SENATOR CHAMBERS: Thank you, Mr. President. [LB22]

SENATOR WATERMEIER: Thank you, Senator Krist and Senator Chambers. Senator Murante, you are recognized. [LB22]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. I rise in support of LB22 and in opposition of the bracket motion, but I rise to speak to clarify. It appears that Senator Chambers' intent with this motion is to delay consideration on LB22 until February 27. That's the specific nature of the bracket motion. However, in years past, when bracket motions have been adopted, bracket motions have functionally served as kill motions. And I am going to...would Speaker Scheer yield to a question? [LB22]

SENATOR WATERMEIER: Speaker Scheer for a question. [LB22]

SPEAKER SCHEER: Yes. [LB22]

SENATOR MURANTE: Speaker Scheer, as you know in years past when brackets to a date certain have been adopted, it has functionally meant that that bill was killed for the year, although I do believe you have some discretion on that subject matter. So I'm curious as to your intent. If this bracket motion or if other bracket motions to a date certain are adopted, is that in your view the equivalent of a kill motion or do you intend to bring those bills up on the date certain? [LB22]

SPEAKER SCHEER: As far as I can tell, I will be using the same protocol that's been used under Speaker Flood for six years, Senator Adams and Senator Hadley for the last four years. Essentially if you bracket a motion, it would be considered done for the year. [LB22]

SENATOR MURANTE: So it's your view that if we adopt the Chambers' motion, that functionally the Chambers' bracket motion is a kill motion on LB22? [LB22]

SPEAKER SCHEER: Yes, essentially that's the case. [LB22]

SENATOR MURANTE: Okay. I just wanted to clarify that for the record that, according to the Speaker, if the Chambers' bracket motion is adopted, LB22 will not come back on the agenda

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this year. That has been the longstanding tradition for at least as long as I've been observing this Legislature. Wanted to state that for the record. Thank you, Mr. President. [LB22]

SENATOR WATERMEIER: Thank you, Senator Murante and Speaker Scheer. Senator Crawford, you are recognized. [LB22]

SENATOR CRAWFORD: Thank you, Mr. President. I just wanted to stand and really thank Senator Krist for his advocacy for the Legislature and his planning and foresight in terms of working on all of the projects and improvements that need to be made and his advocacy, including today, tireless advocacy to stand and defend the institution and to defend the work that needs to be done to make sure that we are operating properly. And I appreciate his tenacious advocacy on that and appreciate Senator Chambers' commitment and tenacious advocacy on that front as well. It's a very hard choice to face. As I understand it, the Appropriations Committee is working hard to make sure that those projects that we have planned are moving forward, but as Senator Krist noted, it is the case that, you know, once the money is out of your pocket, it is out of your pocket and that's a big risk. And so I appreciate his passionate defense of keeping the money in the pocket and his concerns that were raised today. And I think it was very appropriate for him to raise those today and to raise this issue today. As I understand it, it is the case that there are no doubt many other people in other agencies and organizations and commissions that have had similar situations where the plans are developed and planning was being done and it's unfortunate timing that this budget shortfall hits as some of those plans are getting ready to get carried out. And the hard work of the Appropriations Committee is to try to keep as many of those projects rolling as possible. And my understanding from talking to multiple members of the Appropriations Committee is they understand the importance of these projects that are key to our functioning and the functioning of this building that's important to all of us and all of us in the state, and whenever that appropriation happens, to make sure that that money is there for those projects. As I read the constitution, the Governor has the line-item veto authority, and so that line-item veto risk is there at whatever stage those decisions are finalized. And so recognizing the risk, I am trusting the work and the commitments that I'm hearing from members of the Appropriations Committee to ensure that those projects that were so carefully planned and attended to are carried out. And again, I want to thank Senator Krist for his work in planning those projects and doing the hard work of laying out those plans, and want to note and acknowledge the importance that, as we move forward in this process, that those in the future...future steps in the process, that those plans are carefully considered and that we remain committed to those plans that are necessary to improve the functioning of the body, our technology, our security, this building. And again, appreciate Senator Krist's leadership in making sure that we are being attentive to those elements. And as I understand it, it's the case that moving forward with LB22 with the E clause, part of what the reason that matters is to make sure that we are making sure that the appropriations that we have in LB22E, making sure that the

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agencies and other folks know and making sure that we get a commitment to moving forward...
[LB22]

SENATOR WATERMEIER: One minute. [LB22]

SENATOR CRAWFORD: Thank you...on several of those elements, such as making sure that we're providing more money for the justice reinvestment and some of those other commitments and the money for the folks who are providing services for those with development disabilities. Some of those monies we put back in trying to make sure that we get that passed and get that money more certain. So although it's a hard choice, and again, I recognize the rest that Senator Krist is laying out, I will not be supporting a motion to bracket. One, I'm not sure we could get that resolved by 2/27, and so I'm concerned about moving in that direction. But with all due respect to all of the hard work Senator Krist has done in laying out those plans and with commitment to continuing to push the Appropriations Committee to honor that commitment and make sure those plans are carried out. Thank you, Mr. President. [LB22]

SENATOR WATERMEIER: Thank you, Senator Crawford. (Visitors introduced.) Senator Stinner, you are recognized. [LB22]

SENATOR STINNER: Thank you, Mr. President, members of the Legislature. When we started this budget process, I talked about this not being business as usual, that we had to cut, that we had to use cuts, that this was a shared pain situation. And now we have a motion to separate the Legislature away from that and make ourselves exceptional to it, even though I sat here and said we will get the problem fixed. We do have a mechanism to get the problem fixed. I have pledged to you to take a look at the Legislative Council. It's a work in process. Why is it a work in process? Because we have a huge amount of reappropriations built up in the Legislative Council. I agree with that. But they also, from an accounting situation, used a lot of the reappropriations that should have been added to the base. So we've got a base problem that we got to get fixed. We've got \$2.5 million of projects and shortfalls that we've got to realign. We've got to find other alternative sources for those types of improvements. It won't be done today. Then you ask me, why does this have to be done today? Look at your accounting sheet that I gave you. Look at the adjustments. The Supreme Court can't do anything as far as hiring, nothing until it's passed here and then signed by the Governor. DD will be short \$3.5 million until we pass this bill. Do you think there should be a little hurry up on that? Look down through the rest of it. Think about agencies that need certainty. This is a process that we need to get started. Every payroll that goes by and they don't make an adjustment, there's more dollars spent, gets us further away from our target. We need certainty from an appropriation side of things. You kill the bill, fine. Then I got to handle it in the biennium, not just me but the Appropriations Committee. Then we'll come out to the floor and show you. And how about reappropriations? You don't pass this, guess what? I'm

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writing a check out of reappropriations. They may be gone. That's why you have to pass it now. That's why time is of the essence. You know, if you want to make yourselves exceptional and you want to tell your constituents, oh, yeah, we had all these projects so we needed to not share in the pain, good. That's the way you want to vote. That's not the way it is, even though we have a process to address all of this, even though you have a committee that's willing to work with the Legislature to make sure all of these high priorities are finished. I would ask today that we set aside our differences, get this passed so all of the adjustments and all the exceptions and all the agencies and all the committees have some level of certainty so that we can move on. Thank you, Mr. President. [LB22]

SENATOR WATERMEIER: Thank you, Senator Stinner. Senator Chambers, you are recognized. [LB22]

SENATOR CHAMBERS: Mr. President, I hope the Speaker doesn't leave. But I want to tell Senator Stinner, just cool down. I asked him earlier why we had to get this bill done today. He didn't raise his voice, did he? What was the date it had to be done? He said April 1. Somebody pulled his coat back there and told him, what you said is giving a false impression what Chambers is offering might work, so get up there and make some noise. He didn't talk like that earlier. The date hasn't changed. And as for the exchange between Senator Murante, the would-be political operative, and the Speaker, silliest thing I ever heard in my life. That's why I didn't want the Speaker to leave. I want him to hear what I'm going to say. Senator Murante talked about tradition, suggested it. Then the Speaker said, well, traditionally, speakers have said if a bill is bracketed, it's dead. So Senator Murante said, then this bill is dead? The Speaker said yes. Silly. You know why I say it's silly? Because the Speaker sets the agenda and we were told this bill has to pass. So he's going to act like this bill would be dead if we bracket it. It's not dead. It just means it couldn't be considered before the 17. Then he sets it on the agenda, unless he wants to kill the bill. He doesn't even understand how the Legislature works and you all voted him to be Speaker. You see what I mean when I say those who get these positions of leadership don't have to have competency? They don't have to have the ability. They don't have the experience and they don't understand the powers of their office. They know how to misuse that power. The two that I mentioned, Senator Murante behind me, the Speaker in front of me, talked about tradition. We had bills where the tradition said they should have gone to a certain committee, and both of them violated that tradition. It didn't mean anything. Because there were certain committees they wanted those bills sent to and the Speaker voted to send them there, contrary to the tradition. Now he's going to stand up there, stand back there and talk about tradition would make him kill this bill. No tradition makes him kill this bill. And bracketing it would not kill it. That's what you all have to resort to when somebody you think is a fool shows you that he reads the rules and knows how to use them. So then you will distort, you will undermine, and you will make yourself look foolish. Don't you all feel sorry for them. They're grown men. We are all adults here. And if he doesn't want these things heard, clear the balcony and let's just sit here and we

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talk about it among ourselves. I'm going to say what I've got to say. And when I hear foolishness on the floor, I'm going to call it what it is. I can show you the exact bills where Senator Murante went against tradition so he could get them into his committee, the death penalty for one of them. It should have gone to the Judiciary Committee, tradition. A gun bill, it should have gone to the Judiciary Committee. Not only did it deal with guns, but it created a new cause of legal action against political subdivisions. And when you create a cause of action, that goes to the Judiciary Committee. But Senator Murante joined in violating the tradition. Then he has the nerve, the gall to do what did he this morning to his Speaker. He knew the Speaker didn't understand things. And he stood him up there and made the Speaker show his lack of knowledge and understanding. He sets the agenda. He determines when a bill will appear on the agenda. Tradition? He doesn't care what these other people have done. He doesn't care what tradition says because he voted to misrefer those bills against the longstanding tradition. Now we're getting to the point where our voices can show what it is that we have going on in our minds. [LB22]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: One minute. [LB22]

SENATOR CHAMBERS: He has come down from the chair to address other things that I said. And, in fact, I gave a handout because when he came down here and addressed something I had said, before I had a chance to respond, we adjourned eight minutes early. But that's what that handout is for. So I'm going to bring these things up so that things are not done in a vacuum. And Senator Stinner can tell me that I was wrong. Nobody pulled his coat and put something on his mind that made him speak the way he did. He gave the date of April 1. I asked, what difference does it make? Why do we have to do it today? We don't have to do it today. Now we do. Humbug. Thank you, Mr. President. [LB22]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Krist, you're recognized. [LB22]

SENATOR KRIST: Thank you, Mr. President. Well, the old linebacker and fullback has come out and he has made it known, as he growls loudly in the cave, that this is what he wants to have happen and we need to start listening. So I am listening. And you don't get to see the linebacker and the fullback come out very often, so take a picture. It was fun to watch. So here is what I want to say at this juncture. When you have a motion, in the Rule Book...and you can all read it for yourself. I'm not going to quote it. Maybe if you have to find it yourself, you'll actually get in the Rule Book. And that was not sarcastic. It was meant to be what it was. When you have a motion to bracket to a date certain, it is that date certain, the date that's been identified as 2/27/17. And the Speaker who responded to Senator Murante in the way that he did demonstrates the fact that traditionally, he either doesn't understand his scheduling prowess or

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the rules or both. It has not been tradition in the eight years that I've been here that you bracket something to a date certain that is within the confines, that is within the confines of a legislative session. When you want to bracket something and kill it--Senator Murante knows this all too well--you bracket it to a date outside of the terms or the conditions or the sine die 90- or 60-day parameter of an actual time that we are here in the Chamber. That's how it's been used in the past. The Speaker doesn't understand that Speaker Flood, who he quoted, would just take things off the agenda until a date certain because that was his scheduling prowess in place. Go down and meet in a vault someplace, get your stuff worked out and bring it back. But for the rest of us, it was a date...bracketed to a date certain that told us that something was happening. So when someone gets up on this mike and spews--yes, the word I use was spews--doesn't talk facts or figures or rules, you need to listen carefully and digest what the meaning of that spew is. Back to the task at hand. There's a bracket motion out there. There is also a bill up there. And, Mr. Speaker, according to the rules, as I read them, on Final Reading, we can go two hours and then a cloture motion is acceptable, unless we've changed that rule too. And I think we started the debate at 9:11, so by the rules, I think we should just get to it now. See, I do read the rules. [LB22]

SPEAKER SCHEER: Thank you, Senator Krist. Mr. Clerk for a motion. [LB22]

CLERK: Mr. President, Senator Stinner would move to invoke cloture pursuant to Rule 7, Section 10. [LB22]

SPEAKER SCHEER: It is the ruling of the Chair there has been full and fair debate afforded to LB22. Senator Stinner, for what purpose do you rise? [LB22]

SENATOR STINNER: I'd like to have a call of the house, please. [LB22]

SPEAKER SCHEER: There has been a request to place the house under call. However, we are in Final Reading, which would mean we are to be on the floor. We will have an attendance check, please. All check in, please. Senator Howard, McCollister, Walz, Briese, Vargas, Harr, McDonnell, Groene, and Friesen. Been a request for a roll call vote. The following senators please return to the floor: Senator Howard, Walz, Briese, Vargas, Harr, and Friesen. Senator Howard, Briese, and Friesen. We are all here and accounted for. Members, the first vote is to invoke cloture. All those in favor will be voting aye; those opposed vote nay. This vote requires 33 affirmative votes. Mr. Clerk. [LB22]

CLERK: (Roll call vote taken, Legislative Journal page 467.) 43 ayes, 1 nay, Mr. President, to invoke cloture. [LB22]

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SPEAKER SCHEER: The motion to invoke cloture is adopted. Next item will be to vote on the Chambers motion to bracket to date specific. All those in favor vote aye; all those opposed vote nay. This will take 25 affirmative votes. There has been a request for a roll call. Mr. Clerk. [LB22]

CLERK: (Roll call vote taken, Legislature Journal pages 467-468.) 2 ayes, 42 nays, Mr. President, on the motion to bracket the bill. [LB22]

SPEAKER SCHEER: The motion fails. Moving to LB22E, Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor of the vote, vote aye; all those opposed vote nay. This motion requires 20 affirmative...or 30 affirmative votes. Have all voted that wish to? Please record, Mr. Clerk. [LB22]

CLERK: 42 ayes, 5 nays, Mr. President, to dispense with the at-large reading. [LB22]

SPEAKER SCHEER: The at-large reading is dispensed with. Mr. Clerk, read the title. [LB22]

CLERK: (Read title of LB22.) [LB22]

SPEAKER SCHEER: All provisions of the law relative to procedures having been complied with, the question is, shall LB22E pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB22]

CLERK: (Record vote read, Legislative Journal pages 468-469.) 42 ayes, 3 nays, 3 present and not voting, 1 excused and not voting, Mr. President. [LB22]

SPEAKER SCHEER: LB22E passes with emergency clause attached. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB119 and LB22E. Mr. Clerk. [LB119 LB22]

CLERK: Mr. President, some items, if I may. Transportation Committee reports LB368 to General File. And I have hearing notices from the Judiciary Committee. Those items signed by their respective Chairs. That's all that I have, Mr. President. (Legislative Journal page 469.) [LB368]

SPEAKER SCHEER: Mr. Clerk, to the agenda for the next item.

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CLERK: Mr. President, adoption of permanent rules. When the body left the issue, Senator Chambers had pending as an amendment to Senator Larson's amendment, Senator, the one that refers to members consuming food during public hearing.

SPEAKER SCHEER: Senator Chambers, could you please refresh our memories?

SENATOR CHAMBERS: Yes. Mr. President, members of the Legislature, now we're on a subject that maybe my colleagues can grasp. This amendment, without going through all the technicalities of how it will replace things that Senator Larson's amendment says, indicates that no member of the Legislature shall consume food during a public hearing. It shouldn't take a rule, should it? It shouldn't be done, should it? But this session we're going to reveal a lot of things about a lot of people. The "Repelicans" are the straight-laced, family-values people. But they're the ones usually when something inappropriate or something that has the appearance of impropriety is involved, usually a "Repelican" is the one at the center of it. You can look starting with your so-called President. He tells lies. Now the people under him tell lies. This fellow who had talked to the Russian ambassador while President Obama's administration was still in place lied and said he hadn't. Top people in the so-called President's administration lied and said he hadn't. Then word came out that he had in connection with his having discussed sanctions that had been imposed by the Obama administration due to the intermeddling by Russia into the election process. So the Republicans got together and lied about that. First the liar and the culprit said he hadn't talked about it. But then the Russian diplomat said, yes, you did, we talked about that. So then all of the "Trumpites" who had supported the liar had to back away. They're not even defending him now. But since the cat was out of the bag, he could not say anymore that they hadn't discussed what the diplomat said they had discussed, so you know what the liar said? Well, he couldn't remember whether they discussed it or not. He had remembered it enough to say that he hadn't. So, "Repelicans" do these kinds of things. They talk about respecting the second house of the Legislature and, as Senator Brasch often points out, that means the public. So, when the public was sitting at a public hearing, the Chairperson of that committee pulled out a Jimmy John's sandwich. I don't know if it was in a sack or not. I don't order things from Jimmy John's, but I presume it was. I don't know if he sent a staff member out to get it or whether somebody from Jimmy John's brought it and brought it up to the Chair, who happens to be Senator Larson. But at any rate, Senator Larson removed the impediment to his chowing down on that sandwich, which would be the wrappings, and proceeded to consume it while serving as Chairman during a public hearing. The other day I said, I wonder how lawyers would feel if they were arguing a case before the Nebraska Supreme Court and the Chief Judge pulled out a sandwich and started eating it. How would the senators feel? I'm going to tell you what the senators would do. We had a bill of mine before the Exec Board. It had to do with lobbyists not being allowed to feed the senators during session. Well, several of my colleagues don't even want that bill discussed.

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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: But that's not the aspect I want to bring up about it. A person from the public, the second house, agreed with the bill and was going to demonstrate how the senators could pack a lunch if that's what they wanted to do and the Chairperson of the Exec Board immediately said, we don't allow props. In other words, she had to take her lunch container off the table and set it on the floor. That's what they demand of the public. Nobody told the Chairman of that committee, Mr. Chairman, we don't eat in front of the public while we're having a public hearing. And that Chairman has a lot to say on a lot of issues. So what my proposed rule change would do, since we don't have it in us to do the right thing on our own...

PRESIDENT FOLEY: Time, Senator. Thank you, Senator Chambers. Senator Hansen, you're recognized.

SENATOR HANSEN: Thank you, Mr. President. I had originally clicked my light on during the last discussion, but wanted to make sure I "rised" and continued on this one. I originally gotten up just to say that we obviously have the ability to establish tradition and precedent in this Legislature and so if a bracket motion to a date certain, even if it's within session, is now essentially a kill motion, that's fine. And that's something I guess that's the Speaker's prerogative in setting the agenda. But I hope that will remain consistent throughout the body. I've been, frankly, kind of surprised and didn't realize how close we were to a cloture vote or even that a cloture vote was going to apply or be deemed a motion on a budget bill like that. So I just have to say, colleagues, we finally hit the dreaded cloture motion. And I have to say I didn't think it was that bad. You have the opportunity sometimes where there's lots of things to say, lots of things happening going on a bill, and especially on a Final Reading or Select File, I mean, just trying to adopt an amendment and really justifying your case for an amendment can take some time, especially if there are different perspectives and different things to have to say. So, I'm glad we now have one under our belt. As we could see, I think the final count on that was in the 40s easily, so not a real threat or not a real risk. And that was just something where, you know, when we're dealing with...oh, I'm trying to remember the exact number. I think it was \$137 million of reappropriations, if we debated that on the floor for a grand total of eight hours, that's still over \$10 million an hour. You know, we can decide whether that was too much debate, too little debate, but certainly that was an opportunity to use our time. You know, we spent two hours this morning arguing about or debating...arguing is a little strong, but debating \$4 million. Again, that was \$2 million an hour what we were debating this morning. And just as such, we happened to run up against the cloture motion. I don't necessarily know if that was anybody's intent. They can get up on the microphone and say if it was or not if they feel a need to clarify. But that's

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sometimes just what happens. That happened last year with some of the Governor's priority bills in Education and Revenue. By the time we divided the question, talked about different amendments, people got up and talked about how it impacted their constituents, we were at cloture, and then they got 40 votes again. So sometimes these dreaded filibusters are really just maybe just a little bit of healthy debate. With that, I will yield the rest of my time, and thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Oh, time yielded to me?

PRESIDENT FOLEY: I didn't hear that time was yielded. No, he did not yield time to you. But you're next in the queue, Senator. You may (inaudible).

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I sent a handout around and I could have mentioned or discussed this on a point of personal privilege this morning. But because we were dealing with at least a quasi-budget bill, I didn't want anything to derail that, but it wound up being delayed anyway for what I considered to be substantive reasons. But what I handed out has to do with what happened on a bill of Senator Kintner. The Speaker ordered that Senator Kintner's bills be killed by the committee where they're located if somebody did not pick it up. There were three cosigners to Senator Kintner's bill, not one of them wanted it, so the committee killed the bill. A lady named Julie Schmit-Albin, who is very antiabortion, expressed some public dissatisfaction about that, so Senator Murante, who was not a cosponsor, sprang into action and said he wanted to put his name on the bill. That was allowed. The committee voted to resurrect the bill and now it's alive. I had been very critical of Chairman Riepe for falling into that scheme, Senator Murante for hatching the scam, and the Speaker for having a role to play in it. He left the Chair, came down on the floor and said he had nothing to do with all of that, that he'll take responsibility for what he did but nothing more. So there was an article that led me to say the things that I did, but I didn't have a chance to respond to what the Speaker said and give the reason that I made my comments because we adjourned eight minutes early. I think it was about 11:52. But anyway, here is the paragraph. The article was in the World-Herald, February 10 of this year, page 2B. Headline, "Legislative panel effectively revives Kintner's abortion bill." The paragraph that led me to say what I said should be preceded first by a paragraph that gives context. "Senator Merv Riepe of Ralston, the committee Chairman, said the change came about because Senator John Murante of Gretna volunteered to pick up the bill. Riepe said he had been told by Speaker of the Legislature Jim Scheer that Murante could take the bill, even though he was not among the original cosponsors." The Speaker did tell Senator Riepe this was all right. That's participation, in my mind. And my argument was that the bill was dead. It had no sponsor. So by letting Senator Murante do this, when he was not a cosponsor, it

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was allowing him to introduce a bill outside of the period during which bills can be introduced. So that was my motivation and I still stand by what I said. And this is what I wrote on this sheet. Friday, I objected to allowing Senator Murante to take up the bill since he was not a cosponsor. I criticized Chairman Riepe, Senator Murante, and the Speaker for circumventing the rules. Speaker Scheer took the floor and denied any role. I had no chance to respond before adjournment, about eight minutes early. Intended to read the above article...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...which shows he indeed did participate. I want the record to show that I had a basis for what I said; the ball is in the Speaker's court. Then in the right-hand margin, the bill should have gone to the Judiciary Committee. Ugly schemes are being played out and culprits are being exposed. We shall see what lies ahead. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Morfeld, you're recognized.

SENATOR MORFELD: Thank you, Lieutenant Governor. Would Senator Murante yield to a question?

PRESIDENT FOLEY: Senator Murante, would you yield, please?

SENATOR MURANTE: Yes.

SENATOR MORFELD: Senator Murante, before we got back on the agenda adopting the permanent rules, what just occurred with the budget bill...or excuse me, not the budget bill, but budget deficit appropriation bill?

SENATOR MURANTE: We passed it.

SENATOR MORFELD: And what motion was offered in order to pass that?

SENATOR MURANTE: Motion to invoke cloture was the first of the several motions that were on the bill.

SENATOR MORFELD: And do you remember how many votes were in the affirmative to invoke cloture?

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SENATOR MURANTE: I don't.

SENATOR MORFELD: Would you say it was overwhelming?

SENATOR MURANTE: Yes.

SENATOR MORFELD: And now that we invoked cloture and then passed the budget bill, what will happen with that bill now?

SENATOR MURANTE: It will be sent to the Governor's desk.

SENATOR MORFELD: Thank you, Senator Murante. See, colleagues, this morning was a perfect example of how this body can function under the current rules. And despite having vigorous debate on the budget deficit appropriation bill...I wouldn't say vigorous. I'd say that was actually fairly moderate debate as compared to a lot of different issues that I've seen in the past two or three years in this body. But despite having moderate debate on that, we overwhelmingly did the people's business, invoked cloture, came together, and unanimously...not unanimously but overwhelmingly passed a budget deficit bill, which is going to be painful to a lot of different state agencies and the constituents that we serve. The process works. And this morning was a perfect example of how it works. And make no mistake, this is a deliberative body. A Legislature is not simply a yes stamp, no stamp branch of government. The purpose is to have deliberation, for it to be meaningful. And then once we're done with deliberation, or that we found that we've had enough of it, we move on and do the people's business and either vote up laws or vote down laws. This morning was a perfect example of how the body functions well under our current rules. And it is the current rules because right now we're operating under the temporary rules which were the rules from last session. Now, if at the end of this session after we adopt the permanent rules and hopefully go back to voting down Larson's amendment which was adopted, that at the end of this session, the current rules, the temporary rules that we're operating under right now, if they don't work and the body is completely dysfunctional, then let's have a serious conversation about whether or not we need to adopt an amendment like Larson's. But for there to be 17 new members of this body and not to even see how this body can function with the exception of today, which it did, to change the rules doesn't make any sense. So to all the new senators, give the rules, as they've been for the past few decades, a chance because today was Exhibit A of how the rules work and how we can function as a body when it comes to substantive issues like a deficit appropriations bill. I urge you to take back the Larson amendment when the time comes and maintain the rules as they passed out of the Rules Committee. We'll get to that point at a certain time. And I urge you to consider that and I urge you to take a look at what happened today. It is Exhibit A how this body can disagree on a few things but in the end come together and do the people's business. Thank you, Mr. President.

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PRESIDENT FOLEY: Thank you, Senator Morfeld. (Visitors introduced.) Items for the record, Mr. Clerk?

CLERK: Mr. President, bills read on Final Reading this morning were presented to the Governor at 11:42 a.m. (re LB119 and LB22). Some name adds: Senator Baker to LB122; Senator Pansing Brooks to LB355; Senator Ebke, LB447; Senator Halloran, LB506; Senator Murante, LB576. [LB119 LB22 LB122 LB355 LB447 LB506 LB576]

Mr. President, I have a priority motion. Senator Pansing Brooks would move to adjourn the body until Tuesday, February 14, at 9:00 a.m.

PRESIDENT FOLEY: Members, you've heard the motion to adjourn. All those in favor say aye. Those opposed say nay. We are adjourned.