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Floor Debate
April 26, 2017

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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the seventy-second day of the One Hundred Fifth Legislature, First Session. Our chaplain for today is Pastor Mike Wing of the Grace Community Bible Church in North Platte, Nebraska, Senator Groene's district. Please rise.

PASTOR WING: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Pastor Wing. I call to order the seventy-second day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

CLERK: I have a quorum present, Mr. President.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: No corrections.

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

CLERK: An amendment to be printed to LB512 by Senator Harr. Senator Morfeld would move to place LB311 on General File and likewise, LB441 pursuant to Rule 3, Section 20(b). That's all that I have, Mr. President. (Legislative Journal page 1223.) [LB512 LB311 LB441]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Members, we're about to proceed with a long list of bills on Select File, which obviously will require many voice votes. I'd ask you to please be attentive as we proceed. Mr. Clerk, Select File.

CLERK: Mr. President, LB234. Senator Wishart, I have no amendments to the bill. [LB234]

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PRESIDENT FOLEY: Senator Wishart for a motion. [LB234]

SENATOR WISHART: Mr. President, I move to advance LB234 to E&R for engrossing. [LB234]

PRESIDENT FOLEY: Members, you've heard the motion to advance...Senator Chambers, you're recognized. [LB234]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I would like to ask Senator Smith a question, if he's here. [LB234]

PRESIDENT FOLEY: Senator Smith, if you're on the floor, would you yield, please? [LB234]

SENATOR SMITH: Yes, I will. [LB234]

SENATOR CHAMBERS: Senator Smith, do we really need this bill? It's LB234. [LB234]

SENATOR SMITH: Well, this is just the annual conformity bill to try...make certain we conform to the federal tax laws. So I would say it's probably not the most important thing we're facing this session, but I think it's important to move it forward. [LB234]

SENATOR CHAMBERS: Well, based on what I heard the other day from our two resident legal scholars, Senator Groene and Senator Brasch, that there is no need when you make a reference to a federal statute to fix a point in time at which you want that to apply. So the existing law makes reference to that IRS provision. But you feel that since that reference is being made, you want the state's law to go along with what the most recent version of that federal statute is. Is that why we're doing this in this bill today? [LB234]

SENATOR SMITH: Yes, sir. And that's...I think that's ideal to do it that way. [LB234]

SENATOR CHAMBERS: Thank you. And I agree with Senator Smith, but I want to take this opportunity to make a point to my colleagues. When I say something about the law and the Constitution, the fact that I said doesn't mean that I'm correct. But I think some of these people ignorant of the law... [LB234]

PRESIDENT FOLEY: Excuse me, Senator. Excuse me. Members, please come to order. [LB234]

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SENATOR CHAMBERS: But I think when some of these people ignorant of the law want to try to explain what the law is, it ought to be taken with a grain of salt. Senator Groene said he had a lot of legal advice that told him when his school bill made a reference to a federal statute, it was not necessary to put a date as to what version of that statute was being incorporated into state law. The point that has to be made here...and I know people are not listening, who need to listen. If a statute in Nebraska references a federal law, that cannot stand challenged if a problem develops and that federal law has changed. I won....it was a traffic ticket but I won because when the federal government set the speed limit at 55 miles per hour, the Legislature said words to the effect, if the federal government raises the speed limit, then the Nebraska statute...the Nebraska speed limit will correspond to what the federal government did. I got a speeding ticket. I challenged the existing Nebraska speed law because it was tied to the federal law and if the federal law changed, that would change the Nebraska law. My argument, which the judge accepted, is that the law of Nebraska must be passed by the Legislature. The Legislature cannot delegate to any entity, even the federal government, the authority to change Nebraska law. So the ticket was thrown out because that law was ruled unconstitutional. So when reference is made to a federal statute and it's going to be incorporated by that reference into the Nebraska statute, you must give a date designating at what point... [LB234]

PRESIDENT FOLEY: One minute. [LB234]

SENATOR CHAMBERS: ...that law is being incorporated. So you don't leave a situation where as the federal government changes that law, then Nebraska law changes along with it without any change by the Legislature. I had mentioned that the Revenue Committee makes these periodic updates without realizing at that time that such a bill would come. So when I say somebody's ignorant of the law, I know what I'm talking about and I wouldn't say that if it were not the fact. Thank you, Mr. President. [LB234]

PRESIDENT FOLEY: Thank you, Senator Chambers. (Doctor of the day introduced.) Members, you've heard the motion to advance the bill to E&R engrossing. All those in favor say aye. Those opposed say nay. LB234 advances. Next bill, Mr. Clerk. [LB234]

CLERK: Mr. President, LB255, there are E&R amendments, Senator. (ER65, Legislative Journal page 1139.) [LB255]

PRESIDENT FOLEY: Senator Wishart. [LB255]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB255. [LB255]

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PRESIDENT FOLEY: Members, the motion is to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB255]

CLERK: Nothing further on that bill, Senator. [LB255]

PRESIDENT FOLEY: Senator Wishart. [LB255]

SENATOR WISHART: Mr. President, I move to advance LB255 to E&R for engrossing. [LB255]

PRESIDENT FOLEY: Members, you've heard the motion to advance the bill to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB255 advances. Next bill, please. [LB255]

CLERK: LB255A. I have no amendments, Senator. [LB255A]

PRESIDENT FOLEY: Senator Wishart. [LB255A]

SENATOR WISHART: Mr. President, I move to advance LB255A to E&R for engrossing. [LB255A]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB255A to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB255A advances. Next bill, please. [LB255A]

CLERK: LB455, Senator, I have no amendments to the bill. [LB455]

PRESIDENT FOLEY: Senator Wishart. [LB455]

SENATOR WISHART: Mr. President, I move to advance LB455 to E&R for engrossing. [LB455]

PRESIDENT FOLEY: Members, you've heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB455 advances. Next bill, please. [LB455]

CLERK: LB645, Senator, I have no amendments to the bill. [LB645]

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PRESIDENT FOLEY: Senator Wishart. [LB645]

SENATOR WISHART: Mr. President, I move to advance LB645 to E&R for engrossing. [LB645]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB645 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB645 advances. Next bill, please. [LB645]

CLERK: LB430, Senator, does have Enrollment and Review amendments. (ER64, Legislative Journal page 1139.) [LB430]

PRESIDENT FOLEY: Senator Wishart. [LB430]

SENATOR WISHART: Mr. President, I move to...the adoption of the E&R amendments to LB430. [LB430]

PRESIDENT FOLEY: Members, you've heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB430]

CLERK: Nothing further on the bill, Senator. [LB430]

PRESIDENT FOLEY: Senator Wishart. [LB430]

SENATOR WISHART: Mr. President, I move to advance LB430 to E&R for engrossing. [LB430]

PRESIDENT FOLEY: Members, you've heard the motion to advance the bill. Those in favor vote aye. Those opposed vote nay. LB430 advances. Next bill, please. [LB430]

CLERK: LB558, Senator. I have no amendments to the bill. [LB558]

PRESIDENT FOLEY: Senator Wishart. [LB558]

SENATOR WISHART: Mr. President, I move to advance LB558 to E&R for engrossing. [LB558]

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PRESIDENT FOLEY: Members, you've heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB558 advances. Next bill, please. [LB558]

CLERK: LB315, Senator, does have Enrollment and Review amendments. (ER68, Legislative Journal Page 1142.) [LB315]

PRESIDENT FOLEY: Senator Wishart. [LB315]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB315. [LB315]

PRESIDENT FOLEY: Members, you've heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB315]

CLERK: Nothing further on the bill, Senator. [LB315]

PRESIDENT FOLEY: Senator Wishart. [LB315]

SENATOR WISHART: Mr. President, I move to advance LB315 to E&R for engrossing. [LB315]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB315. Those in favor say aye. Those opposed say nay. LB315 advances. Next bill, please. [LB315]

CLERK: LB159, Senator, does have Enrollment and Review amendments. (ER69, Legislative Journal page 1142.) [LB159]

PRESIDENT FOLEY: Senator Wishart. [LB159]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB159. [LB159]

PRESIDENT FOLEY: Members, you've heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB159]

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CLERK: I have nothing further on the bill, Senator. [LB159]

PRESIDENT FOLEY: Senator Wishart. [LB159]

SENATOR WISHART: Mr. President, I move to advance LB159 to E&R for engrossing. [LB159]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB159 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB159 advances. Next bill, please. [LB159]

CLERK: LB138, Senator. I have no amendments to the bill. [LB138]

PRESIDENT FOLEY: Senator Wishart. [LB138]

SENATOR WISHART: Mr. President, I move to advance LB138 to E&R for engrossing. [LB138]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB138. Those in favor say aye. Those opposed say nay. LB138 advances. Next bill, please. [LB138]

CLERK: LB142, Senator, does have Enrollment and Review amendments. (ER70, Legislative Journal page 1142.) [LB142]

PRESIDENT FOLEY: Senator Wishart. [LB142]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB142. [LB142]

PRESIDENT FOLEY: Members, you've heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB142]

CLERK: I have nothing further on that bill, Senator. [LB142]

PRESIDENT FOLEY: Senator Wishart. [LB142]

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SENATOR WISHART: Mr. President, I move to advance LB142 to E&R for engrossing. [LB142]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB142 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB142 advances. Next bill, please. [LB142]

CLERK: LB20, Senator, I have no amendments to the bill. [LB20]

PRESIDENT FOLEY: Senator Wishart. [LB20]

SENATOR WISHART: Mr. President, I move to advance LB20 to E&R for engrossing. [LB20]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB20 for engrossing. Those in favor say aye. Those opposed say nay. LB20 advances. Next bill, please. [LB20]

CLERK: LB63. No Enrollment and Review. Senator Scheer would move to amend with AM1185. (Legislative Journal page 1214.) [LB63]

PRESIDENT FOLEY: Speaker Scheer, you're recognized to open on AM1185. [LB63]

SENATOR SCHEER: Thank you, Mr. President. Colleagues, this is a very minor cleanup. The bill actually does what I had suggested and that is charging the sales tax for food and beverage at political events. But one of the items that we noticed later, down on the bill, was that it would also charge sales tax for event tickets, and that was never the intent, or my intent. It was placed in there and, unfortunately, this amendment removes the tax on the event tickets, but it still will charge sales tax for any food and beverage at the events. So I urge your green vote on AM1185. Thank you, Mr. President. [LB63]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Seeing no discussion on the amendments. Speaker Scheer waives closing. The question before the body is the adoption of AM1185. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk. [LB63]

CLERK: 38 ayes, 0 nays, Mr. President, on the adoption of Senator Scheer's amendment. [LB63]

PRESIDENT FOLEY: The amendment is adopted. Mr. Clerk. [LB63]

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CLERK: I have nothing further on the bill, Senator. [LB63]

PRESIDENT FOLEY: Senator Wishart. [LB63]

SENATOR WISHART: Mr. President, I move to advance LB63 to E&R for engrossing. [LB63]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB63. Those in favor say aye. Those opposed say nay. LB63 advances. Next bill, please. [LB63]

CLERK: LB154, Senator, I have no amendments to the bill. [LB154]

PRESIDENT FOLEY: Senator Wishart. [LB154]

SENATOR WISHART: Mr. President, I move to advance LB154 to E&R for engrossing. [LB154]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB154 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB154 advances. Next bill, please. [LB154]

CLERK: LB176, Senator, I have no amendments to the bill. [LB176]

PRESIDENT FOLEY: Senator Wishart. [LB176]

SENATOR WISHART: Mr. President, I move to advance LB176 to E&R for engrossing. [LB176]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB176 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB176 advances. Next bill, please. [LB176]

CLERK: LB383, Senator, I have no amendments to the bill. [LB383]

PRESIDENT FOLEY: Senator Wishart. [LB383]

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SENATOR WISHART: Mr. President, I move to advance LB383 to E&R for engrossing.
[LB383]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB383 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB383 advances. Next bill, please.
[LB383]

CLERK: LB231, Senator, no amendments to the bill. [LB231]

PRESIDENT FOLEY: Senator Wishart. [LB231]

SENATOR WISHART: Mr. President, I move to advance LB231 to E&R for engrossing.
[LB231]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB231. Those in favor say aye. Those opposed say nay. LB231 advances. Next bill, please. [LB231]

CLERK: LB239, Senator, I have no amendments to the bill. [LB239]

PRESIDENT FOLEY: Senator Wishart. [LB239]

SENATOR WISHART: Mr. President, I move to advance LB239 to E&R for engrossing.
[LB239]

PRESIDENT FOLEY: Members, you've heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB239 advances. Next bill, please. [LB239]

CLERK: LB306, Senator, I have no amendments to the bill. [LB239]

PRESIDENT FOLEY: Senator Wishart. [LB239]

SENATOR WISHART: Mr. President, I move to advance LB306 to E&R for engrossing.
[LB239]

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PRESIDENT FOLEY: Members, you've heard the motion to advance LB306 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB306 advances. Next bill, please. [LB239]

CLERK: LB241, Senator. I have no amendments to the bill. [LB241]

PRESIDENT FOLEY: Senator Wishart. [LB241]

SENATOR WISHART: Mr. President, I move to advance LB241 to E&R for engrossing. [LB241]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB241 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB241 advances. Next bill, please. [LB241]

CLERK: LB519, no Enrollment and Review. Senator Hansen would move to amend with AM1187. (Legislative Journal page 1214.) [LB519]

PRESIDENT FOLEY: Senator Hansen, you're recognized to open on AM1187. [LB519]

SENATOR HANSEN: Thank you, Mr. President, and good morning, colleagues. AM1187 is a clarifying amendment requested by the Department of Labor. It would clarify that the changes to the unemployment law we are making under LB519 would only apply to cases filed after the effective date of this act, which will be September 3 of this year. So all prior cases will continue to operate under current law. With that, I'd ask for your adoption of AM1187. Thank you, Mr. President. [LB519]

PRESIDENT FOLEY: Thank you, Senator Hansen. Is there any discussion on the amendment? Seeing none, Senator Hansen, you're recognized to close. He waives closing. The question for the body is the adoption of AM1187. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please, Mr. Clerk. [LB519]

CLERK: 32 ayes, 0 nays, Mr. President, on the adoption of the amendment. [LB519]

PRESIDENT FOLEY: AM1187 is adopted. Mr. Clerk. [LB519]

CLERK: Nothing further on the bill, Senator. [LB519]

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PRESIDENT FOLEY: Senator Wishart. [LB519]

SENATOR WISHART: Mr. President, I move to advance LB519 to E&R for engrossing. [LB519]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB519 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB519 advances. Next bill, please. [LB519]

CLERK: LB464. There are Enrollment and Review amendments, Senator. (ER72, Legislative Journal page 1178.) [LB464]

PRESIDENT FOLEY: Senator Wishart. [LB464]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB464. [LB464]

PRESIDENT FOLEY: Members, you've heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB464]

CLERK: Nothing further on that bill, Senator. [LB464]

PRESIDENT FOLEY: Senator Wishart. [LB464]

SENATOR WISHART: Mr. President, I move to advance LB464 to E&R for engrossing. [LB464]

PRESIDENT FOLEY: Members, you've heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB464 advances. Next bill, please. [LB464]

CLERK: LB264, Senator. I have no amendments to the bill. [LB264]

PRESIDENT FOLEY: Senator Wishart. [LB264]

SENATOR WISHART: Mr. President, I move to advance LB264 to E&R for engrossing. [LB264]

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PRESIDENT FOLEY: Members, you've heard the motion to advance LB264 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB264 advances. That completes Select File. Moving on to the agenda. General File, 2017. Committee priority bill. Mr. Clerk. [LB264]

CLERK: Mr. President, LB333 was a bill introduced by the Speaker at the request of the Governor. (Read title.) Introduced on January 12 of this year. At that time referred to the Health and Human Services Committee. The bill was advanced to General File. I do have Health and Human Services Committee amendments pending. (AM1022, Legislative Journal page 1043.) [LB333]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Riepe, you're welcome to open on LB333. [LB333]

SENATOR RIEPE: Thank you, Mr. President, and my fellow colleagues. I introduced LB333 at the request of the people of Nebraska and the Governor. The committee amendment contains LB495 and parts of LB417. LB333 is a budget modification. This is another opportunity to discuss the modification to the budget. It is not going to be easy, but it is our constitutional duty to balance the budget and LB333 is another one of those bills. LB333 with the committee amendment is a big bill and covers two divisions within the Department of Health and Human Services. The divisions are children and family services and developmental disabilities. To give you a road map of where I'm going for the time I am on the microphone, first, I will talk about the original LB333. I will then talk about LB495 and the Quality Review Team language from LB417. After addressing these issues, I will talk about the committee amendment and then we'll be able to open on AM1209. First, I will start with LB333. LB333 seeks to eliminate the State Disability Program. The State Disability Program was enacted in 1976. It is only for individuals with temporary disabilities that will last longer than six months, but less than 12 months. The State Disability Program includes medical assistance and cash assistance. Currently, there are 16 active participants and 31 participants pending eligibility. Of those approved, 14 have been approved for benefits beyond June 30, 2017. The State Disability Program is not federally mandated, and it's paid by only General Fund dollars. In fact, we don't know of any other states having a program identical to our State Disability Program. While other states have assistance programs, they vary greatly in terms and conditions. Opposition after the hearings surfaced regarding whether counties would have to provide the eliminated services under Section 68-104. Currently, counties pick up the first six months of a temporary disability. The state would pick up six months to 12 months of a temporary disability. And the federal government would pick up 12 months or longer for someone with a permanent disability. We have worked diligently to understand the counties' concerns and I believe AM1209 addresses those concerns. However, I will talk more about AM1209 when I open on that amendment. LB333 will provide a cost savings of \$3.1 million in fiscal year '17-18 and \$4.2 million in fiscal year '18-19. There were

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also changes the committee recommended in AM1022, and I will address those changes during the committee amendment. I will now discuss LB495 which seeks to move high school graduates with developmental disabilities from a state entitlement to realign within state priority funding within the Medicaid adult day waiver. LB495 also provides updated definitions in the Developmental Disabilities Court-Ordered Custody Act to harmonize language and provide consistency in the department's role to serve individuals with developmental disabilities meeting intermediate care facilities for the developmentally disabled institutional level of care. Now, moving back to the entitlement portion of LB495, states have the flexibility to change in the Medicaid program from time to time. The two options are a state plan amendment or a waiver. Today, I will be talking about waivers. A waiver is a request by a state to the Secretary of Health and Human Services--that happens to be Secretary Price, a huge proponent of direct primary care, I might add--to waive certain Medicaid program requirements in the state. This waiver application is processed through the Centers for Medicare and Medicaid Services, which is also known as CMS. Waivers are time limited, usually three to five years, and must be renewed. For the division of developmental disabilities, there are three home and community-based service waivers. The adult day waiver, the adult comprehensive waiver, and a children's comprehensive waiver that service individuals with developmental disabilities that meet institutional level of care. These waivers provide alternatives to institutional settings. The division serves approximately 5,000 individuals on their waivers. The adult day waiver expiration date is 2015. CMS has required a new waiver application 90 days prior to September of...required one prior to September of 2015. The new waiver was drafted and submitted in September of 2015, which is the same time Courtney Miller became the temporary director. Director Miller asked CMS to withdraw and rewrite the waiver application as the original application would not meet CMS standards. CMS agreed to the first of many 90-day extensions. In December, 2015, the division of developmental disabilities submitted a time line and requested another 90-day extension which was granted by CMS. CMS and the division continued on the time line while working with CMS to address many compliant concerns with the waiver program and continued to receive extensions for the past year and a half. On January, 2017, the adult day waiver renewal application was resubmitted. The adult day waiver is anticipated to be approved on April 28, 2017, this Friday, which is Arbor Day. Now that I have given a little history of the adult day waiver, I would like to turn to the statutory entitlement. In 1995, the high school graduate entitlement for individuals with developmental disabilities was created. The entitlement program allows persons determined to be eligible for specialized services who on or after September 6, 1993, graduate from high school, reach the age of 21 years, or are currently receiving services...to receive services in accordance with the Developmental Disability Services Act. The state-funded program prioritized graduates above all others and enrolled them into the adult day waiver immediately upon eligibility. The current acting waiver submitted and approved under the prior administration does not--I repeat not--have prioritization categories approved by CMS. We are out of compliance. The current waiver reads, first come, first serve and the high school

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graduate entitlement stands to direct, indirect conflict of the current waiver and the requirement under the new waiver. [LB333 LB495 LB417]

PRESIDENT FOLEY: One minute. [LB333]

SENATOR RIEPE: Thank you, sir. Additionally, the current statuses (sic--statutes) are in conflict with itself. Section 83-1202 states the first priority of the state should be to provide food, housing, clothing, medical care, protection from abuse or neglect, and protection from harm when providing for the needs of the individuals with developmental disabilities. The second priority is to provide for all other needs. However, Section 83-1216 requires the high school graduate to have the first priority. You cannot have two first priorities. Therefore, talking with Director Miller, we believe it is in the best interest of individuals... [LB333]

PRESIDENT FOLEY: Time, Senator. [LB333]

SENATOR RIEPE: Thank you, sir. [LB333]

PRESIDENT FOLEY: But you may continue now on the committee amendment. Senator Riepe, you're recognized. [LB333]

SENATOR RIEPE: Thank you, Mr. President, and fellow colleagues. Therefore, talking with Director Miller, we believe it is in the best interest of individuals with developmental disabilities in the state to maximize federal dollars and serve the 2,175 individuals on the waiting list in a fair and consistent manner. However, keeping the entitlement means a General Fund impact. But I will talk about that on the amendment to the committee amendment. The Governor and division have taken steps to address the concerns that high school graduates will lose skills if day services are not an entitlement. The Governor has shown he will continue to support through appropriations the graduates. In his budget request, which was supported by the Appropriations Committee, the Governor provides a \$1.6 million appropriation to serve those on the wait list, which includes the graduates. The department also has taken steps to address the concerns of the removal of the entitlement. First, the department established priority criteria language where the graduates will be above the first come, first serve. The priority language reads as follows: The first funding priority of the state shall be responding to the needs of persons with developmental disabilities in immediate crisis due to caregiver death, homelessness, or a threat to the life and safety of the person. The second funding priority of the state in responding to the needs of persons with developmental disabilities shall be for persons that have resided in an institutional setting for a period of at least 12 consecutive months and who are requesting community-based services. The third funding priority of the state in responding to the needs of a person with developmental disabilities shall be for serving wards of the department or persons placed under

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the supervision of the office of probation administration by the Nebraska court system who are transitioning upon age 19 with no other alternatives as determined by the department to support residential services necessary to pursue economic self-sufficiency. The fourth funding priority of the state in responding to the needs of persons with developmental disabilities shall be for serving persons transitioning from the educational system upon attaining 21 years of age to maintain skills and receive the day services necessary to pursue economic self-sufficiency, and the fifth funding priority for the state in responding to the needs of persons with developmental disabilities shall be for serving all other persons by date of application. As I have stated before, the adult day waiver application includes a reserve capacity slots. The day service waiver which is anticipated to start March 1, will have a minimum of 900 slots for fiscal year 2017. But there will be an additional amount of reserve capacity slots available for high school graduates, 200 reserved slots. So the graduates will be prioritized within the waiver after our most vulnerable individuals with DD, developmental disabilities. Moving on to the Quality Review Team's portion of the legislation, in the department's omnibus bill, LB417, my priority bill, the department sought to eliminate the Quality Review Teams known as QRT's and provide for more up-to-date quality improvement tools. I would add that Nebraska is only one of two states that continues to use the QRT methodology. The rest had moved to a national methodology. The QRT's provide an assessment on individuals with developmental disabilities based on the quality of life while receiving residential services. Evaluators include individuals with developmental disabilities. The QRT were the forefront for developmental disabilities starting in the early 1990s. However, as I said, in recent years there has been many new developments in quality tools for oversight for individuals with developmental disabilities that are being used around the U.S. Nebraska has not kept up. In fact, CMS has deliberately started moving away from retrospective models like the QRT, and moving towards a model where quality of life is built into all aspects of a program. The last QRT request was completed in 2014 and the process was discontinued under the previous administration. When Director Miller was made permanent director, she made a decision to take the time and review the best practices across the nation and start conversations with stakeholders before moving forward to reinstate QRTs. Director Miller's research led to better quality improvement tools and has been working with stakeholders prior to session, and before and after the hearing to collaborate on the quality management strategy and ensuring all voices are at the table. This has been a collaborative effort and the majority of stakeholders understand the move away from QRTs and that the QRTs are not the standard practice in place throughout the nation. Some of the options of the move away from the QRTs states that there will be no opportunity for local volunteers or individuals with developmental disabilities to participate in the quality strategies or working on the plan. That is simply not true. The department welcomes local volunteers and individuals with developmental disabilities to be part of the design and implementation. So what is the plan to replace the QRTs? Really, what's to replace QRTs in terms of quality of life and relationship building is personal-centered planning, which is the cornerstone of contemporary quality assurance. Teams are expected to first look at health and safety and from there go right to the relationship building and community

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relationships and memberships. Employment is just one example of how individuals with developmental disabilities develop relationships just like the rest of us. So instead of dropping visits by the QRT member, Director Miller explained to me we should have a routine, every day awareness that the best health and safety protection anyone can have is that someone knows and cares about them. Providers are entrusted with facilitating those relationships through simple habitual teaching like getting to know the person at the grocery checkout, to being a regular at Starbucks and volunteering at the library. So much has been changed in how much the field of developmental disabilities and the understanding of continuous quality improvement has evolved since 1991. I also worked with Senator Krist on his concerns regarding a gap between the QRTs to the new plan. I addressed those concerns allowing the design of the plan to have an emergency clause at the division...that the division can continue their work immediately, but provided a sunset date for the QRTs to occur on October 1, 2017, which coincides with the submission of the quality management plan. Senator Bolz requested additional reporting requirements, and the committee included December and March report. [LB333]

PRESIDENT FOLEY: One minute. [LB333]

SENATOR RIEPE: Thank you, sir. Moving forward on the most advanced options for individuals with developmental disabilities is most important rather than prescribing the department to continue using an outdated process such as the QRTs with a lower return on our taxpayers' investment. AM1022 is the committee's white copy amendment. The committee amendment includes LB495, the graduate entitlement that I just spoke about, and the QRTs which I also just spoke about. I wanted to direct your attention to two noteworthy changes from the original LB333 and original LB495. In the LB333 language, the committee felt the county board should not be barred from providing services if the counties wanted to provide those services. I have provided alternative language that I will discuss in AM1209. In the LB... [LB333 LB495]

PRESIDENT FOLEY: Time, Senator. [LB333]

SENATOR RIEPE: Thank you, sir. [LB333]

PRESIDENT FOLEY: Mr. Clerk for an amendment. [LB333]

CLERK: Mr. President, amendments to the committee amendment. Senator Riepe, I understand, Senator, yours is the first, AM1195. I understand you wish to withdraw AM1195 and offer as a substitute AM1209. (Legislative Journal pages 1226-1228.) [LB333]

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SENATOR RIEPE: That's correct. [LB333]

PRESIDENT FOLEY: There's an objection to the substitution. Who made the objection, please? Senator Krist. Senator Krist, you're recognized for a motion. Excuse me. Sorry. I misspoke. Senator Riepe, you're authorized to make a motion to make that substitution if you care to do so. [LB333]

SENATOR RIEPE: Yes, I would formally like to make a motion for the substitution. [LB333]

PRESIDENT FOLEY: The motion before the body is to make an amendment substitution. It is a debatable motion. We have many, many speakers in the queue. Senator Crawford, you're first in the queue. [LB333]

SENATOR CRAWFORD: Good morning, colleagues. Thank you, Mr. President, and good morning, colleagues. So much to say and so little time to say it. I stand in opposition to LB333 and I believe we're going to have a lot of discussion about the State Disability Program. But I will start with a conversation on AM1022 about the component related to what was originally LB495. And colleagues, I want to applaud Director Miller for many hours of productive conversations with members of the committee and also thank Senator Riepe and staff counsel, committee counsel, for a lot of hard work and conversations about LB495 throughout this whole session in trying to figure out how to best move forward with services for our individuals who have developmental disabilities. Colleagues, one of the issues that...one of the priorities we've talked about in going through tough budget times and thinking about the future of the state is thinking about our continuity of commitments that we have in our state. And as Senator Riepe noted, in the 1990s, we as a state committed to taking care of our children who have developmental disabilities as they leave our high schools. We have services in our high schools for these individuals and then as they leave the high school, we had an entitlement in place that we used state money for to say it's important that we continue services for these individuals. They've been getting services day after day in our schools. That's been helping them to live to their full potential and we want to make sure that they don't lose any of that development that they've been able to get from those day services. So in the 1990s, we put in a state entitlement to say that when you leave high school, we're going to make sure you get those day services, so no one falls off. No one ends up in their living room with no help and gets worse. And colleagues, we heard story after story of what happens if those day services are discontinued, and especially what happens in other states if those day services are discontinued. We invest in helping this young person live up to their full potential, they leave the school and then all of a sudden fall off the map, get worse and are not able to contribute, as so many of these individuals want to do and are able to do, to contribute in so many ways in our community through work and volunteer that they're able to do. Instead they end up in their parents' living room. And that also, as we heard in

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one story in our hearing, that also means that parent, who otherwise would be contributing to the community through work and contributing to our revenue through taxes, is instead at home because their child, their son or daughter is at home because they do not have those day services. So that was a commitment we made in the 1990s, to say, you know what, we have a wait list. And we have more needs than we can possibly meet, but we're going to say as a state, we want to make sure that we take care of those young adults that are coming out of school so they don't end up in the living room with no help and so that they don't get worse and then are waiting on our wait list to get services and even a worse situation than before. And again, as I just noted, making sure their families can continue to be part of the community as well. So now we come to this year and we have an opportunity to work with the federal government on a waiver. And one of the things the federal government is saying is we do not want you to have an entitlement. So this is the situation we're in. We want to make sure we take care of these students, but not have an entitlement. And so again, Director Miller has worked very hard to put into the waiver some reserve slots to try to make sure that those children, those young adults are being taken care of with the waiver. And so what we do in this amendment to LB495 that's in AM1022 is we leave the entitlement in our statute, but we pause it, like so many other things we've been doing in this tough year, we pause it for two years. And so in 2019, the entitlement would kick back in unless we as a state choose to do something about that. And I think there are some creative options we've talked to Director Miller about that we may be able to discuss between now and 2019. [LB333 LB495]

PRESIDENT FOLEY: Time, Senator. [LB333]

SENATOR CRAWFORD: Pardon? Is that a minute? [LB333]

PRESIDENT FOLEY: That's time. I apologize, it's time, Senator. [LB333]

SENATOR CRAWFORD: Okay. Thank you, Mr. President. [LB333]

PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Howard. [LB333]

SENATOR HOWARD: Thank you, Mr. President. I rise in opposition to LB333 but not to everything in LB333, and I appreciate Senator Crawford taking the time to walk through LB495. So I'll talk about the bill wholly and then I'll hone in on what's going on in LB333. So LB333 contains three separate bills. LB333 on its face, a portion of LB417, and all of LB495. So if you want to look up on your gadgets fiscal notes or information about those bills, those are the numbers that are in it. I'd like to focus on LB333 because I think that's the most egregious and problematic one for us today. LB333 is the basis of this bill and vehicle for this package of developmental disabilities bill and it essentially eliminates the State Disability Program. The

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State Disability Program is a contract that we have between ourselves and the counties. When somebody has applied for Social Security disability, they have to prove that they've been disabled for a full year...a full year. And during that period of time, they get nothing from the federal government. So the first six months, the counties help pay for their medical expenses. And the next six months, the state of Nebraska helps pay for their medical expenses. And then after that full year, and they get on Social Security disability, the state of Nebraska gets reimbursed for the money that they've spent on that person. Now, there is some sort of savings in this because not everybody makes it the full year with their disability. You know, you get a surgery after eight months, you're no longer disabled, you go off the program, and we don't get the reimbursement for that. It's only if you've met the duration. My concern here is that if we back out of our promise to the counties, if we say to them, you guys take the full year. I believe that that will be an increase that the counties will not be able to withstand. Now, I don't know much about property taxes. I've only worked here for a few years, but my understanding is that when we put an additional burden on the counties that they have to pay for something else, then that reflects directly back into property taxes. That property taxes go up so that the counties can meet the burdens in the unfunded mandates that we're putting directly back on them. Not to mention for me the moral issue. I hate the idea that as a state we're even considering looking at a disabled person and saying, you know what, this is a program that we get reimbursed for. It's not very much skin off us, but you take care of yourself. For me that's a moral issue. Now LB333 became the vehicle for another issue which is LB417, which you're going to hear a lot about which are QRTs, or Quality Review Teams. These are teams of stakeholders who look at the quality and array of services for people who are developmentally disabled in our state. This is something that the state tells me that they haven't been doing since 2014. But what I'm hearing from folks in Gering and Fremont is that they participated in QRTs as late as December of last year. So why should we consider getting rid of QRTs when they're still happening? Now granted, maybe it's an outmoded system, but shouldn't we leave the system in place until we have a new one to replace it? Now what we did was we asked the state to give us a plan for their transition for quality review for DD. And they're supposed to give us that plan in September and then report to us on implementation in December. Should LB333 pass with AM1022, we would get that plan in September, but the QRT's would go away wholly. Now, I don't know who to believe. Is the state not doing them and people are doing them on their own? I don't know. What I do know is that we do need somebody analyzing the quality of the services that we're offering to people who are developmentally disabled. [LB333 LB417 LB495]

PRESIDENT FOLEY: One minute. [LB333]

SENATOR HOWARD: Sorry, was it time? [LB333]

PRESIDENT FOLEY: One minute. [LB333]

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SENATOR HOWARD: Oh, thank you, Mr. President. And that's part of our role as an oversight body for the agencies that report to us ensuring that there is quality for the people that they serve, that they're meeting their statutory obligations. That's our role and our job and I would hate to think that we would sort of flippantly get rid of Quality Review Teams through LB333. Now, patently the vehicle on its face, I have to think would increase property taxes and harm people who are disabled. But getting rid of the Quality Review Teams is also a big issue for this state and it also impairs our ability to ensure that quality services are made available to people who are developmentally disabled. So I rise in opposition of LB333. Thank you, Mr. President. Oh, I wanted to yield my time to Senator Larson. I'm so sorry. [LB333]

PRESIDENT FOLEY: Senator Larson, five seconds. (Laughter) [LB333]

SENATOR LARSON: I would like to remind all the senators today is Administrative Assistants Day. So let's give respect to our staff that do so much for us. Thank you. [LB333]

PRESIDENT FOLEY: Thank you. Senators Howard and Larson, thank you. Senator Stinner. [LB333]

SENATOR STINNER: Thank you, Mr. President. Members of the Legislature, I first of all want to commend Senator Riepe for all his hard work and the committee, HHS committee. I know that this has been a very complex, arduous task that they have undertaken with this bill. I know it's complex. I've tried to read it a couple times and they keep putting amendments on it. I keep asking questions about unfunded mandates. Certainly, I am not for passing down costs to the cities and counties, and I think that they're working out how they can get through this legislation and still take care of those questions. The other thing I'm very much concerned about is making sure that we take care of the people who actually need that and I think they've tried to address that. That all said, I am never for bad legislation. I am for vetting this as best we can, trying to find all the answers, making sure that we've measured all the outcomes, and I'm going to listen to the discourse and debate today. As you're all aware, today is forecasting day. So I'm going to hold my breath until about 2:30, 3:00 this afternoon. And that means I'll be off the mike until that time. But, you know, I did talk yesterday about the necessity of passing certain types of legislation. And as I look at this bill, we've allocated or appropriated \$4.2 million. We're only using approximately \$2 million, so we've actually overappropriated this. At a bare minimum, we can pull the appropriations back and get some add to our budget. But that all said, this is a piece of the budget, \$8.4 million piece of this budget. It will go and I will highly recommend that it actually goes back to reduce that transfer out of the rainy day fund. That's where we're going to try to utilize it for. I will be very vocal about the fact that we need to reduce that, add it to the rainy day fund, if we get this passed. So on that note, we're going to try also to find other sources that we can add to LB233. As I said before, sitting with the Speaker...oh, no, a Speaker hold right

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now, we'll wait until forecasting, we'll gather some folks around and certainly include the Governor to try to figure out what we're capable of doing from that revenue side and helping to balance the budget. On that, I would pass the rest of my time...yield the rest of my time to Senator Krist. [LB333 LB233]

PRESIDENT FOLEY: Thank you, Senator Stinner. Senator Krist, 2:20. [LB333]

SENATOR KRIST: Thank you, Mr. President, and good morning, colleagues. Good morning, Nebraska. I will be punching in as many times as this debate will allow me to. Last night I was at a rally of the parents who would be affected by this piece of legislation. I know many of you have been called out into the Rotunda to talk to those parents and the ramifications of what the lack of services will do to them personally. Everyone has an individual story, and although I appreciate the words of the Chairman of the Appropriations Committee, good legislation, and doing good things and providing these services should be at the forefront as well as balancing the cost savings. So that's our task today, and as long as it will take. I oppose LB333 for a number of reasons. I'll go into detail with it later. The only part of this bill of LB333 because it was prioritized by the committee or by the chairman, but the only part of this bill that needs to go forward, absolutely needs to pass, is LB495. We are incorrectly funding those services in LB495 and CMS has let us know, and you've heard from Senator Howard how that happens, we do not need anymore federal fines. We need to change the process. [LB333 LB495]

PRESIDENT FOLEY: One minute. [LB333]

SENATOR KRIST: LB495...Thank you, Mr. President. LB495 is the only part of this bill that needs to go forward. On a later time on the mike I will discuss the 152, 152 DD folks who are in our State Penitentiary because they had no follow on between graduating from high school forward. We call those tweeners in that business...tweeners. They have no services, they fall by the wayside and in some cases will take what they need to survive either on the streets if they have no place to go, or from the local supermarket and will be convicted. It is direly important that you listen to that discussion as it affects LB333 and LB417. Thank you, Mr. President. [LB333 LB495 LB417]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Linehan. [LB333]

SENATOR LINEHAN: Thank you, Mr. President, and good morning, everyone. I'm on Health and Human Services Committee, and I've watched Chairman Riepe try to work these issues for...through several Exec Committees, and I will say Senator Crawford and Senator Howard have been very involved, and we've all been trying to come up with an answer to these very

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difficult issues when we don't have funding, So I would like to ask if Senator Crawford would yield for a question. [LB333]

PRESIDENT FOLEY: Senator Crawford, would you yield, please? [LB333]

SENATOR CRAWFORD: Yes, thank you. [LB333]

SENATOR LINEHAN: It's my recollection, and I'm not sure, I just make sure the body understands it, with the high school kids graduating at age 21 and then not getting day services, wasn't it CMS or the federal government that said we shouldn't put these kids in front of others on the waiting list? So wasn't some of this driven by the federal government? [LB333]

SENATOR CRAWFORD: Yes, the CM...they're saying that by having this entitlement in our statute that they'd be worried that they would go in front of other people that need to have priority by federal law to get matching funds, yes. [LB333]

SENATOR LINEHAN: So I just wanted to make that clear so the body understands it. It's not that anybody on the committee or any of us don't want these high school kids to get the services, we do. But the federal government has come in and said we can't put them ahead of other people on the waiting list, which I have some empathy for that. I mean, obviously, I want these high school kids to get services, but also putting anybody ahead of anybody else on a waiting list is somewhat problematic so I can understand why the federal government said we couldn't do that. So again, I just want to thank the chairman for doing this. I know we're in a tight, fiscal situation, and he is trying and worked with us all very patiently to try and come up with answers to get us to this point. So I will be supporting AM1022 and LB333 and I would yield the rest of my time to Senator Riepe. Thank you, Mr. President. [LB333]

PRESIDENT FOLEY: Thank you, Senator Linehan. Senator Riepe, 2:45. [LB333]

SENATOR RIEPE: Thank you, Mr. President, and thank you, Senator Linehan, for the time. I want to go to a point under AM1209 first and then come back to some comments. There are no unfunded mandates going to the counties, none. I repeat, no unfunded mandates. I think that's an important piece. I'd also like to point out that yesterday Senator Stinner talked to us about the importance of prioritizing. Many of the changes that we're having to bring forward or needing to bring forward in LB333 are based on priorities. We had to make sure that we take care of the most vulnerable up-front and then to rank the categories, if you will, underneath of that, and that's where we're at. I want to go back and finish up some original comments that in LB495, the language the committee wanted to preserve, the entitlement for fiscal year 2019. The committee

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also removed language regarding eligibility, individuals on or after September 6, 1993. I have concerns with these changes as does the department. I have provided alternative language that I will discuss in AM1209. I've introduced AM1209 to address two major concerns regarding the State Disability Program and the high school graduate entitlement. First AM333, AM1295... [LB333 LB495]

PRESIDENT FOLEY: One minute. [LB333]

SENATOR RIEPE: Thank you, sir...LB1209 provides the coverage necessary for the counties so there's no conflict in statutes as to which statute takes precedent. Counties will not be required to provide general assistance to individuals beyond 180 days. Therefore, there can be no claim that this is an unfunded mandate if counties choose to offer services beyond six months for the counties doing so on a volunteer basis. AM1209 also strikes the committee's attempt to kick the can down the road. This approach is not good for many reasons. First, the language adopted by the committee opens the entitlement to even more people than before LB495 by eliminating the one on or after September 6, 1993. The committee added 231 additional individuals. [LB333 LB495]

PRESIDENT FOLEY: Time, Senator. [LB333]

SENATOR RIEPE: Thank you, sir. [LB333]

PRESIDENT FOLEY: Thank you, Senator Riepe. (Visitors introduced.) Continuing debate. Senator Hansen. [LB333]

SENATOR HANSEN: Thank you, Mr. President. I would yield my time to Senator Krist. [LB333]

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Krist, 5:00. [LB333]

SENATOR KRIST: Thank you for your courtesy, Senator Hansen. Let me go back just for a minute to the stated purpose additional background information so that you have it for your consideration for LB333, and remind you that LB333 was the platform prioritized to get it to the floor, to get this to the floor. But in asking the committee members for what needed to be done I think my first time on the mike was a courtesy from Senator Stinner, I reminded you that the one that really needed to be taken care of was LB495. We don't want to get in any more trouble with CMS. We want to make sure that those programs are properly funded. Let's talk about LB333 for just a second. The original bill LB333 that is the harbor for the rest of this trio. The State

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Disability Program, or SDP, was established to provide financial aid and medical assistance to persons who are disabled but do not meet the duration requirements for the disability as defined by the Social Security administration. The program is a short-term program which provides assistance to individuals for up to 12 months; 12 months, 6 months for the county and 12 months...out of that 12 months, 6 months for the state. Counties currently do pay the first six months of the funding. The state of Nebraska pays the second six months of the funding. Recipients are eligible for Social Security once the disability exceeds 12 months. It's the lead-in time by which CMS measures the disability to see if there is a long-standing disability and CMS would kick in. Similarly, some may be...also be eligible for Medicaid once the disability exceeds 12 months or eligibility for Social Security is determined. This is a long-term disability in the program. It's referred to as SSI. My daughter has SSI. She had to spend the first six months of her disability being funded in some way by the state and then...or sorry, the first six months by a county, the second six months by the state. Because I was a federal employee on active duty, the active duty TRICARE program kicked in for part of that reimbursement. A portion of the state cost is retroactively reimbursed by Medicaid if an application for Medicaid was filed the same time as the state disability application. The savings shown are net and are retroactive payments, which is why it's very difficult for us to put a price tag on these things. Some place between \$2 million and \$4 million would be a projected savings. I think Senator Riepe said 3.2. I think that's an accurate assessment. Opponents of LB333 argue that the qualification for the STP helps facilitate qualification for Social Security, SSD, and without it many individuals will have a more difficult time becoming eligible for SSD and be able to acquire necessary healthcare. That, by itself, is on the face garbage. If you qualify for SSI long term this initial qualification period may help to get you there, but it is not a hindrance nor is it a factor that is weighed in. Missing a piece of a chromosome in the case of my daughter was in the application that eventually led to her SSI. So if you think that we are qualifying more people for Medicaid, that's a fallacy. Take that out of your argument completely. Second, say a few words right now on LB417 and then on my own time, try to tie things together for you. I went in and actually... [LB333 LB495 LB417]

PRESIDENT FOLEY: One minute. [LB333]

SENATOR KRIST: ...testified in opposition to LB417 because in your business, whether you're a farmer or whether you're a pilot or whether you're an educator, why would you take a program that's in place and throw it in the trash can before you had something to replace it with? The QRT was a wonderful format with stakeholders who came in and said, here are the problems. Now the state initially wanted to say, throw it out and trust us because we're going to come up with a quality program that you're going to like. My testimony against LB417 was, show me the money. Show me the program that you're going to replace it with, and then a legislative process would follow that would eliminate the need for QRT. I'll stop there and finish on my own time. Thank you, Mr. President. [LB333 LB417]

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PRESIDENT FOLEY: Thank you, Senator Krist. Senator Morfeld. [LB333]

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I rise...well, number one, I rise in support...actually in opposition of the motion to substitute the amendment, and I also rise in strong opposition to LB333 as amended. And I'll give the entire body one guess on which bill of mine would help solve this problem and bring in \$1.7 billion over the course of the next four years. LB441. And if you actually flip to its fiscal note here, it has it in there, \$3.7 million in savings in 1819. Another \$3.7 million in savings in 1920. Colleagues, I put in a pull motion for LB441 this morning in response to Senator Linehan putting in a pull motion for her bill, which did not get out of Education Committee as well. If that's the game that we want to play I'll put in several more pull motions if that pull motion is successful. I respect the committee process. I didn't put in a pull motion on LB441 even though it's a bill that's very important to me, not just to me, but also 90,000 of our constituents. But if Senator Linehan's pull motion is successful on her bill, and we're not going to respect the committee process, not only will I do pull motions for those two bills that I put in this morning, but I'll do them for the rest of my bills that are in committee and we can just debate pull motions for the rest of the session. So I think it's important to note that as we try to address these types of issues, as we try to look at cost savings, Medicaid expansion can actually save the state a lot of money and then also bring it in, into the private market and make other people's health insurance premiums lower, like the employees that I pay for, that I employ, and the employees that private businesses pay for as well. I'm not being facetious about bringing up LB441 on this issue. If you look at the fiscal note on LB441 it saves the state this money. In the first year according to the fiscal note it would only cost us \$13 million, the same amount of money that Senator Friesen yesterday noted that they were looking at pulling out of that Medicaid fund. So not only would we save this \$4 million, which this bill is trying to do, and it wouldn't even get rid of the program. People would still be able to be covered. And there's a lot of people on this floor that talk about the importance of property tax relief. Well, this would cover the...Medicaid expansion would cover the six months that the county currently has to cover under general assistance. So not only are we maintaining the program, saving the state the money, we're also providing property tax relief to counties. Colleagues, we need to step back and take a serious look at Medicaid expansion because it addresses these issues that Senator Riepe's trying to address that would actually get rid of the programs, would put more burden on property taxpayers. We need to step back and look at all of our options, and one of the core options that we have that's available to us right now is Medicaid expansion. It would address the problems that Senator Riepe's trying to address in this bill without getting rid of the program. It would provide property tax relief, and most importantly it would give 90,000 Nebraskans the dignity of healthcare. Thank you, Mr. President. [LB333 LB441]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Blood. [LB333]

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SENATOR BLOOD: Thank you, Mr. President, fellow Senators, friends, each and every one, friends all. I stand opposed to both the motion and the bill today, but I want to thank sincerely, Senator Riepe, Senator Howard, Senator Crawford. Thank you for taking a stand and explaining this bill to us better and what circumstances are going to be involved should this bill be moved forward. I thank Senator Krist for kind of pointing out how important it is that there's really no process in place should this bill move forward and we need to amend the programming. I hate when there's poor planning. But the main reason, in addition to the people I'm going to talk about here in a minute that I do not support the bill, it's a tax shift. Pure and simple. It's another way that we kick the can down the road, and I understand that our circumstances are dire right now financially, but I am not going to be one of those persons who does it on the back of the people that need us the most here in Nebraska. One of the things that Senator Riepe said that just kind of stuck in my craw today is that no other states have the type of programming that Nebraska has. Well, maybe those states aren't as compassionate as Nebraska is. If you come into my office, which many of you have not done, and I hope you come in and visit me one day because we usually have cookies or something, it is on my wall. I have a reminder and I look at Senator Hilgers and Kolterman and McDonnell, who's not here, Halloran, I know you know who St. Thomas is. And on my wall I have St. Thomas's acts of mercy and works. And what it reminds us is that it is our will to be compassionate, and the one thing I've always promised myself as a public servant, and I've been a public servant for many years, not just in the Legislature, is that whatever I do it's first do no harm. When I look at legislation I don't just look at the numbers. I look at the people that this legislation is going to affect be it good or be it bad. Is there equality? Is there fairness? Do these people have a right to social justice just like everybody else? Absolutely. Justice for everyone. Treating others with compassion. That is not what we are doing if we pass this bill as it is written. Senator Crawford talked a lot about the young people and touched down on the families a little bit, and there is a really important economic factor when you talk about these families. Because when you have a child, and I know a lot of families that have more than one child with these types of disabilities, how do you work? Or do you become another number that becomes dependent on the state? You know, we can't put people in this situation. That is not compassionate. We can do a better job of balancing the budget without doing this. And, again, I respect what Health and Human Services is trying to do. I do respect that. I know in so many committees our hands are tied, but we can do better. And so, again, I stand opposed to both the amendment, the recent motion, and the bill as written. I do believe what Senator Krist said that there's a part of the bill that does have merit. How can we work on that? And I'm not sure, but I'm sure that the more experienced Senators are going to talk about that, but you've heard me stand up and say this before, this bill is about people. [LB333]

PRESIDENT FOLEY: One minute. [LB333]

SENATOR BLOOD: And these people with disabilities are also the people that we serve, so let's make sure we're serving them well. [LB333]

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PRESIDENT FOLEY: Thank you, Senator Blood. Senator Krist. [LB333]

SENATOR KRIST: Thank you, Mr. President. This time on the mike, I would like to talk to you about what the Speaker told us the other day. If you're going to make a change on the floor on the fly, if you will, to any of these, and we're going to realize a deficit instead of a credit into our budget process, you need to find a place to find that money. So, the pages will be passing out here in a bit, my introduction, my testimony introduction of LB467 to the Revenue Committee. They're also going to pass out, because I don't want to trouble you with getting on your gadget and looking at it, so you'll have it hard copy, they'll be passing out the fiscal note that shows a \$12.5 million credit into the General Fund if you chose to suspend those programs for a biennium. Now in this particular case we don't need 12.5, but we could choose one or two or three of those programs and suspend those and share the hurt across the board. You can do your own research on the Advantage Act. What it was originally supposed to cost us and what it cost us today, over \$100 million in revenue coming into the state. We could suspend any portion of that. I have said from the very beginning from day one we cannot cut ourself out of this problem. We need to show some revenue back into this state, and if the suspension of a few of those giveaway programs, as Senator Hadley called them, Speaker Hadley called them at our symposium at Offutt, if the suspension of one or two of those puts some money back in our pocket, and we don't have to ride on the back of the DD community to balance this budget, then that's what we need to do. And if you say any otherwise, I want to ask you, how about those 150 kids, young adults that are in our state prison system because they did not have a safety net to fall back on? How much does it cost us for 150 people to be on our correction institutions? I think the last estimate was about \$37,000 a year, times 150. You do the math. Our linebacker chair for the appropriations yesterday, and I call him that because many of you know he was part of a championship football team for the University of Nebraska. He played fullback and linebacker and every once in a while the old linebacker comes out. And you heard me, and I was just a wide receiver, so I speak in a little bit lower tone, but you've heard me get animated about things. This is one that is very near and dear to my heart. You walk out there and you talk to the parents, or you spend as much time in the DD community and special-needs community as I do, walk in their shoes and make a decision to do what LB333 does, and I don't now how you look yourself in the mirror in the morning. I just don't. LB333 by itself needs to come off. I would offer that we'll spend three hours talking about this in different ways, different points of view, and you're going to find that LB467 needs to be passed. So I'd like to put the Chair of the Health and Human Services Committee in a position of saying he will amend out LB333, he can keep LB417 because as far as Senator Howard is concerned, we've made the best deal we can make there. I don't agree. I'd like to see him amend out LB417 and LB467, and then bring it back because I'm pretty sure that I've got 22 votes that says that this thing is not going to go to cloture. So I may be tipping my hand, as they say, early in this poker game, but it's important enough to me to protect the vulnerable, the people who cannot advocate for themselves in this process. In 2009 when we slashed and burned our way through balancing a budget, this subject came up

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then. You check the transcript, and we protected this in the budget then. We are not in as bad a shape right now. We do not need to cut this program. Thank you, Mr. President. [LB333 LB467 LB417]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Bolz. [LB333]

SENATOR BOLZ: Thank you, Mr. President. I rise to discuss some of the pieces of this bill that relate to serving individuals with developmental disabilities, and I do work in the developmental disability field. For the record I have filed my conflict of interest form, but I want to rise because this relates to serving people with developmental disabilities, a group of people that I care very deeply about. In fact, my college job was working at a group home for girls with developmental disabilities. That's how I earned part of my way through college. So I have some questions and some comments about some of these provisions. And the first thing that I want to say is that in spite of the fact that changing this entitlement program to something that is under our waiver-funded services, that allows us to draw down federal funds, but that is not cost neutral. And I would appreciate it if everyone in the body would look at page 38 of your budget book, and recognize that we still through the Appropriations Committee action are committed to serving students transitioning from K-12 school programs. We included \$1.6 million in fiscal year '17-18 and fiscal year '18-19 \$3.4 million so that those students continue to be covered and we're maintaining those commitments and those promises to those young people. And related to that, I would like to ask Chairman Riepe a couple of questions, if he you would yield. [LB333]

PRESIDENT FOLEY: Senator Riepe, would you yield to a question, please? [LB333]

SENATOR RIEPE: Yes, I will. [LB333]

SENATOR BOLZ: Thank you, Senator Riepe. So the Appropriations Committee and the Health and Human Services Committee had to work together to make sure that this year's young people transitioning would be able to have the funding needed to support their services. Is that correct? [LB333]

SENATOR RIEPE: Best that we can, yes. [LB333]

SENATOR BOLZ: Right. And do you support that? [LB333]

SENATOR RIEPE: Well, to the degree that...the bottom line is constitutionally we have to come up with a budget. [LB333]

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SENATOR BOLZ: So do you support the efforts of the Appropriations Committee to serve the 146 graduates that we've committed to in this fiscal year in this biennium? [LB333]

SENATOR RIEPE: Well, I would want to understand specifically what transpired in the Appropriations Committee. You know, they...the Appropriations Committee does not have jurisdiction over the Health and Human Services Committee. [LB333]

SENATOR BOLZ: But my point is, Senator Riepe, that in order to make this bill successful it's important that we continue to transition the youth. And we've made that commitment in the Appropriations Committee. And, colleagues, if we are to continue that commitment we will, again, have to work in the next biennium to make sure that young people get the services and supports that they need to continue to be successful. Will Senator Crawford yield to a question? [LB333]

PRESIDENT FOLEY: Senator Crawford, would you yield, please? [LB333]

SENATOR CRAWFORD: Yes. [LB333]

SENATOR BOLZ: Senator Crawford, do you think that it's important to keep our promises to the young people who are transitioning into adult services? [LB333]

SENATOR CRAWFORD: Yes. [LB333]

SENATOR BOLZ: Do you think that in future bienniums it will also be important that we continue to serve young people and allow them to continue their progress? [LB333]

SENATOR CRAWFORD: Yes, that's why it was important to make the amendment to LB495 that's in AM1022 to keep that entitlement language in our statutes. And I appreciate the work of the Appropriations and Director Miller to make sure we're taking care of those students in this upcoming years, but we want to make sure that we're committed to that for the long haul and keeping that language in the statute and putting a sunset in...and putting that date in means that we come back and make sure we're keeping that commitment. [LB333 LB495]

SENATOR BOLZ: I appreciate that, Senator Crawford, and both you and I will be here in the next biennium, and I think to the greatest extent possible we need to create a record today saying that making this change is not changing, at least for me, and I think for Senator Crawford as well, it is not changing our commitment to serving young people. It is doing it in a different way, and it is doing it in a way that leverages federal funds, but it is not taking a step back in terms of

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our commitment to young people. And one of the reasons that that is so important is that we have to keep bringing those young people into the system because if we don't, our waiting list gets longer. And, colleagues, do you know how many people are currently on our developmental disabilities waiting list? The most current number I have is 2,657. And that number's a little bit old, but that's the most accurate, most recent number that I have. And so, colleagues, if we don't keep our commitment to those young people transitioning, our waiting list gets longer and longer and we have more and more folks with needs that are unmet if we don't keep our commitment in the budget. I also have a couple of other questions related to the intersection between this piece of legislation and the Appropriations Committee. So will Senator Riepe yield to another question? [LB333]

PRESIDENT FOLEY: Actually, Senators, just two seconds remaining. [LB333]

SENATOR BOLZ: Oh, okay. Our next time on the mike. Thank you, Mr. President. [LB333]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Riepe, you're next in the queue. [LB333]

SENATOR RIEPE: Thank you, Mr. President and colleagues. First, the language adopted by the committee opens the entitlement to even more people than before LB495. By eliminated the one or after September 6, 1993, the committee added 231 additional individuals with developmental disabilities on the wait list that did not qualify for the entitlement day program before, but now would be eligible in LB20...or in 2019. I'm sorry. This was an \$8 million General Fund price tag. Additionally, because specialized services are not defined, we need to be careful because this may open up the entitlement for all services administrated through the Developmental Disabilities Program to include day, residential, and respite services. The Legislature would then need to appropriate funds to all individuals on the wait list and the registry, and that would be an additional \$100 million in General Funds awaiting for the Legislature in 2019. Additionally, the language kicks the can down the road and once again we are right back where we started. The prioritization language for funding are now in direct conflict with each other, and the state will need to determine, when funds are appropriated, does a division provide the funding to the graduates on the entitlement and ignore priority ones that are in immediate crisis or a threat to the life and safety of the individual. This needs to be answered now, not again in another year. It is clear we need to go back to the original language regarding prioritizing the high school graduates into the waiver and set out the priority funding based on a fair and consistent manner. I know LB333 is a very large bill with many moving parts. Hard and impactful decisions are quickly approaching the body. I look forward to the forthcoming discussion as we work to balance the budget. I ask for your green vote on LB333, AM1022 and AM1209. These are

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decisions or recommendations and discussions that, you know, we'd like to have better, but as they say, it is what it is. Our budget is what it is. Thank you, Mr. President. [LB333 LB495]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Thank you, Senator Riepe. Waiting in the queue: Senator Murante, Crawford, Hilkemann, Walz, and others. Senator Murante, you're recognized. [LB333]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. I do rise in support of the motion to substitute. I do think relative to our legislative process that it's very important regardless of where we stand on a bill. I think it's one thing to oppose an amendment to a bill that we don't like the bill but we...and we don't want to make it better so we oppose an amendment. I think it's another thing to oppose a substitution where we can at least have a discussion on the substitute amendments and the merits of it, and I think it's important that we have that discussion of Senator Riepe's AM1209. With that said, I see Senator Riepe has returned and I would be happy to yield the remainder of my time to Senator Riepe if he would like it. [LB333]

SPEAKER SCHEER: Senator Riepe, 4:00. [LB333]

SENATOR RIEPE: Thank you, Senator Murante, and thank you, Mr. President. I simply want to go back to the fundamental piece. The things that we're doing are not things that we find great joy in. These are things that we need to do to be able to move the budget forward, to move the Legislature to meet our obligation into the Constitution. I want to reemphasize for information we talked some about the QRTs. The last QRT request was completed in 2014 and the process was discontinued under the previous administration. When Director Miller was made permanent director, she made a decision, and I think it was a wise decision, to take the time and review the best practices across the nation, and started conversations with stakeholders before moving forward to reinstate QRTs. This was not an arbitrary, a unilateral decision. This was under great involvement and great counsel. Director Miller's research led to better quality improvement tools, national tools, and has been working with stakeholders prior to session and before and after the hearing to collaborate on the quality of management strategy, and ensuring all voices we're at the table. This has been a collaborative effort and the majority of stakeholders understand the move away from the QRTs, and that the QRTs are not, I repeat, not the standard practice in place throughout the nation. We talk about best practices. QRTs are not considered best practices. Again, I repeat Nebraska is one of two states that continued to move forward with the QRTs and have failed to move to the national standards. Some of the opponents of the move away from the QRTs state that there will be no opportunity for local volunteers or individuals with developmental disabilities to participate in the quality strategies that are working on the plan. That is simply not true. Not true. The department welcomes local volunteers and

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individuals with developmental disabilities to be part of the design and implementation. So what is the plan to replace the QRTs, really? What's replaced QRTs in terms of quality of life and relationship building is person-centered planning, which is the cornerstone of contemporary quality assurance. Teams are expected to first look at health and safety and from there go right to relationship building and community membership. Employment is just one example of how individuals with developmental disability develop relationships, just like the rest of us do. [LB333]

SPEAKER SCHEER: One minute. [LB333]

SENATOR RIEPE: So instead of drop-in visits by a QRT member, Director Miller explained to me we should have a routine, everyday awareness that the best health and safety protection anyone can have is that someone knows and cares about them. Providers are interested with facilitating those relationships through simple, habitable, teaching like getting to know the person in the grocery checkout, to begin a regular Starbucks to volunteer at the library, to do all of the things that other people are allowed and able to do. So much has been changed and how much the field of developmental disabilities and the understanding of continuous, quality improvement. How often have we heard that terminology? So thank you, Mr. President. I appreciate your time. [LB333]

SPEAKER SCHEER: Thank you, Senator Murante and Senator Riepe. Senator Crawford, you're recognized. [LB333]

SENATOR CRAWFORD: Thank you, Mr. President. Good morning, colleagues. First, I want to reiterate what Senator Bolz was stressing, and that is between our work with the Department of Health and Human Services on the waiver and the Appropriations Committee, we have ensured that we're committed to those high school students who are transitioning in this biennium. So we have made sure that that's going to happen with the appropriations that have been proposed and with the hard work of Director Miller working on the waiver to make sure that happens. So, again, originally LB495 struck the entitlement entirely, and what the amendment to LB495 in AM1022 does now, is...pauses it instead of striking it until 2019. And there are some creative ways that we can meet our waiver obligations and meet our obligations to these children that I know. We've already had discussions about a couple of those ideas, and so there is a pathway forward for us to discuss and work out between now and 2019, so we make sure that we do something in a way that allows us to get our federal match and also allows us to maintain our commitment to those children. Now I'd like to turn to...and so I support that part of AM1022 because it keeps that commitment. Now I'd like to turn to LB333, the state disability component of LB333. And, colleagues, I've passed out a handout that has some numbers and information about how the State Disability Program works for individuals who are disabled, and I encourage

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you to pick up that handout if you would. Colleagues, when someone is newly disabled, for the first six months we ask them to turn to their family, their church, their charities and their county. Those first six months when you're disabled we say, look to your local safety net. And we ask the counties to help with that first six months, but also again your family, your church, your savings, that first six months is your local safety net. Then currently our State Disability Program picks up between month six and month 12. Currently, according to the fiscal note, we serve about 50 people a month per average in the state. So this is not a lot of people but, colleagues, as you're going to see in the next couple of lines, these are people with very high needs. These are the most vulnerable in our state. Of those 50 people that our State Disability Program is serving, they have on average \$7,000 a month in medical costs, and then we provide \$700 to \$800 a month in maintenance cost, which basically allows them to have some money for housing and food. Seven thousand dollars a month per...is average for a medical cost for the people who are in this window from six months to 12 months. Now, currently because our state...currently our state program is picking up these costs, and then if someone is still disabled at 12 months and qualifies for federal SSI and Medicaid, because they're disabled for 12 months or more, and they qualify, then we get reimbursed for that medical expense and that maintenance expense, colleagues. Let me repeat that. We get reimbursed for the medical cost and maintenance cost for those individuals. So your fiscal note that talks about \$4 million, that is net, net. [LB333 LB495]

SPEAKER SCHEER: One minute. [LB333]

SENATOR CRAWFORD: We are paying more right now for medical costs and for maintenance costs for these individuals, and then we get reimbursed for those people who are still disabled at 12 months, and then...but we do have some who aren't still disabled or don't qualify, and that's really, you know, what we have to end up picking up. And, again, \$7,000 a month is average medical cost on this handout. I also have who is in it, currently in it, or pending to come into it and these came from a handout from the Department of Health and Human Services to the committee members, so you can look and see who it is that's going to be in your community. And I'm going to ask you to think about who's going to pay that \$7,000 a month in medical costs for those individuals in your county? We can have an amendment that tells the counties not to do it, okay, so who's going to do it? Your emergency room? Who's going to pay? The county's just going to put a sign on the door, says... [LB333]

SPEAKER SCHEER: Time, Senator. [LB333]

SENATOR CRAWFORD: ...no disabled apply. Thank you. [LB333]

SPEAKER SCHEER: Thank you Senator Crawford. Senator Hilkemann, you're recognized.
[LB333]

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SENATOR HILKEMANN: Thank you, Mr. President. I yield my time to Senator Krist. [LB333]

SPEAKER SCHEER: Senator Krist, 4:55. [LB333]

SENATOR KRIST: Thank you for your courtesy, Senator Hilkemann, and good luck. I want to talk a little bit about what I passed out. And remember, just not in the recent distance we talked about LB233, which is the vehicle that we would use to put some money back into our coffers, revenue to bring back in. You see before you my introduction, at least the first couple of pages. It talks about the Nebraska Advantage Act, Nebraska Job Creation and Mainstream (sic-- Mainstreet) Revitalization Act, and the New Job...New Markets Job Growth Investment Act. Now each one of these will have some opposition. I just spoke to Senator Wayne off the mike. He likes two of these, and I explained to him I do too. I do too. I also like the University of Nebraska and building roads and all the other kinds of things that I really like. But what I really don't like right now is a billion-dollar deficit in the budget and trying to find a way not to ride on the backs of the vulnerable to get ourself cut to a balanced budget. So any one of these, if you look through the introduction and then you skip to the fiscal note, that's not a mistake. That's a conservative effort what these would bring back into our coffer--\$12,500,000. Now also in Senator Wayne's...the conversation with Senator Wayne it was very clear. We could fund all these programs that we're talking about, all this nickel-and-dime stuff that we're talking about, by simply asking any portion of these people who are taking advantage of tax offsets in the state of Nebraska to take a year hiatus or biennium hiatus from doing that. That's all it takes. You can't build another Peter Kiewit overnight. You can't build another Paychex. You can't bring in the kind of businesses to the state overnight to create that kind of revenue. But you can bring back in revenue by reducing or suspending some of these tax giveaways and clawbacks. I'll let you look at that by yourself. Now I'd like to address Senator Murante's comments. I don't see him on the floor. But in terms of rules and using the rules and the debate process that we go through, the reason that I strongly objected to substituting another amendment is that we were discussing a bill that contained three bills with the amendment of AM1022 and had not established a baseline for what that actually did before we were going to amend it again. And I knew what that amendment was because I saw it yesterday. And substituting that amendment would have only said we had an unfunded mandate to the counties. Ask the county commissioner from Lancaster that's back here behind the glass. Ask the lobbyists. Ask the folks who have worked with legal counsel for the last few weeks in trying to establish policy and give their concerns. You see, they don't care about the flesh and blood. They care about the bottom line. So that amendment that I blocked from being put up there and discussed simply says, by the way, counties, don't worry about it; don't worry about that six months. So my question to Senator Riepe, if it ever gets up there, would be very simply, then who should worry? Who should carry on the funding? The state is washing their hands of it. It's going to fall to the county... [LB333 LB233]

SPEAKER SCHEER: One minute. [LB333]

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SENATOR KRIST: ...or it's going to fall in some undocumented precedent for those 150-plus people that are in our corrections system right now that had no safety net. And I believe Senator McDonnell had a number that 150 times \$40,000 or \$37,000 a year came up to nearly \$5 million--nickel, dime, penny wise, I'm sorry, pound foolish. I will continue on the mike at a later date and talk again about the individual programs. Thank you for your attention. [LB333]

SPEAKER SCHEER: Thank you, Senator Krist and Senator Hilkemann. Senator Walz, you're recognized. [LB333]

SENATOR WALZ: Thank you, Mr. President. I have deep concerns about LB333 and its components. I understand that there are budget constraints and the impact it has on many vital services, vital services for citizens of Nebraska. Not only am I concerned about this, but I talked with many people in my community as I walked around campaigning who are very nervous about what they're going to do with their child once they leave high school. I want to explain a little bit about what a day-service program is for those of you who might not understand, who might not be in that situation. I think it's important that you have an understanding even if it doesn't impact you personally. So very simply, a day-services program is a job readiness program that teaches individuals with developmental disability skills, including daily routines, work skills, time management, behavior management, social skills, inclusion, all important skills with the ultimate goal of preparing people to work in the community. Now this experience is different for all individuals. Some people are able to move into a community-based work program quickly, and there are others who will not be ready as soon because they're just not comfortable working without a day-service support. But regardless, they are receiving training to improve their lives every day. There are many families facing a huge challenge if day services are suspended or eliminated. I want you to imagine yourself as parents who have a child with disabilities ready to graduate from high school, a child they absolutely cannot leave at home but there are no alternatives, no choices. The only choice they have is for one of the parents to quit their jobs to stay at home with the child, eliminating an income and very possibly putting the family into a emergency situation, because I don't know about you but cutting your income in half would be an emergency situation for me. Now imagine being the single parent. What happens when a single parent has to stay at home? Do they quit their job--the only household income they have? Is the single parent then forced to apply for government assistance to live? Does this make sense? Does it make sense that we take money away and then provide funds to the single parent who cannot work, the parent who needs government assistance to live and provide for their family, and lose potential income, income tax revenue, and most important prevent a person with developmental disabilities the chance to learn skills that allow them to become contributing members of society? From what I understand, there are roughly 2,000 people on the waiting list, 2,000 individuals that could be learning skills to work in the community. And what occurred to me just a little bit ago was the amount of jobs it would create to provide services for people to then go and work in the community. It just doesn't make sense.

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It seems we are eliminating an investment. With the rest of my time I'd like to ask Senator Riepe a couple questions. [LB333]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Senator Riepe, would you yield, please? [LB333]

SENATOR RIEPE: Yes, I will. [LB333]

SENATOR WALZ: Can you explain again to me why you want to eliminate the Q... [LB333]

PRESIDENT FOLEY: One minute. [LB333]

SENATOR WALZ: ...the quality review team? [LB333]

SENATOR RIEPE: The interest in replacing the quality review team is simply that Nebraska is one of two states. This is a retrospective view and we need a more prospective here-and-now kind of review. And that's what the national standards provides. So it's basically QRTs are no longer considered best practices. [LB333]

SENATOR WALZ: Uh-huh. And where did you get that information? [LB333]

SENATOR RIEPE: Well, it came to us through the department who did their research, and they know what's going on nationally, that other...nationally, from their information, is that the new standards, the national standards are the ones that are now acceptable, very preferred. [LB333]

SENATOR WALZ: So I guess I'm curious, did you get any of that information from the providers themselves or the families or the people who are receiving the services? [LB333]

SENATOR RIEPE: We had representatives of those. We had one representative that has a vested interest in QRTs who was very emphatic that we keep the QRTs. [LB333]

PRESIDENT FOLEY: Time, Senators. [LB333]

SENATOR WALZ: Thank you. [LB333]

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SENATOR RIEPE: Thank you. [LB333]

PRESIDENT FOLEY: Thank you, Senator Walz and Senator Riepe. Senator Kolterman, you're recognized. [LB333]

SENATOR KOLTERMAN: I didn't hear. [LB333]

PRESIDENT FOLEY: Senator Kolterman, you're recognized. [LB333]

SENATOR KOLTERMAN: Thank you very much, Mr. President. Colleagues, I rise just to speak a little bit about the process that this has gone through because having sat on Health and Human Services for three years now this has been a very, very difficult situation for all of us, including those that are veterans as well as the new ones that are on the committee. Early on, as we looked at this, we had four bills brought to us by the Governor and HHS in which we are going to have to cut in order to help balance the budget, and it was laid out just like that to us. We had LB333, LB334, LB335, and LB336. Along with that, though, you have to understand we also have only two committee priorities, so I have a lot of respect for what Senator Riepe is trying to do here. He was able to negotiate, I believe, a Speaker priority, so that gave us three priorities that we could use out of the four, four that we really had to pass. Then of course we had LB495, which was another bill which really played into this. So we decided that LB495 was probably a high priority for the committee because what we're doing there is we're really just shifting from our current way of doing things into new practices through a waiver. It's not our intent, I don't believe anybody on the committee--and I can't speak for the whole committee--but it's never been our intent to try and sabotage a program that's going to help the developmentally disabled. And the idea that we had an option available to us through LB495 in using a waiver was appealing. It was an appealing prospect in light of the fact that it was about the only way we could go. So when we put this whole thing together, when LB333 came out originally we all had concerns that we were going to push something down to the counties, and what we were pushing down to the counties might be an unfunded mandate. Well, it's my understanding the Governor didn't like the unfunded mandate to the counties, nor did any of us. I believe Senator Erdman has served on a county board for many years and understood the value of not having mandates pushed down to him, so that there was a long discussion. In fact, when that bill was introduced, the day it was introduced I asked if anybody had talked to Larry Dix from the counties, county officials, and nobody had. So that very evening I went and talked to Larry Dix and he said, I don't think it's a problem, but let me get back to you. Well, a week to ten days later he got back to us and said it is a problem and we can't afford to have this come down because we're looking at several million dollars of unfunded mandates. So that kind of got us to where we are today. The idea of LB333 and the county mandate really is the biggest challenge. We also held in committee LB334, which amounted to about \$800,000, \$850,000, because we didn't feel that

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that had a fair shake on the...in being implemented. It was just passed less than two years ago, and it hadn't really even been started. So we didn't feel like we should be pulling a project or program. [LB333 LB334 LB335 LB336 LB495]

PRESIDENT FOLEY: One minute. [LB333]

SENATOR KOLTERMAN: So I guess what I'm saying is, this almost falls into that same category of maybe we should have held LB333, but then we wouldn't have had a ride for LB495 or LB417. So you see the dilemma that we're in. And I spoke quite a bit with the Chairman of Appropriations. He understands our dilemma. So what you see in front of you is a real challenge for us as a body to discuss and try and find ways to fix. I also heard what Senator Scheer said yesterday, our Speaker, about if we decide that we're going to change something we better have a way to fill what we pull out or pull off the floor. We're really talking about \$4 million that we'd be putting back in the budget if we don't pass LB333, so. [LB333 LB495 LB417]

PRESIDENT FOLEY: Time, Senator. [LB333]

SENATOR KOLTERMAN: Thank you. [LB333]

PRESIDENT FOLEY: Thank you, Senator Kolterman. Senator Hansen. [LB333]

SENATOR HANSEN: Thank you, Mr. President. Colleagues, since we've touched upon it, I just wanted to make sure we touch and make sure the process and the process we've been going through has been clear here. What we had earlier was there was an amendment filed. I was looking. AM1195, and an attempt to substitute that amendment for AM1209, which was objected to. So now we have the motion to substitute. What could have happened is AM1195 could have been withdrawn and we would have gotten to AM1209, but there was an amendment filed in between. And that, I believe, is why the desire to substitute rather than just withdraw and move on was made. Obviously, the benefit of that is it gets you to jump the queue, and I think that's appropriate in some instances, especially in instances when you, say, maybe have an amendment that is substantially similar, substantially similar and you, rather than withdrawing, going back and forth and muddying the waters, you are changing something similar and keeping the same topic alive. But I'll have you go back and look at AM1195. It's striking one page and one word: striking, "division," writing "department." And then that section that's being amended in AM1195 is not even in AM1209. So we can talk about what we like to do, what traditions, what procedures, what things are going to be the new normal, but let's point out that the motion to substitute was basically a placeholder amendment that didn't even contain the same section as AM1209 in the thing, in...the same subject matter and same sections as AM1209. That's obviously something we can do in the rules, just as the objection can happen in the rules. And

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I'm going to kind of take a step back from passing judgment on whether or not the substitution was appropriate or the objection was appropriate. But that's what was going on there. That's...those were the moving chess pieces. And I'll point out that we had AM1195, Senator Riepe's, and AM1197, Senator Krist's, were both filed yesterday and obviously looks from the date that AM1209 was filed today. I think there's been kind of some attitudes in this body that if the option is available to us we're going to take it. There's been some of those floor speeches have given this year and there's been some of those opportunities and we're kind of maybe moving in that direction. I just want us all to be aware of that, that obviously if that's the way you feel, that if you have an option available to you and it's going to get your position, your side to win, you're going to take it and you're not going to question, you're not going to look back. I mean, we start ending up in strange places like this where then all of a sudden you're objecting that somebody else...you might be objecting that somebody else took a similar stance on their issue. Just from a pragmatic point, so we have the motion to substitute for AM1209 and we have to decide on whether or not we are going to substitute. And depending on whether or not that motion fails or succeeds, we would then be debating AM1195 or AM1209 and then so we'll have to take a vote on that. And then there's a following amendment, and then I believe there's a following amendment to the bill that we'll have to deal with after we're done with the committee amendment. Obviously, in a bill like this when it's a omnibus bill, Christmas tree bill, whatever you want to have, we have the great opportunity of...not a great opportunity but a great opportunity for people to talk. And so when trying to do these things, as we've kind of established this new tradition in a few hours in the morning before moving on to other subject matter, we obviously see the difficulty in doing this, that, and the other thing. Filling up three hours is not even the full body talking once. So that's kind of some of the difficulties we have. I just, since it had already been talked upon, it's not necessarily what I initially planned my comments to be on this option. But I wanted just to make sure we made it very clear what motion 107, what AM1209, what AM1195, what AM1197 all were and how they all interrelated to each other. By my count, we've already spent over an hour and a half on this bill. Obviously, I think we'll probably move on before the full three hours just if we hit lunch. And so that's something for the rest of the body to consider. With that, I would yield the balance of my time to Senator Bolz if she could use it. [LB333]

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Bolz, one minute. [LB333]

SENATOR BOLZ: Thank you, Mr. President. I wanted to make one quick clarification and then I wanted to put a couple of other questions out on the floor and we can get through them as time allows. But just a quick clarification, we did put enough money into the budget to serve the transition students, assuming our estimates about the other priorities in the bill don't topple that apple cart. So it is a good faith effort. But related to that question, maybe the first thing that I'll bring up is that related to the other priorities, I do wonder what we mean when we say specifically prioritizing individuals in immediate crisis. And the bill language on its face seems

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reasonable, which is someone who is experiencing a caregiver death, homelessness, or that there is a threat to life and safety. But I do have some concerns about the interpretation of that. I have heard stories... [LB333]

PRESIDENT FOLEY: Time, Senator. [LB333]

SENATOR BOLZ: ...anecdotal...thank you, Mr. President. [LB333]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator McCollister, you're recognized. [LB333]

SENATOR MCCOLLISTER: Thank you, Mr. Lieutenant Governor. Good morning, colleagues. I support the hard work by Senator Riepe and the members of the HHS Committee. They have done yeoman service to the body. I also appreciate the hard work of the Appropriations Committee. We're in a tough time and they're dealing with things as best they can. However, I do have some old business. Sometimes I question our priorities. A budget is a moral statement, a statement in which we list our priorities. One of my priorities this year was LB358, which is the SNAP bill. What would the SNAP bill have done for Nebraska? Seventy-four percent of Nebraska families who receive SNAP benefits have children under 18. This is higher than the national average of 68 percent. Twenty-nine percent of Nebraska families include members who are elderly or disabled, while forty-eight percent of families have members who are working. SNAP provides services to the poorest Nebraskans. Less than one in five SNAP recipients earns an income above the 100 percent of the federal poverty level. Average monthly benefits for each household member in 2016 was \$114. This breaks down to \$1.27 per person, per meal. Finally, SNAP benefits generated \$241 million of economic activity in Nebraska communities throughout the state. Food insecurity is a problem in Nebraska. We need to recognize that. Shouldn't that be one of our priorities in our budget for Nebraska? As we look at the current bill, LB333, and the amendment to substitute, I can't support LB333 as it's currently drafted and I do support...do not support the motion to substitute. We made a commitment to our disabled citizens in the 1990s and I'm not inclined now to change those commitments, particularly since we went through the 2008-2009 period without extinguishing or relinquishing these obligations to these folks. As I look upon our priorities, we need to force rank those priorities, whether it's roads, HHS commitments we have. We need to force rank those and deal with them correctly. So as we move forward, I hope we keep that in mind. I would relinquish the balance of my time to Senator Krist. [LB333 LB358]

PRESIDENT FOLEY: Thank you, Senator. Senator Krist, 2:09. [LB333]

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SENATOR KRIST: Thank you for your courtesy, Senator McCollister. And I will not deviate too far off course, but I will say this. In the time that I have been in the Legislature, I've been cautioned and I have watched people try to set policy within a budget structure. In other words, we decide the policy to go forward, but yet the budget will not allow that policy to be carried out. The will of this body, the will of our legislative process is controlled by the number of dollars we have to support policy. You're going to hear about a Title X issue that's going to come up and it's going to be a change in policy dictated by a change in the budget with no public hearing. You're going to hear a couple other discussions come up about change of policy because of a limitation of funds. And I offer to you again the premise that you cannot cut your way out of this. I have been here before. You cannot cut your way out of a... [LB333]

PRESIDENT FOLEY: One minute. [LB333]

SENATOR KRIST: ...billion-dollar deficit. Thank you, Mr. President. You have to at some point return some revenue so the programs and policies...policy that is developed by this state long term for the care of the citizens of this state, the economy of this state, the livelihood of this state can continue. Again, thank you, Senator McCollister, for your courtesy. And I'll continue again on the subject the next time I have an opportunity. Thank you, Mr. President. [LB333]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Chambers, you're recognized. [LB333]

SENATOR CHAMBERS: Mr. President, members of the Legislature, now we are here and there are serious issues that will be debated. I want the Lieutenant Governor to know that I have a bit of institutional memory and we're going to have a proposition that he tried to get into the law when he was a member of the Legislature. It slipped into a bill that the Appropriations Committee put before us. People are too nice. There are two branches of government and if the Lieutenant Governor is going to introduce legislation then he ought to be available for questioning when that legislation comes up. So I would expect that questions will be addressed to the Lieutenant Governor because the Governor sent him over here to intrude into what we're doing. People can talk statistics. They can talk all of these other things they want to. But I don't want the poor people, I don't want the last, the least, and the lost to be collateral damage to any particular church's doctrine, to any political posturing by the Lieutenant Governor, political shenanigans by the Governor of this state. I don't owe anything to the Lieutenant Governor. I owe allegiance to the people who sent me here, and as a member of the Legislature, I owe my allegiance, politically speaking, to this branch of government. When wars are being fought and civilians are killed, they're not referred to as civilians. They're referred to as "collateral damage." Well, I don't want the people who mean something to me to be collateral damage to the underhanded, political manipulations of the government, the Governor's Office. I just want things to be on the record. And if the budget bill is the vehicle for carrying what I consider to be

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a pestiferous pathogen and that pathogen cannot be removed, then the vehicle carrying it must be sunk. There has been shown this morning an interest on the part of a goodly number of the senators. So although on something like this I prepared to take us to 11:59 p.m., it's not going to be like that this time. There are too many who would fall into the category of what people like the Lieutenant Governor and the Governor would refer to as collateral damage. They have to be sacrificed for the greater good of a particular ideology or religious persuasion. It might be successful, but it's going to be a hard fight. I'm going to let my colleagues wrangle as they're doing, and maybe appropriately, on these other issues. But a point is going to come when we're discussing what I consider to be more significant on a different level when I will be very actively involved. And I don't want the Lieutenant Governor to be caught by surprise. We're adults. We're politicians. And nobody owns me. Nobody can intimidate me. [LB333]

PRESIDENT FOLEY: One minute. [LB333]

SENATOR CHAMBERS: I wish the Governor...he tried, by having somebody run against me, and the only one he could find was a person...and that's all that I will say on that score. But we're going to have an interesting time debating the budget bill. There are people who know me and they say when I'm raving, they don't worry too much. But if my voice drops down and becomes quiet and modulated, they drop what they're doing because they know there is something afoot. Right now there is villainy afoot and the Legislature is being misused. And maybe the rest of you will go along, but I won't. Thank you, Mr. President. [LB333]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Baker, you're recognized. [LB333]

SENATOR BAKER: Thank you, Lieutenant Governor. The question that Senator Krist raised a while ago, what's 150 people incarcerated at \$37,000 per year, that comes out to \$5,550,000. Is Senator Krist here? [LB333]

PRESIDENT FOLEY: Senator Krist, will you yield, please? [LB333]

SENATOR BAKER: I would yield the rest of my time to Senator Krist. [LB333]

PRESIDENT FOLEY: Thank you, Senator Baker. Senator Krist, 4:30. [LB333]

SENATOR KRIST: Thank you, Senator Baker. Thank you for your courtesy and also for the factual update on the cost. I'm going to go back again to my request and that is that this piece of legislation, LB333, as the vehicle that is carrying the other bills in total, be amended so that only

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LB467 remains. With that amending...with that amendment I would support this bill as called then LB333. I have an amendment up, if we would ever get to it, that just simply removes LB333 because, as I have suggested before...and actually, I'm going to put it on the record by asking Senator Howard a question, if she would yield, please. [LB333 LB467]

PRESIDENT FOLEY: Senator Howard, would you yield, please? [LB333]

SENATOR HOWARD: Yes, sir. [LB333]

SENATOR KRIST: So the question that I'd like to put on the record is, in our discussions, you were happy with LB417 and LB467 (sic--LB495) as the best potential outcome that we could have going forward. Is that correct? [LB333 LB417 LB495]

SENATOR HOWARD: Yes, with one correction--LB495 and LB417. [LB333 LB495 LB417]

SENATOR KRIST: I'm sorry, LB495. So...and that is a consensus of most of the committee, is that correct, or is it just your consensus? [LB333 LB495]

SENATOR HOWARD: Yes, for the amendment and the changes on LB495 and LB417, the committee voted unanimously on the amendment. [LB333 LB495 LB417]

SENATOR KRIST: Okay. And also your objection to LB333 has been loud and clear. My amendment would take LB333 off and allow the other two to stay. And hopefully I can get your support for that amendment. Would that be correct? [LB333]

SENATOR HOWARD: Yes, I certainly support the Krist amendment. Yes. [LB333]

SENATOR KRIST: Okay. Thank you, Senator Howard, for your courtesy. Folks, what it comes down to is that in this world we'll have three hours of debate and then this bill will disappear. At that point, Senator Riepe will have to produce 33 votes to bring it back in its present state or to amend it, if we can get past the motion to substitute the amendment, which I have explained why I objected to. If you accept my objection to that or not, it is what it is. It's not reducing an unfunded mandate for anyone. It is simply saying, no, counties, you don't have to pay for it, you don't have to pay for it. And my concern with even the amendment that was proposed to be substituted is simply you're not talking about flesh and blood. We need to get back to the discussion about those people, those people who are affected, both the parents, guardians, and the actual folks with a disability. So my proposal is very simple. We take this three hours. It goes off the schedule. Senator Riepe and the Speaker can have a conversation about whether or not it

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comes back on with 33. But it can come back on as long as Senator Riepe only wants to accept the Krist amendment, which I think I have the support for in the form of 17-plus votes. So just so there's no confusion, I'll take it to the wall if I have to,... [LB333]

PRESIDENT FOLEY: One minute. [LB333]

SENATOR KRIST: ...because I believe I have the votes to go to the Krist amendment and take away LB333. I do appreciate the conversation this morning because I think you can tell a lot about a person, a legislator by whether or not they consider the human element in everything that they do, humanity, the humanity of what we are doing and the implication of what we are doing here on this floor. And that's what I really appreciate about this discussion this morning. Thank you, colleagues. Thank you, Mr. President. [LB333]

PRESIDENT FOLEY: Thank you, Senator Krist. [LB333]

SENATOR KRIST: And thank you for the time. [LB333]

PRESIDENT FOLEY: Senator Howard, you're recognized. [LB333]

SENATOR HOWARD: Thank you, Mr. President. And I appreciate Senator Krist's comments because I do want to be clear, while I disagree fundamentally with LB333, I think it's short-sighted. We're forgetting that counties can be reimbursed for the...or the state can be reimbursed for this; that once somebody is on the State Disability Program, it leads to a smooth transition for them to be able to get their Social Security Disability. It helps with their application. We forget that Lancaster County gave us an estimate of a million dollars that this would cost them if we get rid of the State Disability Program. That being said, I do worry sometimes that I have like a bad reputation here as somebody who is...who wants to spend money, which is really interesting because I'm incredibly frugal, personally. I still baby-sit for pin money on the side and, you know, I'm a big fan of Dave Ramsey. That being said, if I just wanted to spend your money, I would say kill LB333 all the way, up and down. But I don't think that that's the fiscally responsible thing for us to do. When we look at LB495, the only way we're going to continue our federal drawdown is if we're able to help those high school students and graduates get into the waiver. And the only way we can get them into the waiver is if we suspend the program. Now, the suspension is some assurance for me that those reserved spots for those kids will still be there, that we're not reversing everything that we did in 1991 when Senator Wesely was working on this issue, when we appreciated that a wait list for developmental disabilities was morally reprehensible. We have someone on our wait list who's been there for eight years, eight years waiting for services for developmental disabilities. They're already disabled and they're waiting eight years. To me, that seems wrong for us as a state. That being said, I don't support LB333,

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but I appreciate that LB495 must move this year for us to be able to draw down federal funds for those students. I'd like to yield the balance of my time to Senator Bolz, who I know has a few more questions that she'd like to have answered. [LB333 LB495]

PRESIDENT FOLEY: Thank you, Senator Howard. Senator Bolz, 2:40. [LB333]

SENATOR BOLZ: Thank you, Mr. President. I just wanted to finish my dialogue on the definition of priorities. And the concern that I wanted to get on the record, and maybe Senator Howard would yield to a little bit of an exchange, but my concern is my experience in the field is that sometimes there's gray area in terms of what different people are defining as a crisis. And my interest in protecting individuals with developmental disabilities, vulnerable populations is to make sure that before that person reaches a real level of crisis, where health and safety is in the most imminent of dangers, that we find a tipping point to prevent that person from literally becoming homeless. How do we identify the right point in time where a real urgency is apparent, but that person doesn't literally need to turn into a place where they are sitting on the curb with nowhere to go? And so, Senator Howard, I wondered if you had any reflections from your committee work on what you think we mean by that "immediate crisis" term in the bill. [LB333]

SENATOR HOWARD: So what's interesting and helpful about LB495, and that's inside of AM1022, is that it actually outlines our priorities for the waiver in very clear terms. And so the immediate crisis is defined as a caregiver death; homelessness, so you really would need to be homeless; or a threat to the life and safety of the person. And those are the only definitions that we have of an immediate threat for waiver eligibility. [LB333 LB495]

SENATOR BOLZ: And that's helpful I think maybe in terms of creating a record or legislative intent. I would hope that as we work together to implement this statute, we recognize that that immediate threat can be someone who... [LB333]

PRESIDENT FOLEY: One minute. [LB333]

SENATOR BOLZ: ...loses their lease but doesn't literally become in a place of...in physical danger before the state intervenes to provide this priority funding. The other issue that I wanted to get on the record as we're debating this morning is the line that strikes the reference to eligibility for graduates beginning in 1993. And I'm a little confused about the striking of that reference. Our current plan serves those people moving forward. Striking the reference I think would actually open up the eligibility, once the entitlement goes back into place in two years, to more people, to people who graduated prior to 1993. The reason that that's worth dialogue is that we have a number of people who are living with aging parents and if we open up the eligibility

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to people who graduated prior to 1993, we may have an influx of people whose parents are no longer able to physically work with them and help support them. [LB333]

PRESIDENT FOLEY: Time, Senators. [LB333]

SENATOR BOLZ: So I want us to be cautious. Thank you, Mr. President. [LB333]

PRESIDENT FOLEY: Thank you, Senator Bolz and Senator Howard. Senator Kolowski. [LB333]

SENATOR KOLOWSKI: Thank you, Mr. President. I want to thank a number of people that have spoken before us here. Senator Chambers continues to amaze in a lot of ways. And as I mentioned before, I've had the pleasure of the last nine years of working with Senator Chambers, four in the Learning Community and five here in the last five years, nine straight years, more than anyone else in this facility. And he comes up with what he has been describing a number of times dealing with the lost, the least, and the last. That's really stuck with me as we're looking at the impact of what we're deciding as we've been charged with setting priorities and doing the things that are necessary to get this budget bill across the line for our state. What I'm worried about are perverted priorities. When we look at what has happened in the last couple of weeks, looking at the SNAP program that's been talked about this morning, looking at legal representation services for teenagers before the law, and now we talk about disabled issues, those who are in need of continued services for years that aren't going to be covered by the dollars we represent. Perverted priorities or priorities? I ask that question as we look at what we're dealing with and where we're going. My own background is one of a high school principal, and most people know that. But more than that, the time I spent in the school, the 15 years as the founding principal of Millard West and the work that we did within that district, I had in our building the most severely handicapped, special ed students in the district. They all attended one school--my school. Very proud to have those kids among us and they were very, very special students in so many ways. Our incorporation, our very definite plans that incorporated them into the entire school mix was extremely important to us. And we succeeded in that because of the efforts that were put in by our staff, not special ed staff, the entire staff, to incorporate the students into our classes and sports and other functions of the entire school year. It was a very purposeful, targeted application of our human energy to make sure those kids were taken care of and part of what we were all about. I was the principal but I wasn't in my office very much, unless I had meetings, because I wanted to be in the building where kids were, where students were, where teachers were, where the things that happened in a 2,300-student high school, a very active place on a daily basis. [LB333]

PRESIDENT FOLEY: One minute. [LB333]

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SENATOR KOLOWSKI: And that's where I'd be found because seeing the students at work, seeing the teachers at work, seeing the results that we were getting all were part of the goal and the achievement that we were trying to produce. Senator Krist mentioned something about humanity. And I want to build off of that just for a second on a course that I taught many years ago. Just give you a thumbnail of that, I'm not going to get into the whole aspect of what the course was all about, but it raised three questions that I think might be beneficial as we look at what we're doing and how we're doing it. Three questions were asked across this course with high school students, and amazing conversations took place: What is a good person? What is a good life? And what is a good society? If we're setting priorities, what are the priority bases that we're looking at when we're looking at decision making... [LB333]

PRESIDENT FOLEY: Time, Senator. [LB333]

SENATOR KOLOWSKI: ...pertaining to these things? Thank you. [LB333]

PRESIDENT FOLEY: Thank you, Senator Kolowski. Senator Bolz, you're recognized. [LB333]

SENATOR BOLZ: Thank you, Mr. President. I wanted to finish my thoughts on the 1993 reference and add one more question to the mix. And I know that this bill will continue to be massaged as we try to get some compromise here. But we are striking the reference to 1993 and I want to make sure that we understand the practical implications of that and make choices related to that. As I read it and understand it, striking that reference may pull in eligibility when the entitlement goes back into place for actually having more people eligible. And that may be the policy choice of this body to do that, or it may be the policy choice of this body to keep the status quo. I just want, for the record, a conversation about that so that we understand thoughtfully the number of people who might come back into the entitlement if it were to come back into place. My other question, comment, or issue to bring up on the mike is related to the plan developed for the new quality management initiative. And I do support moving forward with a new plan. I do think it's time to think through what the next generation of quality management looks like. There are lots of questions about how we get there from here. But one of my questions is if the plan were to require additional dollars, would this body be in support of funding that in the next year? So we do have some plans put into place to require a public plan, to require implementation updates. But if to put the best practice into reality costs us additional dollars through staff or curriculum or best practices, will this body be supportive of that? And if Senator Riepe would yield to a question, I'd love to get his thoughts on this idea. [LB333]

PRESIDENT FOLEY: Senator Riepe, would you yield, please? [LB333]

SENATOR RIEPE: Yes, I will. [LB333]

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SENATOR BOLZ: I just wondered your thoughts, Senator Riepe. I know that some of the existing quality funding is going to the National Core Indicators Project, which I think is great. Do you think that the existing budget will be able to manage a new quality management system? Do you think there will need to be an additional conversation about how we fund the new plan as developed by the department? [LB333]

SENATOR RIEPE: I think as we move towards new standards, we're going to have to reassess. And I know that those numbers are out there. I don't have them at my hand right now. But with new programs there may come additional costs that do not offset the QRT cost. [LB333]

SENATOR BOLZ: I appreciate that. And that's all I wanted to put out on the floor... [LB333]

SENATOR RIEPE: Okay. Thank you. [LB333]

SENATOR BOLZ: ...today was just that recognition that if we are moving away from the QRTs and putting the plan into place, we'll have to complete that curve. We'll have to close the circle so that if the new plan, as recommended by the department, requires additional funding, resources, staff, any other change or statute support, any of those things, we need to be good partners on the legislative side in order to make that successful. So I appreciate the time on the mike this morning. I think those are the major questions, comments, and concerns I have about the bill. And I'll continue to listen to the dialogue this morning. Thank you, Mr. President. [LB333]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Morfeld. I do not see Senator Morfeld at the moment. We'll move down to Senator Riepe. [LB333]

SENATOR RIEPE: Question, please. [LB333]

PRESIDENT FOLEY: The question has been called. Do I see five hands? I do. The question is, shall debate cease? Those in favor of ceasing debate vote aye; those opposed vote nay. Senator Riepe, for what purpose do you rise? [LB333]

SENATOR RIEPE: (Microphone malfunction)...house, please. [LB333]

PRESIDENT FOLEY: There's been a request to place the house under call. The question is, shall the house go under call? All in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB333]

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CLERK: 20 ayes, 0 nays to place the house under call. [LB333]

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Kolterman, if you could check in. Senator Watermeier, Senator Hughes, Baker, Harr, Wayne, Chambers, Larson, Friesen, please return to the Chamber and record your presence. The house is under call. Senators Hughes, Baker, and Chambers, please return to the Chamber and record your presence. Senator Riepe, at this point we're lacking Senators Baker and Chambers. We can wait or we can proceed. [LB333]

SENATOR RIEPE: I'd like to wait for Senator Stinner or is he checked out? [LB333]

PRESIDENT FOLEY: He's checked out. [LB333]

SENATOR RIEPE: Okay. Well, let's proceed. What I'd like to do, Mr. President, is to have a roll call vote in alphabetical order. [LB333]

PRESIDENT FOLEY: Thank you, Senator Riepe. Members, the question before the body is to cease debate. Mr. Clerk. [LB333]

CLERK: (Roll call vote taken, Legislative Journal page 1229.) 19 ayes, 24 nays to cease debate, Mr. President. [LB333]

PRESIDENT FOLEY: The motion is not adopted. I raise the call. Continuing debate, Senator Linehan. Senator Linehan, you're recognized. You're next in the queue. [LB333]

SENATOR LINEHAN: Thank you, Mr. President. Senator Wayne is always interfering. (Laugh) I'm sorry. I would...I have...I'm getting incredible...well, maybe not so many e-mails, it seems to me like quite a few e-mails from people who are very, very concerned, who have children in day programs now and somehow feel like we are cutting the program or their kids aren't going to have the programs available. And I'm quite certain that's not what we're doing, but would Senator Howard yield for a question? [LB333]

PRESIDENT FOLEY: Senator Howard, would you yield, please? [LB333]

SENATOR HOWARD: Yes, I would. [LB333]

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SENATOR LINEHAN: So I have an e-mail from a parent with a 40-year-old daughter who has gone through the program, graduated from high school, been in a day program. And she's concerned that we're about to cut those services. We're not doing that, are we? [LB333]

SENATOR HOWARD: Yes and no. So we are cutting her child's entitlement for the day services, but the expectation is that that child will go into a reserve spot in the waiver, which would be more comprehensive. [LB333]

SENATOR LINEHAN: This child is 40 years old. [LB333]

SENATOR HOWARD: Yep. It would be on the waiver. If the child was in the high school graduate program, is that the question, because if they're receiving day services now... [LB333]

SENATOR LINEHAN: They did receive day services. [LB333]

SENATOR HOWARD: And only day services. [LB333]

SENATOR LINEHAN: And only day services. And they are now 40 years old. I talked to Senator Crawford about this earlier and she didn't think if somebody was in a program now at 40 that we're...I thought this was about kids who were in high school now and are going to graduate at 21 and this program has made sure they kept in...they stayed in the program. [LB333]

SENATOR HOWARD: Uh-huh. [LB333]

SENATOR LINEHAN: But by keeping them in the program, people on the wait list over here don't get in the program as soon. And what the federal government said is we can't pay you matched funding if you put a group of students ahead of another group that's on the waiting list. [LB333]

SENATOR HOWARD: That's exact...well, we're not putting them ahead of the waiting list. They're in a separate program. [LB333]

SENATOR LINEHAN: Well, I know they are in a separate program. That's the way we see it. That's the way our law is. But that's not, unless I've misunderstood this from the very beginning and I think I asked this several times when we were having...when we were "execing" on this, that the CMS's concerns were we've cut out a special group and say they don't have to go on a

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waiting list. They go immediately into the program. And the federal government said you can't do that or we won't pay for it. I should say that. [LB333]

SENATOR HOWARD: Yes. The federal government is saying they won't pay for this day service for this specific population. But to say that they're jumping the wait list would be inaccurate, because when they get into the waiver, the services that they're receiving are far more comprehensive. [LB333]

SENATOR LINEHAN: So let me say, if I have a child who is in high school now and they're disabled and they're graduating at 21, now state law is that we immediately put them in the program for day services. [LB333]

SENATOR HOWARD: Right. Then their name goes on the wait list so that when they get on to the waiver they go out of the day services program. [LB333]

SENATOR LINEHAN: So what if I had a child that is 24 years old and have a car accident and they're disabled and they need day services. How do they get those services? [LB333]

SENATOR HOWARD: If you have a child who has a car accident, you would apply for Social Security Disability. [LB333]

SENATOR LINEHAN: Oh, okay. But what if I needed services for those children and they're disabled? [LB333]

SENATOR HOWARD: You'd go through the county. [LB333]

SENATOR LINEHAN: Go through the county. So we don't have...those never get services? [LB333]

PRESIDENT FOLEY: One minute. [LB333]

SENATOR HOWARD: You know, and that's maybe perhaps a better question for Senator Bolz who works in this area. But if you're an adult and you have an immediate disability, you apply for Social Security Disability and you have to meet your duration requirement for a year. So I think that question... [LB333]

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SENATOR LINEHAN: So are the kids that graduate from high school disabled not eligible for Social Security? [LB333]

SENATOR HOWARD: They are. They are disabled and eligible for Social Security. But they receive medical services through that but not day services. [LB333]

SENATOR LINEHAN: So is it your understanding with what we did with the bill that we have guarantees? I think...I thought we felt secure in that the kids graduating from high school this year will be taken care of. [LB333]

SENATOR HOWARD: Yes. [LB333]

SENATOR LINEHAN: And that we... [LB333]

SENATOR HOWARD: The reserve spots are there. [LB333]

SENATOR LINEHAN: So I'm just concerned that we're scaring a lot of people at home that don't need to be scared. [LB333]

SENATOR HOWARD: Yeah. Yeah. [LB333]

SENATOR LINEHAN: So I think some of our conversation needs to tune to the people that have clearly been e-mailed or phone called that their kids are going to get their services cut. [LB333]

PRESIDENT FOLEY: Time, Senator. [LB333]

SENATOR LINEHAN: Thank you. [LB333]

SENATOR HOWARD: Thank you. [LB333]

PRESIDENT FOLEY: Thank you, Senator Linehan and Senator Howard. Senator Crawford, you're recognized. [LB333]

SENATOR CRAWFORD: Thank you, Mr. President. And I know we are in a situation where we have tough choices to make, without a doubt. And, colleagues, I'm going to end up, no doubt, voting for cuts in programs that I care about deeply and that I think are important to the future of

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our state and even some that may impact some of our vulnerable citizens. But, colleagues, the State Disability Program is a program where we get reimbursed for many of our medical costs and the costs that we have for those individuals who are newly disabled, perhaps like a 24-year-old who is in a car crash, newly disabled. And, colleagues, this is a program where we get some of our money back. So we have tough choices to make, but for \$4 million in the budget, why pick a program where we get some of our money back? Also I want to emphasize that means we're not just cutting \$4 million worth of service, because the \$4 million that's in the fiscal note is net, net. We are helping families, helping individuals who are newly disabled in that window between 6 months and 12 months, when they then, if they remain disabled, would then be able to qualify for federal assistance. In the period when they're first newly disabled, as Senator Howard said, they would apply to the county and the county pay (inaudible) the county, and they'd turn to their families, they turn to their churches. I just had this terrible car crash. The first six months, there is no help from the federal government in the first six months. And then we have this program in our state which is an important program and other states don't have it, but, colleagues, this is an important part of our safety net. And the 6 months to 12 months, we step in to work with these individuals that are newly disabled and help to provide some cost so they can eat and pay some rent and help to pay for some of those medical expenses, which again the fiscal note says average \$7,000 a month in medical expenses per person. We're talking about people with high needs here. And then if that person remains disabled and qualifies for federal disability, we get our money back. All right? We get our money back. So I know we have tough choices to make. But this is a strange program to cut. We get our money back if people remain disabled. Some people don't qualify or their disability didn't last 12 months. Perhaps it only lasted eight months. And so those are people that we're helping and we don't get our money back from them. But we do help fill in that hole. So, colleagues, next I'll talk about some amendments. I want to reiterate, I do, I would...will support the Krist amendment should it be an amendment we have before us. The Krist amendment basically strikes the State Disability Program out of LB333. There are important changes that are in AM1022 that we have made in order to make sure we can qualify for our federal waiver. And also AM1022, while I understand there are people who are concerned about the QRT program going away, I am willing to give the... [LB333]

PRESIDENT FOLEY: One minute. [LB333]

SENATOR CRAWFORD: ...department a chance to bring their plan to us in September and bring their progress on that plan to us in December and March so we can address that if we think we need to make changes to that. And so those are changes that I will support in AM1022. I will not support what I call the "let them eat cake" amendment which is AM1209, which simply says, I don't know where you're going to get...pay for those \$7,000 a month in medical costs, but we're going to tell the counties, just say no. Thank you, Mr. President. [LB333]

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PRESIDENT FOLEY: Thank you, Senator Crawford. (Visitors introduced.) Senator Hilkemann. [LB333]

SENATOR HILKEMANN: Thank you, Mr. Speaker. This is an issue that I feel very personally about. I want to share with you a story of my Aunt Katie. Aunt Katie, when she was young, had something go wrong. I don't know. My mother never was just sure. But Katie was never quite right. Katie walked funny. She was slow. And when she was in the high school ages, they decided that she shouldn't be in the home and she was placed in the Beatrice State Home. And I never remembered Katie during all my early ages. We never went down to see her. She just lived at Beatrice State Home. When she was in her...it was either the late '50s or the early '60s, my grandfather was a Methodist minister and my Aunt Katie always went to the Methodist Church. There was a Methodist minister there, observed that Katie really was much higher functioning, even though she had some disabilities, she walked funny. And he went to bat for her. And in the late '50s, early '60s, she was actually released from the Beatrice Home and she lived here in Lincoln. She lived about three blocks from the Capitol. You can go by her...I still go by her apartment. It was in the lower level of the Francine Apartments. And Katie was mainstreamed from Beatrice and she eventually, she got a job over at the Abel Hall and she was the salad lady. And this was before a lot of the government programs came into place and it was a point when we started doing low-income housing. And my mother said, I'm going to try to get Katie into some low-income housing. And Katie said, no, I want to be right here. I have three blocks to the bus. I can go right up to Abel Hall. She went to this Methodist Church right over here. Katy lived a very productive life. With one with disabilities, she could read and write and those sort of things, probably not as severe disabilities a lot of people (inaudible) here. But I mean to tell you, she never took any government programs. At that time we didn't have the government programs for her. But, oh, I know that my mother and her sister struggled to help her along and keep her going at times to help pay the rent and things of this sort. You know, we need to help people who want to help themselves. And Katie loved being out of Beatrice State Home. And I've worked with the people with disabilities in my practice. At one point, I was the...I provided the services for those who were at the Martin Luther Home in Omaha. There was one common thing about these folks with disabilities. If I ever wanted to do any...if they needed any kind of a procedure or something like that that may delay them, they would say, can I go back to work? Can I go back to work? I have often said, if you take those folks with disabilities, some of these that when we're giving them a chance, if all Americans had the work ethic of some of these folks, we wouldn't have to worry about America being great again. We would be great. And so I'm very hesitant of any program... [LB333]

PRESIDENT FOLEY: One minute. [LB333]

SENATOR HILKEMANN: ...that we look at that we're going to start cutting that happens to involve the least of these. And we have to give them helping hands wherever we can. And so

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when I look at this, I look at...we look...yes, we have budget issues that are here and I understand that. But, folks, we need to...these are people who want. Let's give them the opportunity that they need. And so I'm not going to be able to support this bill. And so I just wanted to remember Katie and there are a lot of "Katies" in this world. And just Sunday I stopped at a restaurant on 60th and Center. It was an Arby's restaurant. And the young lady that came up to help us...
[LB333]

PRESIDENT FOLEY: Time, Senator. [LB333]

SENATOR HILKEMANN: Sorry, for another time. [LB333]

PRESIDENT FOLEY: Thank you, Senator Hilkemann. Senator Schumacher. [LB333]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Are we having fun yet? What we're doing is we're now having to face reality. We've been told that there was this huge decrease in revenue and that we had to tighten our belts just like every home has to tighten their belts when things get tough. But homes also have to do another thing, and those of us who have been in tight financial situations know that it's not just moving down in the green bean section from the brand name to the store name, but then you move down to the green beans that aren't sliced, the ones that have the tails on them yet. And you can only go so far until you move down to just buying green bean juice. You also have to get a second job, maybe a third job. You can only address these issues by looking at the expense side and looking at the income side, and neither are fun to look at. When I first got on the Revenue Committee, I set three standards for decisions. Number one, we have to pay our bills. Number two, we have to preserve the Cash Reserve for genuine emergencies. And number three, we should not jockey around with things to shift burden to the folks making between \$20,000 and \$120,000 a year--pretty common-sense things. But, boy, have we blown it this year. Did we pay our bills? No. We committed to a budget last year, bills that we would have to pay. We came in here and first order of business, we canceled that commitment. We couldn't pay our bills. Second thing, we've gone from somewhere in the neighborhood of \$700 million to somewhere in the neighborhood of \$400 million, maybe less, in our Cash Reserve, and there has been no emergency. There has been no drought. There has been no national economic crisis. There has been no famine or disease. The only thing that's happened is that grain prices have returned from a sudden spike to trend line--normal. Yet we're blowing through the Cash Reserve like there's no tomorrow. Ah, but don't worry. If we project out, shuffle the deck around, it will be brighter on the other side of the rainbow. Uh-uh. You want to bet the farm on that bet? You better...you're not conservative if you do. And third, we're now talking about how do we shift burden to the folks who are normal people, who have a child who may be disabled? How do we shift the burden, put more on them, while at the same time we are blowing through, literally, high tens of millions, maybe \$100 million a year in Advantage Act

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credits on a program that our own Performance Audit Committee has said is highly questionable. We're blowing through \$20-some million a year by giving tax forgiveness to people who are cashing out on their ESOP stocks. We're blowing through who knows the number, we can't flush it out, but somewhere in excess of \$50 million a year, maybe as high as \$100 million a year on a Subchapter S exemption for people who have income through Subchapter S corporations operating out of state. We have an automatic tax decrease that we put into effect with inflation. [LB333]

PRESIDENT FOLEY: One minute. [LB333]

SENATOR SCHUMACHER: We won't even think about temporarily suspending that tax cut, because to suspend a tax cut we all know would be a tax increase, and we can't have that. Folks, this thing is off the rails. And all Revenue Committee did was talk about how, with a billion-dollar shortfall, we could cut taxes. Thank you. [LB333]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Items for the record, Mr. Clerk? [LB333]

CLERK: Mr. President, your Committee on Enrollment and Review reports LB451 to Select File with amendments attached. Senator Kolowski would move to place LB484 on General File, pursuant to Rule 3, Section 20. Senator Hansen, new A bill. (Read LB259A by title for the first time.) And Enrollment and Review also reports LB328, LB329, and LB330 to Select File, Mr. President. Name adds: Senator Hansen to LB441. (Legislative Journal pages 1229-1230.) [LB451 LB484 LB259A LB328 LB329 LB330 LB441]

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

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

RECESS

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good afternoon, ladies and gentlemen. Welcome to George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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CLERK: I have a quorum present, Mr. President.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Do you have any items for the record?

CLERK: I have nothing at this time.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Members, we're now going to convene the afternoon session. Pursuant to the 1:30 agenda, General File budget bills. Mr. Clerk.

CLERK: Mr. President, LB327 is the mainline budget bill as offered for the appropriations of expenses to state government introduced by the Speaker at the request of the Governor. Senator Stinner presented the Appropriation Committee's amendments yesterday. When the body adjourned for the day, Senator Friesen had pending as an amendment to the committee amendments, AM1155. (Legislative Journal page 1196.) [LB327]

PRESIDENT FOLEY: Senators Stinner and Friesen, maybe you can take a minute or two to refresh us on where we are and then we'll...I won't count that as a speaking turn, then we'll get into the regular speaking rotation. Senator Stinner, would you like to go first, please? [LB327]

SENATOR STINNER: Yes, thank you, Mr. President. And members of the Legislature, AM...I can't see it. Five something. Is it... [LB327]

PRESIDENT FOLEY: AM590, sir. [LB327]

SENATOR STINNER: AM590, thank you. AM590 is actually the appropriations mainline budget recommendations for the Legislature. According to the budget, it balances the budget. It establishes a structural balance as we look forward into the next biennium and it requires \$173,000,000 transfer at least so far, pending legislation that may reduce that. There are a couple themes and priorities within that budget. Obviously, those priorities of K through 12, property tax relief, provider rates at a flat rate just on certain providers and a priority on Corrections in the Supreme Court are embedded in that budget. The recommendations made by the Appropriations Committee are good recommendations. It's a good budget and I would ask that you vote green on the Appropriations amendment. Thank you. [LB327]

PRESIDENT FOLEY: Thanks, Senator Stinner. Senator Friesen, if you'd like to, a couple of minutes to refresh us on your amendment. [LB327]

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SENATOR FRIESEN: Yes, I would. Thank you, Mr. President. So what AM1155 does is bring the reduction to Department of Roads back down to where we...I previously had an agreement with Appropriations to fund at the \$15,000,000 level, so basically this cuts it in half. They want \$30 million, I'm willing to do the \$15 million and what this does is the Department of Roads is that if this bill passes as is without my amendment, in July, when this transfer has to be made, they will run short of funds and so they have indicated to me that there will be a roads project that gets pushed back because of what we're doing today. So what this bill does is keep our roads construction on task and start the process that we've been working on for the past two years and keeps construction going on our expressways and the other systems. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Friesen. Debate will now open on the bill and amendments. Senator Briese. [LB327]

SENATOR BRIESE: Thank you, Mr. President. Good afternoon, colleagues. I rise today in support of AM1155. I support it for a couple of reasons. First of all, I don't support using gas tax dollars for General Fund expenditures. I wasn't here when the gas tax increase was passed, but regardless of your position on the gas tax increase, it allowed us to dedicate more dollars to funding infrastructure and I believe that if we're serious about growing our state, we must be willing to invest in our infrastructure and the gas tax allows us to do that. But with that said, many senators took an enormous political risk in supporting the gas tax increase and it cost some of them their seats here. But they supported that increase with the understanding that it was a user fee intended to fund much-needed infrastructure improvements. Their vote was not intended to provide new funding for our General Fund. That wasn't the purpose of the gas tax then, it's not the purpose of the gas tax now. So I don't support using gas tax revenue for General Fund expenditures. I believe that Senator Friesen's AM1155 coupled with a later amendment to LB332 will strike a fair balance here. It's my understanding that the later amendment will target an amount equal to the least motor vehicle tax for use here. In other words, it would target non-gas tax dollars. My second reason for supporting AM1155 is simply a practical one. As Senator Friesen said, the loss of these dollars to the Roads Operating Cash Fund, will have a limiting affect on our road construction. It will impair our ability to invest on our infrastructure. That alone is enough reason to support AM1155. With that, I'd ask for your support of AM1155. Thank you, Mr. President. Oh, I'd yield the rest of the time to Senator Friesen if I still could. [LB327]

PRESIDENT FOLEY: Thank you, Senator Briese. Senator Friesen, 3:00. [LB327]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. So one of the big hangups that happened yesterday is, where do I find the offset money? And so my answer was to send it to a

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fund I suppose that didn't have any money in it, so I'm going to clarify where I'm going to go. Right now, there have been no amendments filed as to where this offset money comes. And so I will make this pledge to you that this money will come out of the rainy day fund. And if somebody else wants to push it somewhere else down the road, that's where those amendments can go. That's on a separate bill, separate issue. Right now, I want us to focus on what we're doing to the Department of Roads and what we're doing to the gas tax money in diverting it into the General Fund to cover a revenue shortfall. And so again, I want to state I will not take it out of any Medicaid dollars. I will not support taking it out of Medicaid dollars. So I will support taking it out of the rainy day fund. But to me, the roads and what we have worked on over the past three years and when you look at the job creation that this happens and the amount of roadwork that we need to do to short the Department of Roads during the prime construction season because of a cash flow issue. I know in past, maybe they've been carrying a large cash reserve but at the time I was told they're carrying about a \$50 million cash reserve and if we do this transfer in July, they will run short of money and they will push back one of the major projects. And it will be one of the state-funded projects because they can't...the dollar savings to push back a federal project is not large enough, it's not dollar for dollar. So it will be one of the state-funded roads project will get pushed back and when you do this to contractors... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor...the contractors line up their work ahead of time. They're expecting these bids to come out. They're expecting to be able to bid on them. If we send this through as is, without my amendment, one of those projects will not get let out. Thank you, Mr. Lieutenant Governor. [LB327]

PRESIDENT FOLEY: Thank you, Senator Friesen. Senator Erdman. [LB327]

SENATOR ERDMAN: Thank you, Mr. Lieutenant Governor, and good afternoon. I rise today to make this comment about AM1155. I don't believe it goes far enough. I believe we should restore all of the road funds. If my understanding is correct, and someone can straighten me out if I'm wrong, the one quarter of a cent sales tax that the Road Department is going to receive this year is somewhere in that \$12 million mark. Maybe Senator Stinner knows the answer to that. I may ask him a question. [LB327]

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

SENATOR STINNER: Yes, I will. [LB327]

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SENATOR ERDMAN: Senator Stinner, do you know that quarter of a cent sales tax that the Road Department gets, how much will that be this year? Do you know what that is? [LB327]

SENATOR STINNER: It has been about \$63 million that the Roads gets and then some goes to the county and some goes to municipalities. [LB327]

SENATOR ERDMAN: Right. So we're going to take this \$15 million over two years away from the Roads Department and we have been struggling to build roads and improve our infrastructure and this money was sent there to do that specific thing. And so we, I believe we owe them to put the money back. AM1155 is better than we had before. I would like to see it go further. One of the things that I've been looking at is a little small book they call the budget and I call your attention to page 23. And on page 23 of that book, it talks about the actual projected General Fund revenues. And it's an amusing document to look at as I review what has happened over the last 20 years. I see sometimes there when we've had a lot of revenue and then there's been times we've been short. And I remember back in 2001 and 2002, we had a shortfall similar to what we have now and the budget was passed and the senators went home and in October they returned. And when they returned in October, they made a ten percent cut straight across the board in all agencies because the forecast didn't match up with revenues. And so I call your attention to last year's revenue was a .3 percent increase. This year it's projected to be at 1.3 percent increase then for some unknown reason, except tea leaves and whatever Senator Chambers called it, and by the way, I have a crystal ball at home at the real estate office and once in a while when I go in there the broker is looking in this crystal ball and I say, what do you see and he says, absolutely nothing. But I could bring that and they could look in there but someone has decided that we're going to have a rebound and go to 5 percent growth. That's \$200 million more revenue than we had this year. And then the following year, we're going to have a 5.2 percent growth. That's another \$220 million more. You add those two together, that's \$420 million, and as I alluded to earlier back in 2001, they made a 10 percent cut. All right. So you do the math. You have a \$4 billion revenue and you have a \$420 million shortfall. That's 10 percent. So I'm telling you if we leave this place with a budget that is greater than what our revenue was last year, we will be in danger of coming back in October and making cuts. So we need to look for ways to make cuts more than we have done. I don't believe this budget is by any means done. We'll know shortly what the tea leaves said about the forecast going forward because I think they're meeting today, but I am not at all encouraged by this budget and I do believe we need to put \$30 million back and leave it with the Road Department just as we need to put the \$100,000 back in the Brand Committee, and I know we're going to do that. So thank you very much. [LB327]

PRESIDENT FOLEY: Thank, Senator Erdman. Senator Friesen. [LB327]

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SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. So yesterday the discussion was that we can justify using a business model. So when I look at what the budget is and I think of myself as in my budget, and so if I'm a diversified operation, I...one operation is making money over here and the others are losing money and I go to my banker and I say look, you know, he says, I'm overall, I'm kind of hurting but I'm going to take money from this fund over here and this money-losing one, I'm going to fund that over there and I'm good at it, right? You'd be good with that. And so, kind of what we're doing here. We are shuffling money around. But you can't take money from one of our basic reasons that the state has to do is infrastructure, whether it's broadband or making that accessible. The electricity, we did that in the 30's. We made sure that that happened. The roads, the infrastructure for economic development is a basic core function of the state. We fund it with gas taxes. We fund it with user fees. For me, all of the revenue that comes off of selling an automobile, whether it's all of the sales tax or all of the registration fees should go back into those roads. They're the one that's use the roads. And these days, probably we should take that sales tax from bicycles and put that on there too. But it's how we fund roads. It's how we've fundamentally funded in the past. We need to stick with it. We have made a promise to Nebraskans that we will fix those deficient roads and bridges, and here we are, the first time we run into a little snag, we start taking money out of the roads. And so when you look through the different budgets, and you get the department level, I haven't seen anyone that has taken a budget cut. They've all had an increase of .3 percent. Overall, we're averaging a 1 percent increase. There's no cuts. So when you look at a business model, you've got a revenue shortfall and you don't know what the future's going to bring and you're still willing to keep spending money. There's no cuts. We cut our expected increase but there have been no cuts. We cut our expected increase, but there have been no cuts. There have been some specific programs with a cut, but there's been no broad overall effort to cut anyone's baseline. And so when I look at that and then we get to the bottom line and there's still \$3.5 million available in the book there that says we're going to have that for A bills. So we're going through all this work and at the end of the day, if there's money laying on the table, we could fund some A bills and get some new spending going again. That's not how this should be working. And so when I again, we have to focus on the amendment here. I will focus when we come to transferring those funds, where they come from. I've made my pledge, I will stick to that and I know it caused a lot of the heartburn, but that's my pledge is, it will not come from HHS or Medicaid. And so we have a...still a fairly healthy cash reserve and if that's what it takes to show Nebraskans that we are dedicated to fixing their roads and making that possible, expanding the four lanes, that's what we'll do. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR FRIESEN: So with that, I ask you to support AM1155. Thank you, Mr. Lieutenant Governor. [LB327]

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

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SENATOR BOLZ: I'll yield my time to Senator Stinner. [LB327]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Stinner, 5:00. [LB327]

SENATOR STINNER: Thank you, Mr. President. Thank you, Senator Bolz. I do want to straighten out a few things that have been said here today. Number one, we're not taking gas tax. Do you understand that? We're not taking gas tax. Sales tax from LB84, \$63 million, \$63 million from that; 7.5 from sales tax on leased vehicles. Fifty million dollars was transferred from the rainy day fund and I supported it. I still support it. The idea that we're going to transfer the money on July 1st and stymie all these projects, they can transfer the money at the end of the fiscal year, June 30, 2018. They do not have to do it in the front end. They can operate an entire business cycle without doing that and \$15 million, which would be the difference there, is almost immaterial when you start to look at this budget. You say we shouldn't do this? This is unprecedented? Well, the whole thing is unprecedented, folks; \$1.1 billion is unprecedented. Now, I wouldn't have gone to roads if it wasn't for a \$150 million decrease in the last forecast, and I'm holding my breath on this one, so hang on. Get ready to don the oxygen mask because it's going to get a little rough. This amendment, it's interesting. We need to increase spending on roads. We got to do that, right? This bill up here, this AM reduces the appropriations by \$6.5 million. How does that increase anything? This amendment reduces the amount of money that you're going to spend on roads because, believe me, appropriations is the level that they're allowed to spend. And we're up here, they're down here with the amendment. I hope that's abundantly clear to everybody. And if I have to repeat it again, this reduces construction, the thing that you're hanging on to. You know, I support Roads Department. Shoot, I voted for LB610 because I thought it was the right thing to do. One of the most significant pieces of legislation probably in my legislative career is LB610. We're going to spend millions and millions and millions of dollars on new expressways. We need to do that. That's the right thing to do. But you know what? When we fell off the cliff, what did we ask everybody to do? What did we ask every agency to do? Give us an 8 percent modification in the budget. Is that right? And Senator Friesen, please, don't say we didn't cut bases. Look at page 53 if you want to see base cuts, that's base cuts. If you want to read through 100 to 260, read every one of those things and then see where we cut it. Don't stand up and say we didn't do base cuts, we didn't cut anything. Your 1 percent increase. Your biggest increase is two and a half average increase, in our biggest TEEOSA is our biggest number, \$62 million. You know how much you have to cut out of those small agencies to get to the \$62 million to get it back to 1 percent? A lot. And we did. So don't put it out there that we haven't cut. Oh, yeah, we got a 1 percent increase, but it balances. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

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SENATOR STINNER: You got structural balance. We asked everybody to look at 8 percent cuts. We're asking roads, fourth largest department, \$1.7 billion they're going to spend and we're asking them for one and three-quarters of a percent reduction. And we've already shown that based on the cash flow, they're going to still have \$15 million in excess. That's the business case. You know, at some point in time, you guys have got to sit down and look at the facts. Look at the business case. I don't want to do this. I don't want to cut roads. I don't want to cut the Legislative Council, the Supreme Court, the Governor, State Auditor, Attorney General, all of these folks, I don't want to cut any of them. In fact, if it was up to me, I'd go home to Scottsbluff right now. Nobody wants to do this. I'm just asking, we talk about shared pain. [LB327]

PRESIDENT FOLEY: Time. [LB327]

SENATOR STINNER: We talked about fair and balance. Thank you. [LB327]

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

SENATOR KRIST: Thank you, Mr. President. Good afternoon, colleagues. Good afternoon, Nebraska. It wasn't quite the linebacker, but the fullback came out that time and I appreciate the Chairman of Appropriations words. Senator Erdman just stood up and said he doesn't see that we have cut enough. But we essentially want to, in proportion, raise what roads are getting. I sat here at, I think it was probably 10:30 to 11:00. I think the Clerk has that memory vividly in his brain arguing over Senator Fischer's bill that put the percentage of sales tax into roads. It was a healthy debate. Tonight at 11:59, when two classes of senators, who have never been here on late nights, get to see what late nights are really like, we can have that same debate on this budget going forward. I didn't agree with Senator Fischer's bill then, but she had a way of persuading me to understand that it was the right thing to do. We're not messing with that. We're also not messing with the gas tax with LB327, but the truth of the matter is if you look at what AM1155 does, it reduces the gas tax. So it's a reduction in that tax. The overall composite as I understand in terms of holding a line and reducing the budget as it would be in LB327 or amending it with AM1155 does, in fact, lower on the macro level, it lowers the money that goes to the Department of Roads. I don't think that was the intent. I don't think that's what Senator Friesen wants to do. AM1155 has consequences, intended and unintended, and I think the Chairman of Appropriations has tried to put that into a perspective that we can all understand. None of us want to go through this. I don't want to go through it again. It was painful enough the first time. It's like birth. You don't want to be reborn, but we're going to do it. We're going to do it again. I wonder if Senator Stinner would yield to a question? [LB327]

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

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SENATOR STINNER: Yes, I will. [LB327]

SENATOR KRIST: With the balance of my time, I just want you once again to say, as you went into this budget cycle, you had an attitude of do no harm and you had some parameters to go through. Could you capsulize that for us again, please? [LB327]

SENATOR STINNER: Actually, the second leg or third leg down on that chart that I gave you, that \$153 million, that was the blast. Appropriations went back. We looked at every possibility. Where could we cut additionally to this budget? And we ended up in our priorities, if you remember, I was talking about the fact we cut \$20 million, a lot of that out of DHHS, \$20 million. A lot of that had to do with provider rates. We took it from 1 percent increase to zero. Was that painful? There was a lot of people on my committee very angry about that, but they did it. We looked at Corrections. I fought with Kate Bolz. I fought with Senator Krist. I said, we've got to cut this. That was a priority, folks. They didn't want to do it, but appropriations dollars are scarce. We made a case for it. We did the cut. Then we've got other areas that we looked at... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR STINNER: ...for the possibilities of additional cuts. We got to \$60 million. And I'm going to tell you something, and I don't want to be braggadocio or anything, this is the fifth time I've been through this, folks. Four times in my banking career I've dealt with this. You can cut so far and then you start to really do long-term harm. And I will tell you this, that we are at that point. If you want to discontinue operations, if you want to cut additional people, you know, have at it, but do your due diligence before you do it. Know what the outcomes are going to be before you do it. We had these folks in hearings. We talked about it. We went line by line. I don't know how much more due diligence we could have done. We are at a point where if you want to cut some more, which is up to you all, you will do some long-term harm. We have used cash transfers (A) to get to the 3 percent of minimum cash level. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR STINNER: Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senator Stinner and Krist. Senator Hansen, you're recognized. [LB327]

SENATOR HANSEN: Call the question. [LB327]

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PRESIDENT FOLEY: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor of seizing debate vote aye; those opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB327]

CLERK: 26 ayes, 3 nays to place the house under call. [LB327]

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Hilgers, Morfeld, Kuehn, Hilkemann, Harr, Clements, Linehan, McDonnell, and Brewer, please return to the Chamber and check in. Senator Stinner, at this point we're lacking Senator Harr and Senator McDonnell. We can either wait or proceed. [LB327]

SENATOR STINNER: I would like to wait for them. [LB327]

PRESIDENT FOLEY: We will wait. Senator Harr, Senator McDonnell, please return to the Chamber and check in. All members are now present. Senator Hansen, will you accept call-in votes on your motion? [LB327]

SENATOR HANSEN: Yes. [LB327]

PRESIDENT FOLEY: Call-in votes are accepted on the motion to call the question. [LB327]

CLERK: (Roll call vote taken) 25 ayes, 9 nays to cease debate. [LB327]

PRESIDENT FOLEY: Debate does cease. We're still under call. Senator Friesen, you're recognized to close on AM1155. [LB327]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. I will make this really brief and would I be allowed to transfer my time to someone else? [LB327]

PRESIDENT FOLEY: Yes, you may. [LB327]

SENATOR STINNER: Again, I ask that you support AM1155. Let's keep the roads funding intact and I would yield the rest of my time to Senator Kuehn. [LB327]

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PRESIDENT FOLEY: Senator Kuehn, you're recognized for 4:30. [LB327]

SENATOR KUEHN: Thank you, Senator Friesen and colleagues. I do stand in support of AM1155 by Senator Friesen. I have not spoken yet as a member of the Appropriations Committee with regard to the budget at this point in part because I was waiting for the cash transfer issue and I think this is an opportunity for the larger body as a whole to weigh in and have their opportunity to express their opinion. As a member of the committee, I've spent and had my opportunity to express my voice and my opinion within the committee as well as to other members of the body on a one-on-one basis. Fundamentally, I do have a problem with some of the cash fund transfers, one that we will see when we move on to the next bill and I will address at this point. One of my concerns and why I support AM1155 as a member of the Appropriations Committee is that this represents a significant policy change. And when we make a decision to do something like a transfer of \$30 million from the Department of Roads which, as reported by the Director of the Department, would impede long-term construction project, would mean that one major construction project goes on the table, I think that that needs to have a broader conversation and a public hearing. I am significantly concerned that this issue of the transfer was brought up after the public hearing process, that we didn't give a full opportunity for Director Schneweis and the stakeholders who are involved in this issue to adequately weigh into the committee so the committee could itself make an informed decision and advance that decision based on that study and that public hearing process to the body as a whole. I also have concerns in the process with regard to committees of jurisdiction when we're making appropriations decisions that have a significant impact on the policy decision associated with that appropriation. This significantly impacts transportation telecom and transportation telecom should have been a part of the discussion. They may have had an opportunity to weigh in and have their voice heard. It may have been taken into consideration and rejected by the committee, but that was never a part of the discussion. There wasn't an opportunity for committee counsel and the people who are subject experts in transportation to provide that expertise to the Appropriations Committee before we made our decision. So, with that, I encourage the body to support AM1155 and we can continue our further, good-quality discussion by the body as a whole with regard to this complex and ever-moving target of the budget. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Kuehn. Members, you heard the debate on AM1155. The question before the body is the adoption of the amendment. Those in favor vote...roll call vote has been requested. Mr. Clerk. [LB327]

CLERK: (Roll call vote taken, Legislative Journal page 1231.) 20 ayes, 27 nays, Mr. President, on the amendment. [LB327]

PRESIDENT FOLEY: AM1155 is not adopted. I raise the call. Mr. Clerk. [LB327]

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CLERK: Mr. President, the next amendment is Senator Linehan's, AM1150. (Legislative Journal page 1204.) [LB327]

PRESIDENT FOLEY: Senator Linehan, you're recognized to open on AM1150. [LB327]

SENATOR LINEHAN: Thank you, Mr. President. I, looking at the total budget, thought that considering it was only two years ago we increased...so first of all, what does the amendment do? The amendment takes...reduces...we have been putting money in the Teachers Retirement Fund, both the State and Omaha Teachers Retirement Fund to make sure that it is actuarially sound. And I, looking through all the options, I thought in looking at the budget book and what we done over the last few years, I come to understand that in 2013 we increased the state's contribution to Teachers Retirement from 1 percent of the total to 2 percent which is round numbers \$24 million to \$48 million. That's \$24 million more in the annual appropriations than we were doing up through 2013. And if you look at the history of the Teachers Retirement when it first started back in '45, there were no employer or state contributions. It was strictly the teachers paying into their own retirement account. And then in '67 and '76, what happened is the teachers paid in and the employer, the school districts paid a small amount, a very small amount. The teachers were at 3.5 percent of their salary and in the school districts were at .7 percent of their salary. Then in '77, it changed...well, the teachers stayed at 3.50. The schools went up to 1.57 and for the first time...the first time the state paid anything into Teachers Retirement and this was just statewide, not OPS because OPS, Omaha Public Schools, opted out of the statewide teachers program on the state because they already had one and they didn't want one in state, so they are separate. So, in '83, or '84, the first time the state opted in, they opted in at .7 percent. Then throughout...well, actually and this is the time that I found interesting, in the late '80s, and we all know there was a farm crisis in the '80s, or at least most of us do, they determined the fund needed...the rate needed to go up. So the teachers went up to 5.4 percent and the schools for the first time actually put more in the school districts than the teachers and it went up to 5.45 percent. And then finally, we, the state, it kept going up and then in 2009, as we all know, everybody lost money in the stock market, all the pension plans. The Teachers Retirement lost, so the state in 2009, first time, they put in 1 percent. So it's gone up dramatically over the last few years. So when I looked at this, it wasn't somebody else's idea, it wasn't from the Governor or chairman of my committee. I stumbled across this by myself. And I realize after I did it, I talked to Senator Kolterman and I would like to use some of my time right now to have a conversation with Senator Kolterman, if Senator Kolterman would yield to a question. [LB327]

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

SENATOR KOLTERMAN: Absolutely. [LB327]

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SENATOR LINEHAN: So, Senator Kolterman, you're the chairman of the Retirement Committee, right? [LB327]

SENATOR KOLTERMAN: Yes, I am. [LB327]

SENATOR LINEHAN: And I think as you explained to me, you've tried to...we do have an issue going forward with the retirement account, don't we? [LB327]

SENATOR KOLTERMAN: Well, we're adequately funded right now, yes, we are. Do we have an issue going forward? As we stand right now, it's not a huge issue, but as we get out years from now or depending what the markets do, we could have an issue. [LB327]

SENATOR LINEHAN: So the teachers right now can retire at 55 years of age, if they worked 30 years, with full retirement, right? [LB327]

SENATOR KOLTERMAN: Yes, they can. [LB327]

SENATOR LINEHAN: So 30 years, full retirement, whatever that is, and there is no penalty, so I'm on...I was born in 1955, many of...at least a few of us over here in that same age group. If I recall correctly, to get full benefits and Social Security back in the '80s, the federal government moved my full retirement age up to 67 years and 3 months and if I wait until I'm 70, I get a bonus on top of that. Social Security has adjusted its ages up, hasn't it, Senator Kolterman? [LB327]

SENATOR KOLTERMAN: Yes, it has. [LB327]

SENATOR LINEHAN: And most...across the country haven't a lot of plans gone to a cash basis versus defined pension? [LB327]

SENATOR KOLTERMAN: It depends on the different municipalities. We have two cash balance plans with the state. The county and the state employees retirement benefits are both cash balance. [LB327]

SENATOR LINEHAN: So for our state employees, we don't...so the people who helped put all these numbers together, they're not on a defined benefit plan. [LB327]

SENATOR KOLTERMAN: No, they are not. [LB327]

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SENATOR LINEHAN: So have they ever been on a defined benefit plan? [LB327]

SENATOR KOLTERMAN: I believe they were at one time...or no, no, they weren't on defined benefit. They were on 401K, I think. So we actually benefited them by moving them to cash balance. [LB327]

SENATOR LINEHAN: Cash balance. So do they...I don't want to embarrass any of them, but it doesn't appear to me that a lot of them retire at 55. [LB327]

SENATOR KOLTERMAN: Probably not. [LB327]

SENATOR LINEHAN: Probably not, because they're dependent on how much they can get stuck in that account until their retirement age, right? [LB327]

SENATOR KOLTERMAN: Correct. [LB327]

SENATOR LINEHAN: Has there been any...and I know, sir, I think you did, Senator, you did quite a bit of work in LB553, did you not, with retirement? Was that your bill? I'm sorry, there's been some work done. [LB327]

SENATOR KOLTERMAN: This year? [LB327]

SENATOR LINEHAN: No, last year. [LB327]

SENATOR KOLTERMAN: Yes. [LB327]

SENATOR LINEHAN: Because when you moved it from 1 percent... [LB327]

SENATOR KOLTERMAN: Actually that came with Jeremy Nordquist in 2013. [LB327]

SENATOR LINEHAN: Okay. [LB327]

SENATOR KOLTERMAN: But I'm very familiar with it, so go ahead. [LB327]

SENATOR LINEHAN: So when they did move it from 1 to 2 percent, there was some give on the other side too, right? [LB327]

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SENATOR KOLTERMAN: Well, what happened back in 2013, I passed out something yesterday, but in essence the market had just come back through some tough times and so there was some heavy negotiations going and so the teachers increased their contribution. The school districts increased their contribution and the state increased their contribution from 1 percent to 2 percent. It was all part of a negotiated agreement that's in statute. [LB327]

SENATOR LINEHAN: Right. And it's my understanding that my amendment actually is...I don't know if it's a Rule 5 or...I can't really do this on this bill, isn't that correct? [LB327]

SENATOR KOLTERMAN: Yeah, according to legislative Rule 5, subsection 15, if you're going to have a bill that substantially changes legislation, it has to be filed within the first ten days of a 90-day session. [LB327]

SENATOR LINEHAN: So it would be appropriate, I suppose it is appropriate for me to pull this amendment, but I did want to have the conversation. And I just have another question. So in all this budget negotiation that we're still doing and as we listened all morning, many parents concerned with their children with disability not being able to get services, there was no adjustment made on this amount of money that we're going to put into the Teachers Retirement this year, even though we're in a tough year, we can't do that, right, because it's by statute? [LB327]

SENATOR KOLTERMAN: Can I speak to what we have done to address that issue? [LB327]

SENATOR LINEHAN: Yes, you can. Thank you. [LB327]

SENATOR KOLTERMAN: In the following days, we will have LB415 which will be coming to the floor. We spent about two years working on that bill. It does move teachers from 55 to 60 going forward and so that addresses your issue there. New hires only, though, because we can't go back and take benefits away from people. It also will have a one and done so you can only get one retirement, but moving it to age 60 over the life of the retirement plans which we based over 30 years, that's all still in statute. That saves the state, the taxpayers approximately \$100 million. So it's not like we're not looking at ways to improve on what we're doing in retirement. And there has been a lot of give and take on that in the committee as well as with the NCSA, the Nebraska Council of School Administrators. [LB327]

SENATOR LINEHAN: That is...thank you very much, Senator Kolterman, and I really do appreciate your work on...you said it's LB415? [LB327]

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SENATOR KOLTERMAN: Yes, and we'll need a green vote on that when it comes to the floor. [LB327]

SENATOR LINEHAN: Thank you. So, not want to waste three...not waste, but to discuss this for three hours, I just...I think we all get e-mails about how we're cutting education and we're not spending enough on education, and education at least K through 12 education, I think, has done very well in this budget. We did increase the TEEOSA funding. Not as much as the formula... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR LINEHAN: ...but we...and we clearly made our commitment to Teachers Retirement. So with that, I would like to pull AM1150 and thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Linehan. Without objection, AM1150 is withdrawn. Mr. Clerk. [LB327]

CLERK: Mr. President, Senator Schumacher would move to amend with AM1198. (Legislative Journal page 1220.) [LB327]

PRESIDENT FOLEY: Senator Schumacher, you're recognized to open on AM1198. [LB327]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. AM1198 is a very simple amendment. It returns the language in the budget regarding a federal program called Title X to the way it has always been. There was language inserted in this budget and it's hard to diagnose exactly how it got in there or what mechanism or what reasoning put it there, but on the surface on page 54 and 55 of AM590, looks like some fairly innocuous language which turns out to be highly controversial and not the kind of thing that should be in a budget. A budget is supposed to be how we spend money, not how we change public policy on highly sensitive issues. We change public policy on highly sensitive issues by a bill that's introduced, that's advertised, that people have 7 days time to respond to, that a hearing is held, that the committee debates on that specific language, not something innocuously slid into a bill. Here's what it says. I can see why the Appropriations Committee maybe didn't get into the depth of it because it's just language. It was originally in the Governor's budget buried in there, but it said to the extent possible...permissible under applicable federal regulations, the Department of Health and Human Services shall prioritize the disbursement of all funds associated with federal Title X program to the following entities: Federally qualified health centers, defined in 42 U.S.C., 1396; and also community health centers; hospitals as defined in 70-1419; tribal government entities and state

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and local government entities. Sounds fair enough, right? What that didn't say is what that really means is that the appropriation would be deprioritized, in fact, effectively removed for operations that conduct STD screenings, Pap smears, contraception, not talking abortion here because Title X has never been allowed for abortion funding, but all kinds of women's health issues that impact, depending on how you compute the numbers and shuffle the deck, somewhere between 15,000 and 30,000 low-income women in the state. Whether we want to deprioritize contraception and women's health services, is a kind of decision that should be made in the context of a bill, listening to testimony, and tweaking, not slid under the radar in a budget bill. I submit that even if we worked to get into the policy discussion behind this and not just the procedural discussion, that this is absolutely the wrong way to go. I introduced a bill this year that went the opposite direction enhancing those services, enhancing every woman matters programs, and enhancing education and financial things for people so that they could control their lives, understand their finances and understand that the number-one cause of poverty, the number one, the definition of poverty is more mouths in a household than you've got money to feed them. You're not in poverty if you maybe have one or two people, mom and one child, but add a child or two more to that, unwanted, a mistake, one of those things that happens, and suddenly you have a bunch of people in poverty. That would have brought in in savings on its face, \$7 million-plus a year and that was not counting all the savings that would have come from not having the preschool programs, the earned income credits, the juvenile programs if the child has many of those initiative of poverty. We're talking a major expense being added to the system by this language. Now, the bill I had didn't advance in committee, no surprise. What is a surprise is this language going the opposite direction. This should have been a bill and, in fact, as I understand it, some years back it was a bill and it was soundly defeated by this Legislature. And so I raise the issue now so we as a body can debate it whether or not it is a good policy to put roadblocks in the way of low-income people seeking to have health services and seeking to control their family planning so that they can raise their children in a healthy environment and an environment when they're emotionally and financially ready to. With that, I'd yield the balance of my time to Senator Pansing Brooks. [LB327]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Pansing Brooks, about 4:20. [LB327]

SENATOR PANSING BROOKS: Thank you very much. Yes, I am concerned too that this is a policy issue being decided within the budget, my friends. This is a really slippery slope to go down to be determining policy without a hearing, without a response from our second house because people didn't get a chance to come in and talk about this issue. And so, again, we're talking about women's healthcare. It can be seen as an assault on the ability to get Pap smears and tests for STDs. But again, whether you're for or against it, whether you're for getting rid of about 14,500 people who would be able to get that healthcare, that should be at a public hearing.

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That's our process. That's what's going on, not slipping it into the budget. I'd like to ask some questions of Senator Stinner, if you please. [LB327]

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

SENATOR STINNER: Yes, I will. [LB327]

SENATOR PANSING BROOKS: Senator Stinner, thank you for talking to me. Do you know where you got the language for this that went into the budget? [LB327]

SENATOR STINNER: You know, I'm not 100 percent sure, but I think it was Senator Clements that brought it to the committee. [LB327]

SENATOR PANSING BROOKS: Okay. And do you know where he got it? [LB327]

SENATOR STINNER: I'm not...you'd have to ask him. [LB327]

SENATOR PANSING BROOKS: Okay. And during the appropriations hearing, do you remember discussion about this policy change that deals with the prioritization of the Title X funds? [LB327]

SENATOR STINNER: You know it was on the agenda. We discussed it, a very limited discussion simply because we knew it was federal money and it was prioritizing federal money. I didn't have any problem with it because if I'm sitting there as a recipient, I'd like to know where I'm at in the rank order of things so I can do some contingency planning. I guess I have too much of a business mind, and... [LB327]

SENATOR PANSING BROOKS: Right. [LB327]

SENATOR STINNER: ...and didn't look through it, so. [LB327]

SENATOR PANSING BROOKS: So did you realize that there was a chance that some major clinics across the state would be in jeopardy of receiving funds? [LB327]

SENATOR STINNER: We really didn't get into that, no. [LB327]

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SENATOR PANSING BROOKS: Okay. So who gets the Title X funding now? Do you know? [LB327]

SENATOR STINNER: Who gets what? I'm sorry. [LB327]

SENATOR PANSING BROOKS: The Title X funding. [LB327]

SENATOR STINNER: Who gets the Title X funding. Well, it lists a whole list of different clinics, agencies, etcetera, in the actual bill and I do not have it in front of me, so I have no way of responding to. [LB327]

SENATOR PANSING BROOKS: Okay. It's quite general what's listed and what's not listed, so do you know what services they provide? [LB327]

SENATOR STINNER: We actually have a clinic in Gering so, and I've visited that and it provides a lot of health. It certainly provides health benefits to tests, etcetera, to women in our community. [LB327]

SENATOR PANSING BROOKS: Okay. And do you know specifically who receives the services? [LB327]

SENATOR STINNER: Do I know the people who received the service? I know some of them, yes. [LB327]

SENATOR PANSING BROOKS: Yes, but do you know what level of service or anything like that? I'm just trying to know how much you know about this and we're making decisions that are policy decisions. [LB327]

SENATOR STINNER: I could answer that really quick. I don't know very much about it, frankly. [LB327]

SENATOR PANSING BROOKS: Okay. That's what I'm thinking. And neither do a lot of us. I'm wondering whether community health centers provide the same services to the same groups of women. Can they do that? Do you know that? [LB327]

SENATOR STINNER: I don't know that. [LB327]

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SENATOR PANSING BROOKS: Okay. Thank you. Did anyone from HHS talk about this during your hearing? [LB327]

SENATOR STINNER: No. [LB327]

SENATOR PANSING BROOKS: Okay, and do you have any testimony that came from our second house on any of this information? [LB327]

SENATOR STINNER: No, it didn't. [LB327]

SENATOR PANSING BROOKS: Okay. So we didn't get any information, we didn't get any... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR PANSING BROOKS: ...do you think that the second house was even aware of this change? [LB327]

SENATOR STINNER: Was who aware of the change? [LB327]

SENATOR PANSING BROOKS: The second house, which is the people of the state of Nebraska, do you think they were aware of this policy change in the budget? [LB327]

SENATOR STINNER: I don't think so. Not until the budget came out, obviously. [LB327]

SENATOR PANSING BROOKS: Yeah. And during appropriations, do you remember talking about this policy change as far as coming into the...into this budget? [LB327]

SENATOR STINNER: I can't remember exact conversations, no. [LB327]

SENATOR PANSING BROOKS: Okay. And I'm also wondering about, is it common to use that "up to" language where somebody could get zero dollars. Is that common in General Fund appropriations? [LB327]

SENATOR STINNER: We do have some of that language in the budget, that I guess that... [LB327]

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SENATOR PANSING BROOKS: But is it for General Fund? I believe that this is one of the first times in General Fund and it's been used in the cash fund. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR STINNER: I can... [LB327]

PRESIDENT FOLEY: Time, Senators. Thank you, Senator Pansing Brooks and Senator Stinner. Senator Hughes, you're recognized. [LB327]

SENATOR HUGHES: Thank you, Mr. President. Good afternoon, colleagues. This is a very fast-moving budget debate. I had my light on. I wasn't quick enough to get it on yesterday. I had one chance to talk yesterday and if I had been a little quicker on the mike, I would have challenged the ruling of the chair that there had been full and fair debate because there were quite a few people left in the queue who wanted to talk about the previous amendment. I wanted to talk a little bit more about the view of what we're doing with the budget from the 30,000-foot level. I've got some questions for Senator Stinner, if he would yield in a moment. Senator Linehan, I did want to talk about your amendment a little bit too because I was on the school board when the state passed the increase in the teachers retirement and that automatically passed down to the local school district. That was an increase in the property tax that me, as a school board member, had no say in and I remember being very unhappy with my legislators at that point because they took absolutely no input from the local boards, but yet it impacted the way we spend our money. So, we as legislators need to be ever mindful about the things we're doing and the ripple affect that we have. So with that, Senator Stinner, would you yield to some questions please? [LB327]

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

SENATOR STINNER: Yes, I will. [LB327]

SENATOR HUGHES: Senator Stinner, looking back on the budget book, page 53, you talk about the agencies that have taken base reductions. [LB327]

SENATOR STINNER: This is base reductions in their operations. [LB327]

SENATOR HUGHES: Okay. Going down through that list, there's a list of 93 base operations there. Can you tell me which ones of those are not directly part of state government? [LB327]

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SENATOR STINNER: Directly part...you mean as a code agency? [LB327]

SENATOR HUGHES: Well, the Legislative Council, the Supreme Court, the Governor, the Lieutenant Governor, Secretary of State, State Auditor. They are all part of the government that we have. We get down to number 13, of education, what...is that the Department of Education? [LB327]

SENATOR STINNER: That is the Department of Education, yes. [LB327]

SENATOR HUGHES: Okay. Then pardons and parole, revenue, agriculture, labor, HHS, Veterans Affairs, down to number 33, Game and Parks. They have a separate revenue stream. Would that be...set them apart from everybody above? [LB327]

SENATOR STINNER: They have...they actually, 18 percent of their budget is funded by General Funds. This would be the General Fund portion of it, and the rest of it... [LB327]

SENATOR HUGHES: Does anybody else above there have ability to raise funds to operate their division other than tax dollars? [LB327]

SENATOR STINNER: I'm sure if we kind of went down through each one of them and looked them up, there are ones that have cash funds along with General Funds. Those cash funds generally have a revenue stream which helps them. [LB327]

SENATOR HUGHES: Okay. Thank you. Senator Stinner. They would probably be rather minute in their cash funds as the total of their budget outside of Game and Parks? [LB327]

SENATOR STINNER: You know, not necessarily. There's some of them that have very robust funds and some of it... [LB327]

SENATOR HUGHES: Okay. Thank you, Senator Stinner. I guess the point I'm trying to make, you keep talking about this page 53 and the amount of money that has been cut. Those are basically all government agencies and that's what we fend except there's a couple in there. University of Nebraska, \$10 million, \$3 million. They have a significant revenue stream... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

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SENATOR HUGHES: ...outside of state government. In visiting with a member of a former administration, several years back, they told me we have the perfect opportunity to streamline state government. Why aren't you making cuts? Why aren't you forcing people to prioritize what they're doing for state government? They can't understand. We have a significant budget shortfall. Our largest industry in the state of Nebraska is on its knees, and it's not coming back any time soon, and we're not making cuts. We're raiding every cash fund we can find to backfill, to keep everybody whole. So in two years, we're going to come back and have a even bigger hole to dig out of then. I just don't understand that. We need to be making significant cuts and allowing our administrators to prioritize and focus... [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR HUGHES: ...on the things that need to be done. Thank you, Mr. President. [LB327]

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

SENATOR KRIST: Thank you, Mr. President. Good afternoon, colleagues and Nebraska. Wondered if Senator Schumacher would yield to a question. [LB327]

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

SENATOR SCHUMACHER: Yes, I will. [LB327]

SENATOR KRIST: Your amendment targets the elimination of Title X dollars to the health organizations within the state. Is that correct? [LB327]

SENATOR SCHUMACHER: What it does, the language in the...it restores the existing language from other years to the budget rather...and takes out this addition that appeared in this year's budget that was never in a budget before. And this addition sets up a priority scheme and lists off things where the Title X money should go to, and the result of prioritizing other things other than these clinics is that these clinics are left out and a bunch of people are left without service. [LB327]

SENATOR KRIST: Okay. Wondered if Senator Clements would enjoy a question or two. [LB327]

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

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SENATOR KRIST: Senator Clements. [LB327]

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

SENATOR CLEMENTS: Yes. [LB327]

SENATOR KRIST: Senator Clements, we've already heard from other members of the Appropriations Committee that you were the person that brought this into the committee. Is that true? [LB327]

SENATOR CLEMENTS: I did not write the language. [LB327]

SENATOR KRIST: Were you the person that brought it into the Appropriations Committee? [LB327]

SENATOR CLEMENTS: Um, brought it in. [LB327]

SENATOR KRIST: Yes or no? You either brought it to the committee as an action item or you did not. [LB327]

SENATOR CLEMENTS: No. [LB327]

SENATOR KRIST: You did not bring it to the committee? [LB327]

SENATOR CLEMENTS: No, it was already in the language in the bill introduced by the Governor. And it was available prior to a public hearing. [LB327]

SENATOR KRIST: So you did not bring the language to Appropriations that we see here that eliminates Title X? [LB327]

SENATOR CLEMENTS: That's correct. I did not. I did not add this language. It was already in the bill. [LB327]

SENATOR KRIST: I'll have to take you at your word. Did you have a committee hearing with the public on this particular language? [LB327]

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SENATOR CLEMENTS: This was brought up by the Fiscal agent that this additional language had been noticed in the bill and needed to be voted on and I made the motion to move to affirm the language. [LB327]

SENATOR KRIST: So you had no public hearing on this policy change in the budget? [LB327]

SENATOR CLEMENTS: It was during the Appropriation Committee hearing and I don't remember if it was a public hearing or not. [LB327]

SENATOR KRIST: Okay. In fact...thank you, Senator Clements. I appreciate your time. It was not...there was no public hearing on this particular item. There was no notification on this being heard in any committee, standing or otherwise, and particularly in the Appropriations Committee. I'll continue on the mike at a different time, but Lieutenant Governor is well-aware of this issue. He brought this to the Legislature in 2006. It had a public hearing. It died miserably. It was tagged as a pro-life issue, and it failed. We heard this again when I was in the Health and Human Services Committee in the 2011-12 session. And once again, it had a public hearing and it died miserably, and it died miserably because those of you who have those health organizations across the state will lose your funding. You will lose your funding. In Title X, it is already required that no money from federal money in Title X will go to abortions. So this is... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR KRIST: ...money that goes into your health clinics across the state that helps with STD testing, Pap smears, you name it. Preventative medicine, I guess. So rather than having a public hearing again and failing again, miserably, we stuck it in a budget bill, we stuck it in Appropriations bill. Folks, I'm sorry. I've only been here for eight years, but in my entire time here in the Legislature, I have never seen policy driven, first of all, without a public hearing and secondly, as part of a budget bill, an Appropriations bill. I will heartily support AM1198 and I hope we have a little bit of a robust discussion on how it can fail and fail and fail, and we can excuse the fact that it's in a budget bill without a public hearing. In Senator Brasch's terms, the other house did not get to weigh in on this. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

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

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PRESIDENT FOLEY: Thank you, Senator Krist. Senator Pansing Brooks, you're recognized. [LB327]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. Again, my friends, we're talking about women's healthcare. You want to take this down? This is important. It's a policy issue that did not get to be discussed. I'm sure that Senator Clements is just fine that the second house didn't get to weigh in on this, but I'm not. Statewide, 27,954 people are served across our state, 89 percent of those are women, 11 percent are men. Do you want to go back and talk to your 89 percent about the centers that are going to have to close? This is based on federal poverty levels. Senator Quick has a health center this would affect in Grand Island. Senator Lowe has one in Kearney that this would affect. Senator Ebke in Crete, and Senator Groene in North Platte. And you need to be prepared to say why it is that poor women can't go get their Pap smears and they have to travel farther. Lincoln would then have to either travel to Crete if they could handle the 5,000 people, or up to Omaha, and these are poor people so they'll have to take off from work and then go up and have their tests, their Pap smears, their contraception. Goodness knows we are in 2017. I hope we aren't arguing contraception right now. So, 100 percent of the federal poverty level makes...and below, those women get to have free coverage. There are 15,510 users who use it free because they're so poor that they can get Title X funding to pay for their ability to get Pap smears and STD testing. And of those 27,944, 16,445 have no insurance either private or public. They are not on Medicaid. You all will be relieved to know, we don't have to pay for them. So, but these people are very poor people. They have healthcare issues. We have federal dollars that will pay for it, but this is a policy issue that you're willing to just sweep into the budget without discussion. This doesn't make any sense. If this passes, Lincoln will have over 5,000 users who are without service. I'd like to ask a question again of Senator Stinner. [LB327]

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

SENATOR STINNER: Yes, I will. [LB327]

SENATOR PANSING BROOKS: Thank you, Senator Stinner, and thank you for your questions before. I didn't get to thank you for answering them. Again, on the "up to" language, what standard do we use to determine when it's appropriate for the Legislature to give away appropriation authority? What kind of standard? If we say up to a certain amount of money,...well, sorry, if we say up to a certain amount of money, what is the standard that we use? [LB327]

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SENATOR STINNER: Well, it would then be up to a person that is in charge to decide if they had funding or not funding. And if they had, for an example, it's up to \$100,000 and they only had \$50,000, that's all they would appropriate or use in that particular area. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR STINNER: I think school lunches would be a primary example. It's up to... [LB327]

SENATOR PANSING BROOKS: Thank you. So what I want to know is, we could say up to on every appropriation and just let the Governor decide. [LB327]

SENATOR STINNER: Well, that would be interesting way to do it. That's not the way we do it. [LB327]

SENATOR PANSING BROOKS: That's one way to deal with our appropriations is just to say, oh, we're going to give up to this amount and the fact that we're doing it on women's healthcare, that upsets me as you can tell. I feel very strongly about the fact that women's healthcare is under attack in Nebraska. Pap smears, contraceptions, STD testing. And we're talking Title X federal dollars, my friends. So again, if this issue had its hearing and it came out of committee, okay, I'll deal with it and we'll argue it there. But for this to just come forward and have everybody surprised, to me it blows up an otherwise really positive budget. Thank you. [LB327]

PRESIDENT FOLEY: Time, Senator. Thank you, Senator Pansing Brooks. Items for the record. Mr. Clerk. [LB327]

CLERK: Thank you, Mr. President. Enrollment and Review reports LB223, LB253, LB259 and LB300 as correctly engrossed. Communication of the Clerk from the Governor, engrossed LB195 and LB506 were received in my office on April 24. These bills were signed and delivered to the Secretary of State on April 26. Mr. President, returning to LB327, Senator Chambers would move to recommit the bill to committee. (Legislative Journal page 1232.) [LB327 LB223 LB253 LB259 LB300 LB195 LB506]

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

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, we have about a score of days left in this session and they may as well be spent on the budget bill. In 2006, Senator Foley was a Senator. He brought a proposition and when he presented it, he didn't

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mention Planned Parenthood or any of those kind of things. Then he was interviewed by a reporter and the reporter drew it out of him of how much he did not like Planned Parenthood. There was one of their clinics in his district. He wanted them out of his district, out of the state, and then he started talking about when he came back to the Legislature, how he wasn't hiding anything when we debated it on the floor, but he mentioned to the reporter all these organizations he spoke to that were pro-life and how he's against abortion, but he didn't say anything like that on the floor. One of the senators got up and thought that this particular proposition had become a spat between two men over the issue of abortion and I pointed out that's not what it is at all. It has to do with straightforwardness, honesty and trust and I mentioned...and you all can get the transcript how I questioned Senator Foley and on and on, and pointed out that because Senator Foley said you don't have to read the newspaper, the Lincoln Journal or the World-Herald to find out he's pro-life. I said but you have to read the World-Herald to find out what his motivation was in offering this proposition because he did not say it on the floor. The Bible has a statement which was meant to be a slur against black people. Can the leopard change his spots or the Ethiopian his skin? Can a politician change his lack of integrity? He could, if he would. But that's not what's happening here. Unfortunately, the Constitution gives the Lieutenant Governor something to do, which is to preside over the Legislature. You all know how much of the time he's not here. Now, I'm going to say what I heard because I don't see...oh, I'd like to ask the Speaker a question. [LB327]

PRESIDENT FOLEY: Speaker Scheer, would you yield, please? [LB327]

SPEAKER SCHEER: Yes, I will. [LB327]

SENATOR CHAMBERS: Senator Scheer, did you know that Senator Foley was going to...Lieutenant Governor Foley was going to preside while we're discussing this proposition of his? [LB327]

SPEAKER SCHEER: Yes, I did. [LB327]

SENATOR CHAMBERS: You could have presided, couldn't you? [LB327]

SPEAKER SCHEER: No, constitutionally that is the Lieutenant Governor's position. [LB327]

SENATOR CHAMBERS: Well, you've presided in other instances. Did you discuss this with Lieutenant Governor Foley? [LB327]

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SPEAKER SCHEER: Lieutenant Governor and I had a discussion in regards to how much time I or someone else might be in the Speaker's chair or the President's chair and Senator Foley informed me that he was available all day and that he would be doing that. [LB327]

SENATOR CHAMBERS: In other words, he was going to make sure that he's here when we discussed this proposal. Was this issue specifically, because I want the record clear, was this issue discussed by you and Mr. Foley? [LB327]

SPEAKER SCHEER: It was one of many that we discussed. [LB327]

SENATOR CHAMBERS: So he knew what we were discussing and he insisted that it was his constitutional duty to preside. And if I'm misstating it, correct me. Is that what happened? [LB327]

SPEAKER SCHEER: Well, we discussed this and other amendments that are on LB327 as well, yes. [LB327]

SENATOR CHAMBERS: Now, I'm going to ask you a question which you may choose not to answer. Was it your perception that this particular...this specific matter factored into his insistence that he preside today? [LB327]

SPEAKER SCHEER: Senator, I can't honestly say that this one was the major one or there was other events, or if it just that he had the day off and was wanting to sit in the President's chair. [LB327]

SENATOR CHAMBERS: Thank you. He had the day off, so he wants to be here. Just coincidentally, I served with that man. And I've listened to him and I've watched him. And I know how he handled this matter when he was a member of the Legislature. You all don't need to look around and be embarrassed, he's a grown man and he did it, and the transcript will bear it out. This is our Legislature, not the Governor's plaything or the Lieutenant Governor when he's got nothing else to do. And just by coincidence, is one of these issues that he's brought time and again and the Governor used the man that the Governor appointed in Senator Kintner's place. There were many people who expressed an interest in being appointed to that seat and the man that the Governor appointed had not expressed such an interest. I've been contacted by people in District 2. They want to meet with me. And they've been very appreciative of how I got rid of that cancer that was supposed to be representing them, but they were offended that he stayed there so that there was no opportunity for anybody else to have an opportunity to run, but that the governor would make an appointment. And that's why I'm suspicious of what Senator Murante

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was doing with his amendment when it comes to a seat becoming vacant. In politics, you'd better be suspicious. Trust, as Mr. Reagan said, but verify. I don't trust what's happening here. I don't trust the integrity of the Lieutenant Governor, if he has any now, or if he had any then, or if he ever had it. He put himself in this legislative proceeding as the Catholic Church has done and when the Catholic Church sticks its nose over here, it will get mashed by me like any other lobbying activity. And when somebody is going to participate however indirectly on the floor in our activities, that person has it coming to, but now I'm trying to give us a chance to cleanse, to cleanse our process. We have plenty of time to recommit this bill, and let the committee have a hearing on this proposal. I talked to some of the committee members. They were not made aware of when it was brought to them of what is entailed here. Some had not gone through the shenanigans and underhanded, backhanded mess that went on when Senator Foley was a Senator. This bill ought to be returned to committee on the basis of maintaining or reestablishing the integrity of our legislative process. The Governor can send him over here anytime he wants to. The Constitution made that possible and there ought to be probably an amendment to the Constitution to keep the executive branch out of the legislative branch and we as the Legislature determine who is going to preside. But too many times the state constitutions follow what was done in the U.S. Constitution which in turn followed a lot of what was done in England in the parliamentary proceedings. This shows what a corrupting, distorting influence that practice can be. You all won't talk about it. I'm not going to get angry at you if you think I'm not telling the truth and you say, Senator Chambers, you lied. That's what a white man said when the first black President was giving a speech to the joint session of Congress. Some white guy hollered, you lied. Now Donald Trump had lied and he continues to lie. Suppose a black member of the congressional black caucus had stood up when Trump was lying and said, you lie. What do you think would have happened then? Would there have been outrage all over the country? In the white part of the country there would have been. As black men, we watch and we know what goes on but this now, it transcends what I sometimes deal with. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: This is your Legislature. This is the integrity of your process. And unless the members of the Appropriations Committee were lying, they were not aware of the ramifications or the significance or what was really behind this proposal that was slithered in among them. And the one who did the slithering didn't have the decency, the honesty, or integrity to make plain what they were doing. And maybe the water carrier didn't know, but the ones who dispatched him knew precisely what it was because it's the same thing that has come here before. Thank you, Mr. President. [LB327]

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

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SENATOR HANSEN: Thank you, Mr. President, and good afternoon, colleagues. Colleagues, I rise today in support of Senator Schumacher's amendment and actually in opposition to the recommit motion by Mr. Chambers. I do think we have the opportunity to discuss the budget here on the floor and move forward with that. That being said, why do I support AM1198, and for me it's quite simple. One of the biggest issues...in fact, I dare say the biggest issue that consistently comes up in my district is healthcare of some fashion. Access to healthcare, family issues, aging issues, children, all sorts of things. If I could bundle that to a category, access to healthcare is by clear the thing that gets my constituents attention and they bring to my attention. In here we have through changing the funding mechanism or funding priorities an opportunity to frankly lose Title X services in the city of Lincoln. It looks like we're going to close down centers if we adopted the language as is in the budget currently or the budget...AM590 currently. We're going to lose two centers in Lincoln, a center in Beatrice, Crete, Tecumseh, Grand Island, Kearney, North Platte and Omaha. With that being, at least in my instance, I believe a total loss of all of the Lincoln providers. Having known and spoken with a lot of women who rely upon these services for both practical and financial reasons, I don't see why we would take any effort or take any action to harm these. And as far as I understand, this isn't even necessarily a budget-saving measure. We're not going to be pocketing some change. This isn't part of the haircut that we asked all state programs and state agencies to have. This is just a shift and we're saying we just don't want to fund certain ones. That's the thing I think...I agree with what has been said regardless of how it's proposed or how it came. I think it's a bigger policy decision than we as a Legislature should be making via little provisions of the budget. If we have different funding priorities for women's health in terms of which private contractors we want to allow grant funding to go to, that should be something that should be probably worthy of its own hearing. With that, I would yield the rest of my time to Senator Schumacher since I'm discussing his amendment. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Schumacher, 2:50. [LB327]

SENATOR SCHUMACHER: Thank you, Mr. President. Thank you, Senator Hansen. A couple of things of just plain common sense. What we're talking about here is cutting off medical services, contraceptive services to women who are in less than good income categories. And we're talking about doing it in ways that affect some of our communities all across the state. Imagine how hard when one of these centers shut down, they're, I would guess...they would close out on their lease, the people who work there would go someplace else, and the people who get their services may have to end up driving long distances to find another one, or simply doing without those services. And I think we can pretty much figure out what the consequences of that will probably be. And then suppose we realize our mistake, or suppose the federal government says, nah, nah, nah, nah, nah, you didn't read Title X close enough because right now there's some court cases going on that are reading Title X close enough in which Title X requires that women across the service area have access. And if you have to drive 150 miles to the next place

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to get service, do they have access? So suppose we either want to or a federal court orders us to resume these services, how difficult it will be if we want to keep Title X money for us to reopen those clinics that we forced to close. These are decisions that should have been in a hearing, should have been adequately considered and focused upon. To the extent we allow them to be... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR SCHUMACHER: ...slid through in rather innocuous looking language in a budget and that become the way that you decide you're going to do business in the future, how many other things are going to get slid through? Will slickness be the method of the day? We pretty much have got to keep the process clean and focused, and we should keep the process smart because these type of programs of education permitting people to have kids when they're ready financially and emotionally to do it, are the things that make for a smart society and saves us welfare money and a lot of other things. There are literally millions of dollars in savings at stake right here and Title X money doesn't affect our budget one way or the other, it's federal money. This doesn't...this isn't even a budget item for all practical purposes. We could cut this out completely or if the federal government gives us some money. double it. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR SCHUMACHER: It wouldn't make any difference. Thank you. [LB327]

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

SENATOR MORFELD: Thank you, Mr. President. Would Senator Chambers yield to a question? [LB327]

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

SENATOR CHAMBERS: Yes. [LB327]

SENATOR MORFELD: Thank you, Senator Chambers. Do you intend to take your recommit motion to a vote? [LB327]

SENATOR CHAMBERS: No, I was about to burst and I had to find a way to jump in front of the line. [LB327]

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SENATOR MORFELD: Thank you, Senator Chambers. Colleagues, I rise in support of AM1198 for a lot of the reasons that were noted by Senator Schumacher and others. Regardless of where you fall in family planning and contraception, some of the other things and services that Title X funding provides, I think it's important to keep in mind the process. For language that has substantive impact on certain services, like this, should be a standalone bill, it should have a public hearing, the public should have the ability to comment on that, and it should not be slipped into a budget bill. It's important to follow this process because it's important that the second house that we talk a lot about, have the opportunity on both sides of the issue, to weigh in and have the ability to talk about the impact one way or another on the substantive issues that we debate, and that we introduce in terms of language into law. So regardless of where you fall in family planning or Title X services, I ask that you vote in support of Senator Schumacher's amendment to preserve the process and if you feel as though this language should become law, please introduce a bill next year. Let's have a discussion about it. Let's talk about it. I would also be remiss not to note that a lot of my constituents, who are students, about half of my constituency, uses a lot of Title X funds. Because as students, they're often low income in many cases, and not just students but also constituents of mine. And these types of services are incredibly important to them and their families to keeping them out of poverty so that we have less pressure and less need for some of the government programs and resources, many of the government programs and resources that my own mother and my own family used. So, colleagues, I just ask that we all take a step back for a moment and realize that we have a process for bills that deal with substantive policy beyond the budget and this is one of those things. We should adopt AM1198 and if this is language that you would like to see in the law, and if this is the public policy of the state that you would like to see, we should have a public hearing on it, it should be a standalone bill, and we can move forward as a body and debate substantive appropriation matters and not things that were slipped in without any discussion and without...apparently very little knowledge of the committee chair and many of the committee members. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thanks, Senator Morfeld. (Visitors introduced.) Continuing debate, Senator Crawford. [LB327]

SENATOR CRAWFORD: Thank you, Mr. Lieutenant Governor, and good afternoon, colleagues. Colleagues, if you have your computer open or if you have a copy of the bill in front of you, I would encourage you to turn to page 55, 55 of AM590, because this is the language that AM1198 strikes. And so I will...I just want to clarify I am in support of AM1198. And colleagues, if you turn to page 55 of AM590, the language that is getting stricken is the language on lines 7 through 13. And I think it's...it's not only problematic, as we have noted before that this is a policy change that should have had a hearing and comment, but I think just the language itself is very sneakily written to perhaps disguise the intent of the language. And that itself, I think, is poor policy crafting and important reason to pull the language from the budget bill and

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make sure if we're going to make this policy choice, we again have a clear hearing on it and we draft it carefully to make sure everyone knows what the policy choice is that we are making. So the language that we are striking says to the extent permissible under applicable federal regulations, the Department of Health and Human Services shall prioritize the disbursement of all funds associated with the federal Title X program to the following entities: Federally qualified health centers as defined and has the reference; community health centers; hospitals as defined and has the section reference; tribal government entities; and state and local government entities. Colleagues, that language about prioritizing sounds very innocuous as Senator Stinner noted. Well, we should have priorities. But notice it is more than that. Says it shall prioritize the disbursement of all funds. So what it is doing it is saying those entities that are listed get all of the funds. What is not discussed, what is not disclosed in this language is who does...who gets the funds now that no longer gets the funds and those are our standalone health clinics. So, that real intent of the language is to remove funding from the standalone clinics that currently receive the Title X funding. That's the real intent, but it is written to disguise that intent by using innocuous language like prioritize, and listing entities that we all like. Who doesn't like federal health clinics? You know, who doesn't like hospitals? And so it is, I believe, not well crafted and again hides the real intent, which is to remove Title X funding from these standalone clinics that we have in multiple parts of our state. And also I just want to clarify in the language right above that, we've already talked about the fact that Title X cannot cover abortion, but already in our language we have it that it cannot be used also to counsel or refer for abortion. So it's very clear, we've been very clear about the fact that that's not what we're doing with Title X funding. What are we doing with Title X funding? Natural family planning methods, contraception methods, breast and cervical cancer screenings and preventive services, STD and HIV prevention education, adolescent abstinence counseling, anemia and high blood pressure screening, and other health services. So these are what we are doing with Title X. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CRAWFORD: Thank you, Mr. Lieutenant Governor. And what we are doing with this language in the budget is, again, we're not saving any money, we're simply saying...we're simply taking money away from our community standalone clinics across the state, including our rural communities who have been providing these essential health services, and saying we're not going to allow them to do that anymore. Whether or not our other entities can make up this, I don't know, but why take it away from these entities in our communities that have been providing these services effectively because these are really critical health services that are needed in our state. Thank you, Mr. Lieutenant Governor. [LB327]

PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Vargas. I do not see Senator Vargas. Senator McCollister. [LB327]

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SENATOR McCOLLISTER: Thank you, Mr. Lieutenant Governor. Good afternoon, colleagues. Would Senator Schumacher yield to a few questions. [LB327]

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

SENATOR SCHUMACHER: Yes, I will. [LB327]

SENATOR McCOLLISTER: Does a Title X state program utilize any state money that you know of? [LB327]

SENATOR SCHUMACHER: Not this particular one. Now, this is federal. Title X is federal. [LB327]

SENATOR McCOLLISTER: There are no administrative fees like a SNAP would incur? Is that correct? [LB327]

SENATOR SCHUMACHER: Not that I know of. [LB327]

SENATOR McCOLLISTER: Okay. Is it safe to assume that if conceptive services aren't provided that a number of unwanted pregnancies will occur? [LB327]

SENATOR SCHUMACHER: Well, I would say that being a real safe guess. [LB327]

SENATOR McCOLLISTER: Okay. Can you tell me how the grantees are chosen among those clinics that apply for funding? [LB327]

SENATOR SCHUMACHER: As I understand it, and my education isn't terribly deep in this, but the federal X, Title X program takes applications every 2 or 3 years from an agency or agencies in the state to be its administrator. In Nebraska that turns out to be the Department of Health and Human Services. The Department of Health and Human Services then gets the money and, of course, it has a difficult time doing anything, so it subcontracts with entities across the state to do particular functions. The main function of which is to extend these services on a fair and equitable and accessible basis to the qualified population which is essentially poor women, although as Senator Pansing Brooks pointed out, there's about 11 percent of the clientele are males. [LB327]

SENATOR McCOLLISTER: Yes, sir. How long is the contract period? [LB327]

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SENATOR SCHUMACHER: I think the contract period with the feds and DHHS is like every 3 years and it may even be coming up this year for renewal. Other people, other entities besides DHHS, can apply to be the administrator and so there may even be competition. If DHHS can't do its job and meet the accessibility criteria, it may well lose the ability to be the contractor if there's a competing entity. [LB327]

SENATOR McCOLLISTER: Thank you, Senator. Would Senator Pansing Brooks yield to a question? [LB327]

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

SENATOR PANSING BROOKS: Yes, please. Thank you. [LB327]

SENATOR McCOLLISTER: Senator, can you tell us the kinds of services that a clinic would provide under Title X? [LB327]

SENATOR PANSING BROOKS: Yeah, I would be happy to. Thank you, Senator McCollister. It includes natural family planning methods, infertility services, services for adolescents, highly effective contraceptive practices, breast and cervical screening and prevention services, with nationally recognized standards of care, STD and HIV prevention, counseling and education, adolescent abstinence counseling, anemia and high blood pressure screening and other healthcare services. This is sometimes the only healthcare that some of these women get. [LB327]

SENATOR McCOLLISTER: Thank you, Senator. How many of these clinics would lose funding entirely? [LB327]

SENATOR PANSING BROOKS: With the...and you know, I have just heard from some people that are saying, oh, well, by not listing these standalone clinics, that's...we're just prioritizing the others. That doesn't mean that those others that aren't listed won't get any money. But that's not true under the language as Senator Crawford stated. So, there will be up to just on those four entities alone that are mentioned, that we've mentioned before, about 14,500 people in the state, at least. [LB327]

SENATOR McCOLLISTER: Thank you, Senator. I yield the balance of my time to Senator Schumacher. [LB327]

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PRESIDENT FOLEY: Thank you, Senator McCollister. Senator Schumacher, one minute and a few seconds. [LB327]

SENATOR SCHUMACHER: Thank you, Senator McCollister. Thank you, Mr. President. This is a very simple procedural question. Is this the right way to make this policy change? I think we have gotten a flavor already that the policy change affects lots and lots of Nebraskans. Those people should have a chance to show up at a hearing and tell their story. Because as all of you who have now sat at hearings know, that we can spout off and hear all we want but until we hear the flesh and blood talk, and explain how they need the services, particularly services that end up saving the state a big chunk of money, we don't have the necessary perspective and we can't make a good judgment. This should not have been tried this way. There's no rush in doing this. This particular amendment simply says, time out, let's stay where we're at right now, let's study this detail. I would guess it would go to Health and Human Services. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR SCHUMACHER: Thank you. [LB327]

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

SENATOR HILGERS: Thank you, Mr. President. Good afternoon, colleagues. I rise in opposition to AM1198 and I've been listening very closely to the conversation that we have been having here this afternoon. I just wanted to make a couple of points. The first point, as I have heard it at least, is a suggestion to my mind that this was a new material put through an amendment in the committee process and was not subject to a public hearing. And so I take that sort of criticism very seriously and I looked at the green copy of the bill, the one that was introduced in January of LB327 and I looked to see whether or not the language that we're discussing here that would be struck in...would be struck, I'm sorry, by AM1198, was actually in the green copy. And indeed, colleagues, it is on page 49 and 50 of the green copy is what appears to be a word-for-word replication of the amendment we're discussing today. So, while it may be true, and I take no position on this, that this should have gone to a different committee, HHS or the like, it is not true in my mind that there was not public notice of this particular piece of LB327. I don't think it was a surprise. There were committee hearings on this legislation. There was an opportunity for the public to be heard and there was public notice of this material. So first and foremost, I do not think that that particular criticism is accurate. The second argument, the second point I would like to make, is to comment on what I think is some conclusions that are being drawn that do not match in my view the language in LB327. And in particular, the conclusions that are being drawn are as Senator Pansing Brooks and others have said, what will happen will be we will lose services, people will lose the funding and Nebraskans, Nebraska

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women will lose access to these services. Again, that's a powerful charge and it's an important one for to us to consider very seriously. And if you look at the language, however, what's clear of the language that's in this amendment is that it does not say what I believe the proponents of AM1198 says it says. The money is earmarked for these services. So the services that Senators Pansing Brooks and others have listed as the money is dedicated for those purposes. Now the question is, who are the providers? Now my read of that language does not say, and I understand Senator Crawford's criticism of the language, but when we want to do something as a Legislature, when we want to prohibit people from having funds or doing certain things, we know exactly how to make that happen. We put it explicitly in the bill and what this has, this language does not say that. It does not say money cannot go to these particular individuals. It doesn't even say money has to and only can go to the ones that are listed here, the federally qualified health centers and others. It doesn't say either of those two things. What it says is instead is, we want to prioritize these types of facilities first. Now as Senator Schumacher has pointed out, and I agree with him, Title X funds are federal funds subject to federal restrictions. We have to...one of those restrictions is that we have to provide access and in LB327 explicitly in the preparatory sentence it says subject to federal regulations. In other words, otherwise permitted by federal law, otherwise permitted by. We are in a box. We cannot do anything that we want to do. And to the extent federal law requires us to provide access to these services we must do that first and foremost. It's nonnegotiable or we don't get the funds. So within that rubric, once you assume as I do, that you must provide the access, within that we have said, well, we would like to prioritize these. And I think there's a good case why we would want to prioritize some of these centers, including hospitals, federally qualified health centers. They have a broader range of services that could be provided. I don't think that's unreasonable at all. And if you start from the premise that access has to be guaranteed under the Title X funds... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR HILGERS: ...and then it flows naturally that we can help prioritize within that rubric. So I do not think that the implication, the conclusion that this bill will result in a loss of these services, I do not agree with that conclusion. Instead, I think it's a natural prioritization of services while still ensuring that individuals have access to those services. So with that, Mr. President, I would oppose AM1198. Thank you. [LB327]

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

SENATOR WAYNE: Thank you, Mr. President. Well, we're starting to have a good discussion about budget and how the budgeting process works and I'm in a different...first, I do support Schumacher's AM1198. I do think it's a policy change. My issue is not so much with that because throughout this entire book, when you read the budget book, they are making policy

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changes. That is part of the budgeting progress. I don't like it. I don't agree with it. But there are budgeting decisions being made that affect policy outcomes. And the reason I got on to rise today to talk a little bit was, I'm just frustrated with the entire budget but there's one particular part that just is bothering me because I deal with it every day in my regular life. If you turn to page 2 of the budget, or not page 2, page 9, the most significant increase in the budget post hearing was \$11.5 million per year for child welfare for the Nebraska Family Collaborative Contract. Now if you recall, at the beginning of the year, we gave them an additional \$7 million and I rose at that time and said I'm against it, but I'll go along with it because it's a contract. But when we come back to the budget I want to talk more about it because I don't think they necessarily need additional money or least have a game plan on how they're going to meet the measurement to which they're failing at on different occasions, if you look at some of the measurements and I can get you all that. But then when you turn to page 41 of our budget book, you see that child welfare we increased it by 11.5 to NFC. NFC is a private contract that does a lot of case management out of homes, foster care, placement, and those kind of things in Douglas and Sarpy County and this is the area that I'm very familiar with. But you notice they also reduce contracts to relative kinship, foster care. They're going to shift that to HHS which I understand they don't have quite a detailed plan, and Right Turn, post-adoption contract. These things affect the community that I represent, not just as an attorney but as an elected official. And those are policy changes because we as a body said that we want to keep families together. We as a body over the last ten years said we want to do things to fix our juvenile justice system. But we're not doing that here in this budget. And the reason we have these issues is we're afraid to have conversations, what I've already seen in this body in my first year here. We have a tax form that says you have to pay Internet tax and somehow that's labeled as a tax increase if we're requiring you to do it. And we're scared to have a conversation about what sales tax might need to go up to perform the services that we as a body are saying is important to us. When Senator Stinner opened on his budget, he talked about his priorities and the committee's priorities. I don't remember this body having a strategic planning session the first ten days to lay out what our priorities are. Every decision they make is a policy decision that affects us. And the committee members on that committee have to go through everything with a fine-toothed comb and make sure they talk to people outside of the body or we wouldn't be here today with this amendment. This could have been handled months ago. I'm not faulting anybody. We're getting a lot of things thrown at us. But what we need to start doing is having a conversation. How you during a budget crisis send out a RFP and come back with a higher negotiated contract for services you're not performing well right now, to a tune of \$11 million after our hearing. Talk about what's not fair when it comes to child welfare, where was the hearing on that additional \$11 million dollars that we've got to cut out of this area. We didn't have a hearing on that. We didn't have people lined up to talk about the NFC contract. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

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SENATOR WAYNE: Every day we're making budget decisions that are policy decisions. So my issue with the entire budget is that particular section as Senator Stinner knows that and many people on Appropriations and I understand it's a contract that we have to live up to, but I'm not here to talk about whether we made the right decision or policy decision on everything. Yes, this was snuck in. Yes, we have to take it out. But when are we going to have a conversation about university spending? When are we going to having a conversation about education? There is a cap on education this year. We only increased it by this much. Did we as a body make that decision? I don't remember making that decision. But that's in this book. So it's time to have a conversation about appropriations, it's time to have a conversation about reading through the budget, seeing what we can live with and what we can't, and have a conversation. That's how this process works. And I'm looking forward to continuing to work with the Appropriations Committee, but at some point, we, as a body, whether it's K-3 reading, whether it's budget, we have to have tough conversations about how we're going to move this state forward... [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR WAYNE: ...and it starts today. Thank you, Mr. President. [LB327]

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

SENATOR GEIST: Yes, Mr. President, thank you. I just...I stand in opposition to the MO108. And also in opposition to the amendment. And the reason I just want to address one portion of this. And that is that this will be shutting down clinics all over the state. And I'll just read...I know it's boring to hear me read but it's only short so I think you can endure it. The...this is a portion of the 33-page application that these clinics have to make to the state of Nebraska to get their funding, just to apply for funding. Filling out this application does not mean you get funding because there is a whole list of things that you have to comply with to receive funding for Title X money. And here is...just listen to this. These funds are intended to supplement existing family planning services including clinical family planning and related preventive health services. Information, education, and counseling related to family planning and referral services as indicated. And...and this is underlined in the application, cannot be the sole funding source for family planning services within a project. So, it states here that this is a supplemental form of funding for these clinics. A supplemental funding for family services for these clinics. Not the sole funding and because of that, it shows we are not with this language closing clinics down. Year over year over year, clinics have to apply for this funding. So, I just wanted that to be clear for those of us in the body and for those of us...those who may be listening, that that is not the intention of this language. And it's most likely not the result of this language. Thank you, Mr. President. [LB327]

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PRESIDENT FOLEY: Thanks, Senator Geist. Senator Howard. [LB327]

SENATOR HOWARD: Thank you, Mr. President. I wasn't expecting to go next but it's actually probably really good that I get to go next because I think I'm the only person in this body who has actually written a Title X grant and then reported on a Title X grant. So when I was first elected to the Legislature I used to work as the director of development for a federally qualified health center in south Omaha, and so I wrote our Title X grant in 2014 and we received Title X funding. And what's interesting about Title X funding is you do re-up every three years and you provide...at the time we were providing a report every other month. And the Title X funding doesn't come to you as a lump sum. It actually has to follow the patients that you're seeing. And so in your report you show how many Paps you've have done, how many Chlamydia screenings, how many STD checks you have done, breast and ovarian cancer screenings, that sort of thing. And so my concern with this language, and when we're talking about the possibility of closing down clinics, when we're talking about the possibility of diverting these funds away from clinics that are currently providing the service, we're...maybe it's a little hyperbole. What we're talking about is an issue that the federal government requires for most healthcare services which is a maintenance of effort. So we have to maintain our current effort levels and access levels for women who are receiving this service. If we allow our Department of Health and Human Services to realign or narrow the access that...to these services, we will not be meeting our maintenance of effort and we will have to return the funds. If we return the funds, then we're guaranteed to not have any access to Title X funds because we won't be able to keep the funds and maintain the programming. I hope that makes sense because Title X is really important. Not only does it do family planning, but it does infertility counseling and it does abstinence education and STD checks and breast and ovarian cancer screenings which are really important. Senator Craighead had had a bill this year just about breast density and ensuring that women understand what's happening after they have had a mammogram. I do have concerns about the process and I think...I worry about the process in the sense that it feels like a surprise, right? You know, I didn't know that there was this very small but impactful provision inside of this budget bill. And it brings me back...and hopefully when Senator Erdman comes back he can maybe commiserate with me, but people will bring these things that my mother said on the floor, which is great, so that I can relive her legacy. But when this was discussed previously, it was originally a bill. I believe it had gone through Health and Human Services Committee. I read all of the floor debate just for fun, and ultimately, when the bill was brought it was portrayed as though we we're trying to improve access, but it certainly did the opposite. It was actually intended to limit access and to limit specific clinics and that was its ultimate intention. And so my mother, just to give you a great example of my childhood, it was not all listening to Garrison Keillor and baking cookies, it was a lot of listening to my mother remind me how important it is that you have integrity and credibility. And so in 2006, she stood on the floor about this bill and she said, the other things I'd like to mention is I certainly thank Senator Don Peterson, he is absolutely right. Integrity, integrity is what counts. Integrity is the core issue. Integrity is what matters. If we can't

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stand on our own integrity, I can't imagine what we would be standing on. If we can't be honest about... [LB327]

PRESIDENT FOLEY: One minute [LB327]

SENATOR HOWARD: ...who we are and what we're pursuing, I don't believe we should be here representing other people. And Senator Schumacher is absolutely right. If you make a mistake, admit it. If you're wrong, say you are. People will respect you for that. Now with that, I would yield my time to Senator Chambers who subsequently thanked my mother and called her "Lady Howard". So with that, you can have my last minute. Thank you. [LB327]

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

SENATOR CHAMBERS: The first thing I want to do is pull my pending motion so it's clear. [LB327]

PRESIDENT FOLEY: Without objection, the motion is withdrawn. [LB327]

SENATOR CHAMBERS: Members of the Legislature, we're going to have to talk about what this is really about. If the administration has prevented rules and regs from being adopted to regulate the Nebraska Psychological Association because the Catholic conference doesn't approve, it's preposterous for sincere people like Senator Hilgers to say... [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR CHAMBERS: ...what is not going to be done under this bill. Thank you, Mr. President. [LB327]

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

SENATOR BOSTELMAN: Thank you, Mr. President. I wonder if Senator Kuehn would yield to a question. [LB327]

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

SENATOR BOSTELMAN: Not here. [LB327]

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PRESIDENT FOLEY: I don't see him. [LB327]

SENATOR BOSTELMAN: Okay. My understanding that from what the Senator Hilgers' and Senator Kuehn's discussion before was, was the language we're talking about is actually in the green copy. So since it was in the green copy, it was actually went through the hearing process and it should have been addressed at that point. Whether it was or was not, here again, I'm just wanting to make sure...clarify for myself what that discussion was with Senator Kuehn. That was my question to him. Where I want to go with this is basically I want to rise in opposition to AM1198. I want to address some of the discussion that has been brought up on the provision of LB327 regarding Title X funding. The Title X provision included in LB327 is a structuring provision which provides clarity to the Department of Health and Human Services with guidelines for fund distributions. Currently there is no clear guidelines or structure for DHHS to use in distributing Title X funding, which can lead to uncertainty and inconsistency in funding. The provision of LB327 would provide that clarity through our prioritization scheme. And as I heard from Senator Howard earlier, that's a grant-writing process. So all the funds and all applications come in to...for the grant process and then this would then give DHHS some guidance as how to...I don't know if score is the right term to use, looking at the grants when they come in. And maybe I ask Senator Howard that question. Would you yield to a question? [LB327]

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

SENATOR HOWARD: Certainly, I'd be happy to. [LB327]

SENATOR BOSTELMAN: Since you've done these before, so when the grants get written, they come into DHHS or whomever they come into, there is a scoring process probably? [LB327]

SENATOR HOWARD: No, actually Title X grants are not scored. They are based on whether or not a clinic is able to provide the service, not the quality of the service. [LB327]

SENATOR BOSTELMAN: Okay. Thank you. So what my understanding is there is then with Title X it identifies what those services are to be provided. And what this does is just provides DHHS the opportunity to use that in distribution of the funding is my understanding. And someone can correct me if I'm wrong. The Title X provisions simply prioritizes funding received under Title X to go to the most broad-based providers without cutting anyone out of eligibility. There are no cuts to healthcare funds as the same amount of money for healthcare will be distributed to providers who can provide the most services to their communities. The Legislature has the full legal authority to reprioritize, if you will, the Title X funding, and I don't know if reprioritizing is the right word, but can and should prioritize such funding to go towards federally qualified and community health centers which provide the most comprehensive

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services to all people across Nebraska. And with that, I would...I do support...do not support AM1198. And thank you, Mr. President. [LB327]

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

SENATOR QUICK: Thank you Mr. President. I rise in support of AM1198. And the reason is, of course the Grand Island, which they also have a facility in Kearney, the Central Health Center had come and visited to me and talked about what was going to happen to them if this goes through. And because they're a stand-alone clinic, they will lose their funds and are really concerned about that because they provide a lot of...provide service to about 4,000 patients in the Grand Island and Kearney area. And I know I talked to some other groups that said well, some other providers can pick up these patients. I'm not sure that that's...they don't provide the same type of service and I'm not sure they can pick that up amount of patients and provide the same service for those -- for those people because of the fact also that they are usually low-income people. And they also...the other thing is that they told me about is the fact that they reduce the number of abortions with the service and the information they provide to all those patients. So, that is why I would support AM1198 and would I give the rest of my time to Senator Patty Pansing Brooks. [LB327]

PRESIDENT FOLEY: Thank you Senator Quick. Senator Pansing Brooks, 3:40. [LB327]

SENATOR PANSING BROOKS: Thank you, Senator Quick and Mr. Lieutenant Governor. Again, I just rise to talk about the fact that we have a policy change that hasn't been able to be discussed in a hearing by the second house. Remember, that is the people of the state of Nebraska who are allowed to come forward and talk about policy issues affecting the state. And Senator Hilgers said well, it doesn't affect any funds. And I'm not sure how he knows that. I'd like to ask a question of Senator Hilgers. [LB327]

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

SENATOR HILGERS: Of course. [LB327]

SENATOR PANSING BROOKS: Thank you, Senator Hilgers. You said there will be no loss. So can you tell me how much money are we going to be appropriating to women? [LB327]

SENATOR HILGERS: Senator Pansing Brooks, I don't have the number in front of me, but it was I think \$600,000 thereabouts? [LB327]

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SENATOR PANSING BROOKS: Are you talking about the \$653,759? [LB327]

SENATOR HILGERS: I believe that sounds correct. [LB327]

SENATOR PANSING BROOKS: So I would agree with that except that it says up that amount of money. So couldn't we theoretically just be appropriating zero dollars if we decided to? [LB327]

SENATOR HILGERS: I think theoretically. And in fact, Senator Pansing Brooks, that was the one change...(inaudible). [LB327]

SENATOR PANSING BROOKS: Not theoretically. It says up to, so actually. [LB327]

SENATOR HILGERS: The power would be there, but I think theoretically that they would exercise that power, I'd think that's theoretical. [LB327]

SENATOR PANSING BROOKS: And so who would be affected then if...on those dollars? Say we...say that HHS, I guess that's who gets to decide, decided to give \$100,000 this year instead of \$653,000, who would get those funds? [LB327]

SENATOR HILGERS: If it was \$100,000, they would prioritize based on the priorities listed on the next page. [LB327]

SENATOR PANSING BROOKS: Okay. So that means that people would lose money. The hospitals and federally qualified health centers would lose money and you just said they would not. [LB327]

SENATOR HILGERS: If they spend only \$100,000 of the \$600,000 they would lose money no matter how they prioritize it. And if it was a stand-alone amendment on that, Senator Pansing Brooks, I would support that amendment. [LB327]

SENATOR PANSING BROOKS: Okay, so that is a problem already with the language where...that is brand new talking about up to. And Senator Hilgers agrees that that is something that will affect the money that goes to women for their healthcare under Title X. So that's one issue and one problem that we have already discussed. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

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SENATOR PANSING BROOKS: And that's a policy change that we have never had before. If you look at the language from last year or from the 2015 Biennium, you will see that the language did not...used exactly the same language but added up to. So that means that even the federally qualified centers that we do want...that they do want to cover, can receive less. Up to who...I'm trying to figure out whose discretion this all is. And again, it's easy to say that because you've got...because we're prioritizing the federally qualified health centers, the community health centers, the hospitals, the fact that we don't mention the stand-alone Title X health centers which we've talked about, they are not included. It's not like somebody is going to say, oh, well, they aren't included there but that just meant that you had last priority. No, that means that you were x-ed from the discussion. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR PANSING BROOKS: And if we are confused, it should have been in a hearing. [LB327]

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

SENATOR KRIST: Thank you, Mr. President. Good afternoon again, colleagues, and good afternoon, Nebraska. My line of questioning was with Senator Clements before was not precise enough ask him the question that I would have asked him and to get an answer that I was trying to glean from the situation. I will confirm with Senator Hilgers and others that this language was in the original LB327 which came from the administration. However, if you know anything about the Appropriations process, and you can ask the Appropriations Committee members, everything that comes down to them must be put by amendment into the budget bill, okay? So it was in the original language. Senator Clements did indeed make the motion to put it into the baseline bill and it was voted on and you can check the transcript and see who voted on it and who didn't vote on it. So in essence, someone had to make the motion to put it in. Knowingly, if Senator Clements did know this, I'm not going to suppose that did he or did not, but I am going to suppose that the administration is trying to...I'm not sure if it's a slider, a curve ball, a spit ball, I'm not sure. But essentially this is going through this bill into the committee budget. It was not noticed and it was not the subject of a specific public hearing and it was not brought up by a public hearing. Now what does that mean? It means all 49 of us were guilty of not knowing it was in here. Maybe, or maybe somebody actually did know that it was in there and it was in there for a purpose, the same purpose that was brought up in 2006 by Senator Foley, the same purpose that was brought up in 2011 in the Health and Human Services Committee and did not have a separate hearing in Health and Human Services as it should have this year. To Senator Hilgers' point about there is no money that's not...there is no money pulled back from this, Program 514 which this is part of, has 20 General Fund sub programs--20 sub programs. Of

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those, 5 have earmarks. The Appropriations Committee voted for two of those earmarks to be hard earmarks. Neither...this doesn't apply to this one. But if you understand what's happening, the administration, this administration, has put the "up to" language in these earmarks meaning they don't have to spend one dime out of these sub programs. Now in some ways in talking to Senator Bolz, we have to understand you're not here for six months. So if they need to move money around to get something done, some of these earmarks and allowing some flexibility might be a good thing. But if you put up to on all of these earmarks you're allowing the administration to take within the Appropriations function and mix-match money around and put it wherever they need it. Does this sound like the initial discussion that I had in opposition of taking our money away from the council (phonetic) budget? The flexibility of spending money and knowing where to spend the money and looking forward in terms of how to spend the money, so I'm not going to argue that earmarks are a good thing or bad thing. But if you don't think we have earmarks, that's exactly what this program does. And if you believe that the language should be up to, then you're saying to the administration, we are going to give you \$250,000 in this particular area but you don't have to spend a dime. Now it will come become to us in a report next week or the next budget cycle. But is that the way we want to do our budget? I think this is a deliberate attempt to take funding away from Planned Parenthood. And make no mistake about it, those of you who know me well, Planned Parenthood is not my favorite organization for one part of what they do. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR KRIST: But I...just like I was part of the 20-week bill that said in the first 20 weeks, a woman has a legal right to terminate a pregnancy, it was a hard decision. But after 20 weeks in the state of Nebraska, that is illegal. So I have to defend the right of that woman to do what I don't morally or ethically believe in, but I'm a legislator. I think this is a deliberate attempt to defund some of those functions like Planned Parenthood and I think it's a deceitful way to do it. I support AM1198 and I hope you will too. [LB327]

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

SENATOR MURANTE: Thank you, Mr. President. Members, good afternoon. I rise in opposition to AM1198. I'll probably have some questions for Senator Bolz as do I not see Senator Stinner on the floor as it relates to the process. But I do think that it's important to reiterate, especially when it comes to the processes as it has existed to this point. The language that's in question was in the green copy of the bill. It's now been stated several times and I think it needs to be repeated. It was in the green copy of the bill, it was open for all Nebraskans to see. It had its public hearing. And just like many other proposals in the budget that contained different policy changes that if they were stand-alone pieces if legislation they would have gone

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to different committees, this was in the budget and it was part of the budget process. So we could start applying that standard across the board, but that's going to be a very precarious situation when we get into things like the motor vehicle...how motor vehicle taxes are spent and why that wouldn't as a stand alone have gone to the Transportation and Telecommunications Committee. But we can go one by one, but there are going to be numerous examples of that. I do also agree with Senator Hilgers that the money appropriated is fairly commonplace up to a certain amount, that flexibility is granted in other areas of the budget. If we're going to take the hard-line policy stance that up to and providing flexibility is not how we're going to do business anymore, that is another fundamental policy change that we are going to have to discuss on many different line items in the budget. If we're going to do it here and we're going to take the stance that it is...that appropriating something up to a certain amount is functionally the same as not appropriating anything, then that is going to be a wholesale policy decision that is going to impact a great many things. And as it was stated this doesn't change what services are provided. It doesn't change what the state is required to match and what purposes the money is used for. All of that remains the same. It simply prioritizes who provides those services. I think Senator Quick provided the concern that there was one organization in his community which exists and that nobody else provided those services. Well, if that's the case then this language doesn't impact his community. If there is literally only one organization in your community that provides these services, then a prioritization doesn't make any difference because there's only one. There isn't...there is no rank to be had. So I'm curious about the process. Would Senator Bolz yield to a couple of questions? [LB327]

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

SENATOR BOLZ: I'd be happy to. [LB327]

SENATOR MURANTE: Thank you, Senator Bolz. I appreciate that. So there has been a certain narrative that Senator Clements came in as the youngest...the member of the Legislature who has served the least amount anyway and really pulled one over on you Appropriations Committee members who have been there for a while. Would you agree with the statement that the language that Senator Schumacher is attempting to strike was in the green copy of LB327? [LB327]

SENATOR BOLZ: Yes, it was in the green copy. [LB327]

SENATOR MURANTE: So it had a public hearing? [LB327]

SENATOR BOLZ: It had a public hearing with no public dialogue. [LB327]

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SENATOR MURANTE: But it was open to the public just like every bill and sometimes people show up and sometimes people don't just like every other piece of legislation? [LB327]

SENATOR BOLZ: That's fair. [LB327]

SENATOR MURANTE: Okay. And then when it came time to create AM590, someone--I don't know who and it really is immaterial--someone made a motion to attach what was in the green copy to the committee amendment, is that correct? [LB327]

SENATOR BOLZ: Senator Clements made the motion to include the language in the Appropriations Committee amendment. [LB327]

SENATOR MURANTE: And somebody made a second? [LB327]

SENATOR BOLZ: Correct. [LB327]

SENATOR MURANTE: And then there was a vote taken? [LB327]

SENATOR BOLZ: Correct. [LB327]

SENATOR MURANTE: And a majority of the Appropriations Committee voted to attach what was in the green copy into what was in AM590? [LB327]

SENATOR BOLZ: Correct. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR MURANTE: Okay. I don't know how that process differs from any other process in any other bill that we have talked about this year. There was a provision in a green copy of a bill. It had a public hearing. It was given the proper notice. People had an opportunity to show up. The committee voted to advance it. They voted to advantage the bill with the committee amendments. That committee amendment had a majority vote of the members of its committee. I don't know what we could have done to have made it more transparent. That's how the system works. And if that's not transparent, then what else was not transparent, because that is how our system of government works. So, I don't understand the criticism of Senator Clements. That seems like a fairly commonplace and typical legislative process to me. It seems to me like... [LB327]

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PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR MURANTE: ...the question on the table is appropriate and I oppose AM1198. Thank you, Mr. President. [LB327]

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

SENATOR CHAMBERS: Thank you Mr. President. Members of the Legislature I would like to ask Senator Clements a question. [LB327]

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

SENATOR CLEMENTS: Yes. [LB327]

SENATOR CHAMBERS: Senator Clements, who asked you to present that information as an amendment to what the Appropriations Committee was preparing? Who asked you... [LB327]

SENATOR CLEMENTS: To present it? [LB327]

SENATOR CHAMBERS: ...to present it? [LB327]

SENATOR CLEMENTS: I didn't present it. It was presented by the fiscal agent. I was... [LB327]

SENATOR CHAMBERS: You offered the amendment, correct? Did you offer it? [LB327]

SENATOR CLEMENTS: It was not an amendment. [LB327]

SENATOR CHAMBERS: Well, okay. Did you offer the language? Don't toy with me. Senator Murante said somebody offered the language and it was you. Somebody said it was you. Let's get to the nub. Did you offer it or did you not? [LB327]

SENATOR CLEMENTS: I moved the affirmation of the language... [LB327]

SENATOR CHAMBERS: All right. I won't ask you anything else. I would like to ask Senator Bolz a question if she will answer. [LB327]

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

SENATOR BOLZ: Sure. [LB327]

SENATOR CHAMBERS: Senator Bolz did Senator Clements offer this language as...to be adopted and included in the presentation of the committee amendment to us? [LB327]

SENATOR BOLZ: My recollection is that in the normal course of our committee actions, we do a comparison of the Governor to our committee. The fiscal analyst noted this as a difference and Senator Clements made the motion to include the Governor's language in the committee's amendment. That's my recollection. [LB327]

SENATOR CHAMBERS: Thank you. I'd like to ask Senator Clements a question. [LB327]

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

SENATOR CLEMENTS: Yes. [LB327]

SENATOR CHAMBERS: Senator Clements, I apparently don't speak English clearly enough for you to understand it so I'm going to ask again. Did you suggest that that language be adopted by the committee? [LB327]

SENATOR CLEMENTS: I...yes, I moved the affirmation of the language. [LB327]

SENATOR CHAMBERS: Thank you. Were you appointed by the Governor? [LB327]

SENATOR CLEMENTS: Yes. [LB327]

SENATOR CHAMBERS: Did you know that this was language that the Governor recommended? Come on. God is watching... [LB327]

SENATOR CLEMENTS: Yes. [LB327]

SENATOR CHAMBERS: ...and you're a Bible scholar. Did you know it was language that the Governor wanted? [LB327]

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SENATOR CLEMENTS: Yes. [LB327]

SENATOR CHAMBERS: Do you feel there is something wrong with you having done that? [LB327]

SENATOR CLEMENTS: No. [LB327]

SENATOR CHAMBERS: Then why have you been so reluctant to just give a forthright answer? That's all right. I don't ask you that any more. Members of the legislature, when Peter was about to deny Jesus, a woman said you were with him because your speech betrays you. That's all I want to ask you, Senator Clements. It applies here. Senator Foley was wearing--he looked like an American flag earlier when I was talking--red, white and blue. His complexion betrayed him. And now maybe I understand why certain groups have a lighter complexion because they do things that may not be appropriate and you are given a warning when they flush. When they blush. I think it was Oscar Wilde who said or George Bernard Shaw, one of those good Irish literary persons, a human being is the only animal that can blush and it's the only animal that has reason to blush. We all know the shenanigans that have been played and you can see the reluctance. And as for Senator Murante trying to play Socrates he is not very good at it because I could bring up things that Senator Murante has done this past session and in other sessions. He's aiming for a higher office. You all want to play like these things are not happening. I know they are. He was even in favor of getting rid of the death penalty. Then some pressure was brought to bare. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: And he said, well, people in his district started talking to him so he couldn't take that position anymore. Which way is the wind blowing? That's the direction Senator Murante moves. This is pernicious legislation. Senator Hilgers knows it if he has done any reading. For Senator Murante to be as naive as he is about the way bills are heard and so forth is preposterous. And I'm saying it because I see him here now. There are bills that he brought and he wanted in his committee when he knew it shouldn't have been there and he knows why he drafted it in such a way to bring to it his committee. We went through all of that, but he got you all to agree with him. And now you see what it has brought us to? This is pernicious language. It is antiwoman language. The purpose is to hurt women because Senator Foley does in the believe that Planned Parenthood ought to get any money and we know that none of these clinics get as much money as they need so they would run out of money when they get through that list of priorities. And when you get to Planned Parenthood, do you think they are going to get any money? [LB327]

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PRESIDENT FOLEY: Time, Senator. [LB327]

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

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

SENATOR BLOOD: Thank you, Mr. President. Fellow Senators, friends all, I should probably take a minute to brush myself off because apparently I just fell off a turnip truck. I am amazed, appalled, entertained, but mostly puzzled. I have to say that I stand in favor of AM1198. I think Senator Schumacher is spot on. I've listened to this debate, as I try and do with every issue, because I don't, unlike many Senators, come to the floor as my mind made up most of the time. I want to hear everybody's view. I actually agree with Senator Murante that there's a process. He's right. We have a process we go through and what we are doing right now is part of that process. So I'm not going to be shamed in the participating in this process. I disagree with Senator Hilgers. You know, I don't do lawyer speak. I talk about that a lot but I know human nature and I know when language like this has been utilized in other states, we all know what happens, right? So what happens is we start defunding patients, not programs with bills like this, people. You hear me say this all the time. This is about people. And if you want to make a discussion long on the floor of the Legislature in Nebraska, throw in a wedge issue. And we all know that the wedge issue right now is abortion. And people don't want to stand up and talk about being pro-life right now because I think they're trying to kind of hide the fact that that's what is going on with all of this language. But are we really being pro-life, especially my fellow Catholics on the floor, when we take away services that ultimately save lives? How responsible is it and this will take away services, don't keep blowing smoke up my skirt. I didn't get elected here because I'm stupid and neither did you. Stand and tell the truth. Be truth-tellers. Don't talk to us like we're stupid. And I want to say something that I know a lot of women are thinking right now and I'm trying to find the most polite way to say this on the mike, but good grief, get out of my nether regions. You don't belong there. This language is going to hurt people. Don't tell me it's something that it isn't. Don't do lawyer speak and try and twist the truth. We're not that stupid. We're not that stupid. But you know what we are? We're people that support the quality of life here in Nebraska. And if we support the quality of life here in Nebraska, we want to make sure that the people that these services will potentially affect, that if they can't utilize these services, we're going to have to start working on the budget here because we're going to be having to provide them even more services because when somebody is dying from cancer, when somebody has an STD and has lost their vision, there's some pretty ugly circumstances that are going to come from us not providing services and you're not going to like them. I agree with everything I've heard here today. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

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SENATOR BLOOD: I do think there was a lack of public hearing on this. I think we're going to lose important health centers. And to say, well, it's about prioritizing, well, yeah, we know what you're going to prioritize. Just, gosh darn it, I look around at all these smart people. Use your heads. You know what this is about. Quit pretending. Again, I stand in support of Senator Schumacher's amendment. [LB327]

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

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. Well, we've heard the language is in the green copy. So there could have been a hearing if somebody had thought to kindly bring it to people's attention. And so I guess because people didn't understand it, we're supposed to accept it. We're supposed to accept the fact that people missed what was being said. Is Senator Bolz here for a question, please? [LB327]

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

SENATOR BOLZ: Sure. Sure, I'd be happy to. [LB327]

SENATOR PANSING BROOKS: Okay, so, Senator Bolz, when you were looking at the budget, the green copy, the Governor's copy, the real copy, were you aware that there was a chance that 14,500 women could lose their healthcare under Title X? [LB327]

SENATOR BOLZ: The first time I heard discussion of it was when the fiscal analyst brought it up as an issue that the Governor's budget was different in comparison to the committee amendment. That is my memory of the first time that I recall having a conversation about it. [LB327]

SENATOR PANSING BROOKS: Okay, and do you understand what it means by the language of what...do you think that the fact that they list the priority of federal health centers and community centers means that, oh, well, stand-alone Title X centers are also included in the priority, they're just not listed. [LB327]

SENATOR BOLZ: I actually abstained on this motion. It doesn't necessarily reflect that in the committee documents. But I didn't vote on this because I did not understand exactly how this would work out. [LB327]

SENATOR PANSING BROOKS: Thank you, Senator Bolz. Would Senator Wishart please answer some questions? [LB327]

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

SENATOR WISHART: Yes, I will. [LB327]

SENATOR PANSING BROOKS: Thank you, Senator Wishart. So did you understand when you were voting that on whichever copy, the green...number one, did you hear testimony regarding what this could do to various women's health centers across the state? [LB327]

SENATOR WISHART: We did not hear testimony on this issue in our public hearing. [LB327]

SENATOR PANSING BROOKS: Okay, did you have testimony regarding Title X funding and what it does and how it is funded and how it will affect people in our state? [LB327]

SENATOR WISHART: No. [LB327]

SENATOR PANSING BROOKS: When you voted on this, were you intending that 14,500 women in health centers across the state not be able to get Title X access to health care? [LB327]

SENATOR WISHART: So I learned about this potential change from our fiscal office the morning before we voted on this I believe over the noon hour. And I did share in committee my concerns with this change. But again, I did not have enough of the facts that I'm learning now to know the potential negative consequences of this decision. [LB327]

SENATOR PANSING BROOKS: Senator Bolz, when I talked two days ago off the...on the floor, you said it will not have any effect on women's healthcare, [LB327]

SENATOR WISHART: So when we ended up voting on this legislation and then I looked at the federal regulations, at the time the federal government did not allow for states to prioritize where these Title X dollars would go to. Since then, I think about a week ago that has changed. [LB327]

SENATOR PANSING BROOKS: So were you with...in full...did you have all of the facts when you were making your decision? [LB327]

SENATOR WISHART: No. [LB327]

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SENATOR PANSING BROOKS: Okay. And do you know...can you point to another place in the budget that uses the "up to" language, that isn't a cash fund or a contract? [LB327]

SENATOR WISHART: I do not know at this time of any other place where that happens. [LB327]

SENATOR PANSING BROOKS: Okay. Thank you very much. I'd like to ask Senator Vargas. [LB327]

PRESIDENT FOLEY: One minute. Senator Vargas, would you yield, please? [LB327]

SENATOR VARGAS: Yep. [LB327]

SENATOR PANSING BROOKS: Senator Vargas, did you have any idea that there was a chance that 14,500 women could be at risk for their Title X funding who are low-income women for Pap smears and all of the things that have been listed today, did you know that was at risk? [LB327]

SENATOR VARGAS: I did not know that exact amount was at risk but I knew that some services would be at risk. The question would be there were unknowns about what the impact would be. [LB327]

SENATOR PANSING BROOKS: Okay. So you were all making a decision on the budget based on unknowns and because we didn't have a hearing on this specific issue. [LB327]

SENATOR VARGAS: Correct. We didn't... [LB327]

SENATOR PANSING BROOKS: Okay. Thank you very much. And can you point to any other place in the budget that uses "up to" as words that isn't a cash fund or a contract? [LB327]

SENATOR VARGAS: Not that I know of and I wouldn't be able to point to any. [LB327]

SENATOR PANSING BROOKS: Okay. Thank you, Senator Vargas. [LB327]

SENATOR VARGAS: Thank you. [LB327]

SENATOR PANSING BROOKS: Senator Kuehn, would you answer a question... [LB327]

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

SENATOR PANSING BROOKS: Thank you. [LB327]

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

ASSISTANT CLERK: Mr. President, a priority motion, Senator Chambers would move to bracket the bill until June 2. [LB327]

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

SENATOR CHAMBERS: Thank you. Mr. President, I have to jump to the head of the line again and I'm not going to take this to a vote. But ordinarily intelligent people are making preposterous statements here and I'm glad that Senator Blood brought a ray of reality. We all know what is at stake here and we know why the language was put in this bill. I was going to read from the transcript of Senator Foley's nefarious conduct in 2006, but you all can get a copy and it would take more time than I want. And you will see how after the newspaper exposed his true motives which he concealed during the debate prior to that, he told them all of this stuff about the pro-life statements he took, how he talked to business groups and always brought it up. And then the comment as I've mentioned, you don't have to read the newspaper to find that out. And I had said but you have to read the newspaper to find out what his true motivations were because he denied it during the debate on the floor of the Legislature. And he can defend himself. Let him. You all know that this is about abortion. Senator Hilgers knows it's about Planned Parenthood and Senator Foley made that crystal clear after the newspaper dragged it out of him. I mentioned the Nebraska Psychological Association, the director appointed by the Governor will not allow the implementation of rules and regulations because the Catholic Conference disapproved. The Catholic Conference disapproved. Senator Hilgers...he's not here now. He knows better when he knows the power that the Catholic Church has and the influence they have in this Legislature. And he was here when discussions were had about the refusal to implement those rules and regs because the Catholic Conference did not want them approved. The Catholic Conference holds the power to nullify, to veto what happens in a state agency. Well, that language that they put in talked about to the extent allowed by federal regulations, certain things could be done. Well, you know that Trump issued one of his executive orders giving the states the authority to withhold money from Planned Parenthood. And now that's a part of the federal regulation. And what do you think the Governor is going to direct be done with that money, whoever administers it? Why do you think Senator Clements was the one who made the motion? He knew it was what the Governor wanted. He wouldn't have even had any interest otherwise. He has now been put into that position of being made to look foolish, that he doesn't even have common sense when

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everybody knows what was going on and he has to stand up there and stammer and act like he doesn't know what I'm asking him. I didn't think that was what's going to...that would happen to him so soon. We all know who the Governor's people are when he says jump, they don't say how high. They jump first and say, Governor, is that high enough? And they know who they are. Watch how they vote. They even have to act like they don't know what we're talking about as Senator Blood pointed out. You all know what's at stake here. Why would it be put in a budget bill? The green copy that the Governor submitted was a budget bill, wasn't it? This was a precise, specific, policy that can be distinguished from other policy-affecting matters in the budget bill. I know how to offer amendments and I know how to offer motions. And if you all want to come back for a special session you can do it. We are going to have enough problem with the issues that are legitimately of a budgetary nature. And you want to throw in this issue of abortion on the budget bill? That's what it is. People don't want to talk about it. It's abortion that we're talking about. Most of Planned Parenthood's work has nothing to do with abortion. If you read that transcript from 2006, you'll see where former Pastor Lowen Kruse who was a member of the Legislature said how he did counseling for Planned Parenthood. There was no talk of abortion, no referrals to abortion. Explanations to young and older women and those who needed advice about their health, reproductive and otherwise. All that men who run the Catholic Church and these in here can think about of a woman is her vagina. That's where they look, that's where they sniff, and that what directs everything they do. I'd like Senator Hilgers to tell that beautiful woman who is his wife and look at his three little children and say I think Planned Parenthood is nefarious and these poor women don't need to be able to go to a private doctor like you can. You can go get this advice from your doctor. But those poor women who don't have a husband with a business and can afford to send them to a doctor, they don't need to get that kind of consultation. So we're going to take it away from them. They shouldn't be poor. I met Senator Briese's wife the other day. I haven't heard him say a lot that's obnoxious, but I'd swear...I won't swear. I would wager that if she heard him talking about taking this kind of healthcare advice from women out in the rural areas, if she uses a skillet it'd be right upside his head like Mrs. Bush put one upside George Bush's head and he lied and said that he choked on a pretzel and fell on the floor and skid across the rug and that's why he had that big, old knot on his head. Talk to your wives about it. Tell them, but it's not going to happen to your wife, at least I'd hope not. That's what we're talking about here--misogyny, hatred for women. I let Senator Lowe off the other day when he wanted to compare putting a dog to sleep with a human being being executed. I let that go, because human beings are not dogs. Yes, you did. You said they put the dog to sleep because it was a bad dog and nobody could do anything with him and they put him to sleep peacefully and that's the way they do with these drugs. They let people go to sleep peacefully. That's what you said. I listen to them. They forget what they said and they think I don't remember. And it is contemptible. Obviously you all don't talk to young women, or maybe you do, like Roger Ailes would, like Bill O'Reilly would, like President Trump would, like others who might traffic the young women or participate in the trafficking of them. But when it comes time to treating them like human beings and with respect, you want to take away from them the clinics that will

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minister to them. And all you can think of is the vagina. That's all you think is going on in these clinics, huh? That's in your mind. As a man thinketh in his heart, so is he. And you men are showing what you think. And the women who tag along have been conditioned. Unfortunately, there are women who have been conditioned to the point where they attack those things that would help women who are not situated as they are. I imagine there are a lot of poor women who wish they could have a private doctor and go to that doctor and get the kind of advice that you all's wives have access to, your daughters have access to, your granddaughters have access to. But because it doesn't affect yours, you don't care about those that it does and I do care. So maybe I need to add another L to my three Ls: the least, the last, the lost, and as Abigail Adams told Mr. Adams, the ladies, told John, don't forget the ladies. You all remember them, but with contempt. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: You talk about the founding fathers. What about the founding mothers who had to put up with those so-called founding fathers. The pilgrim mothers who had to put up with the so-called pilgrim fathers. They knew that they were held in contempt. Education for women in the early days of this country was not high on anybody's list because when their minds were open to something better, they wouldn't tolerate the way they were being mistreated. That's why they weren't allowed to vote. Black men were given the vote before white women were. Because white men know that in the vote is power. And if they got that power, you'd try to condition them so they wouldn't use it. But if the day ever came when their eyes opened and they recognized the power of that vote, things would change. Thank you, Mr. President. [LB327]

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

SENATOR CHAMBERS: I want to withdraw that motion. [LB327]

PRESIDENT FOLEY: Without objection, the motion is withdrawn. Continuing discussion, Senator Friesen. [LB327]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. I have waited 72 days to support Senator Chambers on a motion to recommit to a committee and he pulled it before I could vote. I am so disappointed. So I've heard a lot of talking lately here about a bill not having a hearing. There's stuff stuck in there. It's just amazing the hypocrisy of this place at times. We can make a major policy change on the Department of Roads funding, whether we take in sales tax or gas tax. I still think it's a major policy switch that we're doing. Don't recall a hearing. Don't recall being consulted. But we just made a policy change in Appropriations. That's okay. I know we make policy changes all the time. I'm just noting the hypocrisy when it doesn't deal with

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somebody else's bill. That's okay. I know we make policy changes all the time. I'm just noting the hypocrisy when suddenly it doesn't deal with someone else's bill. But that's okay. But we do make policy changes by how we fund things. Every bill we pass here makes a policy change and everyone that I know of seemingly has tried to hide things in a big bill. That's the kind of game that's being played here all the time. The bigger the bill, the more things you can tuck in there, the more you can change a word or two here and there to change things. I remember my first year here, we sent a bill out of Transportation Committee and we had to ask the Governor to veto it. We all missed something and we sent it through this whole body with the mistake that we hadn't intended. It happens. I tried to read all of the bills, but we can't come close to doing that. So when I listen to the debate, I hear we should have a hearing. And I was hoping to recommit it back to committee and we'd have a hearing on several different amendments. And we could move this budget bill forward in perfect shape. But the opportunity slipped past me. So I'm just looking forward to the discussion here and trying to decide where the middle of the truth is. Right now, I'm a little confused. I don't know who's quite telling the truth and who's not. So I'll listen to more debate and we'll try and figure out where we're at. Thank you, Mr. Lieutenant Governor. [LB327]

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

SENATOR BOLZ: Thank you, Mr. President. I wanted to rise and talk just a little bit about committee process since it's part of the dialogue on the floor today. And this issue aside, I do want to talk a little bit about what it takes to put a budget package together. In September, the agencies put their public requests on paper and they submit those formally. They're available September 15 in a long budget year like this one on the department of the budget Web page. And so every September of biennial budget years, I go through the agency budget requests and each and every one of you can and should too. And in this budget year, we had the LB22 process which was atypical, but it was an opportunity for every agency and every public stakeholder to come in and talk to us about the revisions that were made in LB22. And most agencies were referenced in some way, shape, or form in LB22 and that was an opportunity for public dialogue and engagement. The Appropriations Committee is the only committee, I believe, and someone can correct me if I can't think of another example but we're the only committee that provides a preliminary set of recommendations. This year in February of 2017, you all received the Appropriations Committee preliminary budget report. And so if you have questions, comments, concerns, if you have ideas, if you're wondering how the policy is coming together in the Appropriations Committee, I believe we are the only committee that provides a set of preliminary recommendations so we can engage with the public and can engage with you, colleagues. We also, of course, put together this beauty. The Fiscal Office puts together this budget book which outlines, in as much detail as humanly possible, the decisions we made. And so, colleagues, I want to articulate that this is a long-standing budget process. It's developed with professional fiscal staff and with the numerous agencies and issues that come in front of the

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committee. Things are not always perfect. But they...we have worked to the greatest degree possible to use a typical process, to be transparent as we can be, and to try to make good decisions. So I stand in support of the Legislative Fiscal Office. I stand in support of the legislative body's budget process over time. I stand in support of the agencies and the Governor in their efforts to put forward their agency needs and Governor's preliminary budget. And I stand in support of the committee's hard work to try to put together a package that works for the body and represents in most ways compromise. So the conversation and dialogue on the floor today is perfectly appropriate. But in response to Senator Wayne's questions, in response to Senator Friesen's comments, in response to other dialogue on the floor, I do just want to remind the body that we have a budget process, that we have multiple opportunities to engage with the public and to engage with you, colleagues. And I think we all are doing our best to do our due diligence and work in good faith. So with that, Mr. President, I'll conclude. Thank you. [LB22 LB327]

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

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. What is the most inhumane of civilizations? Those that lay siege and they kill the women and children. Civilized societies make sure their women are healthy and their babies are strong and wanted. These services make sure moms and grandmas are healthy, even if they are poor, fall in all kinds of insurance and Medicaid gaps and all of that. They help with that. It also gives poor women who would not have access to the family planning services--and this is not talking about abortion; Title X does not apply to abortion--the ability to escape poverty by being able to time their pregnancies when they are emotionally and financially able to do so. And doing that incidentally also saves the state a lot of money. With regard to a couple of issues, number one, the very fact that this was...this abstruse language that even the Appropriations Committee people realize and say they didn't realize its impact was buried in a budget bill indicates that it was deliberately done. It was done premeditated. And it was supposed to do just what it did: lay in wait until a couple of days before this bill hit the floor, which is exactly what it did. We told the public from experience, if we're going to mess in this territory, we're going to do it in a bill. And the public rightfully watches for those bills and comes forward at those hearings. There was no such notice, no such hearing. I had a bill, LB120, which in many respects is 180 degrees from this one, enhancing the services that was properly advertised as a bill. And 19 people testified in favor of it, 4 opposed to it, and one of those was at the Governor's direction as the...from the government. That would have been double in favor of that 19 would have been against this provision had it been properly done. This was to get around a problem with a public hearing that had been encountered with this notion twice in the past. Fundamentally, this is a change in the language as it always was. And while we've heard a lot of reasons why there should be no change, you know what we didn't hear? We didn't hear anyone upholding the burden of those who seek to make a change and just tell us why a change is needed, why the change that was made and put in this budget is comparatively advantageous--silence. In this case, silence is not golden. There is no

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argument for a change. There is no argument for making somebody from Gering drive to North Platte, change doctors and all of the inconvenience that is going to mean in order obtain a service they now can get in Gering, none whatsoever, except if you want to frustrate access to that service. [LB120 LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR SCHUMACHER: And the question this poses clearly as any is whether or not we want to frustrate access to these services in a system that is working perfectly well. You haven't heard anybody say that the existing system is not working perfectly well, that it's deficient. We want to frustrate access to that service, and in result, hurt women and children and lock them in a cycle of poverty. That is fundamentally wrong and, in this case, sneaky. And that is the decision before us. Thank you. [LB327]

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

SENATOR CRAWFORD: Thank you, Mr. Lieutenant Governor. Good afternoon, colleagues. Well, "Professor" Senator Schumacher just said what I wanted to say much more eloquently and passionately that I could have said the same. So I will yield my time to Senator Chambers. [LB327]

PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Chambers, 4:40. [LB327]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Crawford. And in order to maybe provoke some people to read the transcript, that bill was LB562 in 2006. I'm going to read just a little bit from it, and talking about Senator Foley's presentation of this that we're talking about now. "This is an antiwoman crusade, as all of these anti-choice efforts are. It takes a general who understands strategic questions to fight a battle, rather than a squad leader who deals with the little tactics. More is involved here than services. It is the whole issue of trying to deprive women of the right to control their bodies and make reproductive decisions, and secondarily, to get to that point by denying them the information...that is essential to making wise reproductive informed choices." "Senator Foley can only justify his position" by...for not speaking about this on the floor until the newspapers exposed him. "I didn't say it on the floor but I said it to these business groups, ask them; I'll even talk to pro-choice groups if they want me to, ask them." No, I don't want him to say it there; I want him to say it here. "This is where we debate. This is where public policy is formed and this is where people can find out the information and the debate...that underlay the decisions that we arrived at. If the day comes that I have to hide from what it is I claim to believe and conceal my motivation, I don't deserve to be here. But my standards are higher than everybody on this floor. The problem that you all have

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with me is not that I lie to you, but that I'm so blunt and straightforward and direct in telling you what it is that I think, what I believe, and why I'm doing what I believe. That's what you don't like in me. You can't come to me and say, Ernie, you lied. The only way I know you lied is because I read in the paper and they got you to say what you were too cowardly to say it on the floor, or too dishonest, too disingenuous, too afflicted with the tendency to lie and mislead to say on the floor. But this is a good debate and it's not ending here and it's not going to end this session." And that prediction is coming true again today. We're right back here on the same thing. Senator Foley wanted to sit up there and be in charge of this. I don't know what he thought he could do. But this is as Senator, "Professor" Schumacher and others have pointed out, something that addresses the rights of women, in my opinion, to sound medical counsel and advice, access to services which they cannot afford to pay for out of their own pockets. And the agency that has prevented more abortions than the Catholic church than anybody else would be Planned Parenthood because they teach and help women to avoid unwanted pregnancies. If there are not unwanted pregnancies, there will not be the number of abortions that there are. Senator Kruse, who was a minister, pointed that out. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: He observed what happened at Planned Parenthood and he said through their activities, they prevented more abortions than all of the anti-abortion agitations the churches and the rest because they were dealing with the young women, middle-aged women, even older women not who'd have an abortion, but who needed that kind of medical care that they couldn't get in any place else. So those are the facts of the situation. The Governor wants to pervert the system, poor Senator Clements, that was such a pitiful, pathetic performance that he gave here today that he needs to go...I don't know if...he's not a Catholic, but if he was he should say 10 Hail Marys and 13 Our Fathers because he did what Peter did: He betrayed that which he claims to believe. And that's what you let yourself fall into when you violate your own principles. Thank you, Mr. President. [LB327]

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

SENATOR VARGAS: Thank you very much, President. Colleagues, I missed my last opportunity to speak so I'm taking this opportunity to weigh in on this. I am in support of AM1198, Schumacher's amendment for a very simple reason, this should not be a wedge issue. This is about ensuring that we're providing quality preventive healthcare to lower income individuals, especially women in the neediest places across Nebraska. I'm really dismayed of the fact that this has become something other than that, that we are standing here and debating whether or not we allow a cutoff of services for women in areas of tremendously high need. We are talking about effective natural family planning methods, we're talking about STD and HIV

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prevention, we're talking about anemia, high blood pressure screenings, cervical and breast cancer. These are not wedge issues. This is about the healthcare of women. I do not understand why this is up for debate on whether or not we would support this amendment because it has nothing do with these wedge issues that many people have talked about. This doesn't have to do with abortion. This has to do with making sure that women have adequate services provided to them and we are not creating barriers across the state for them to have the access to it. Low-income families, low-income individuals. I do not know why we are having this conversation about why we would not support this amendment. I'm disappointed in us. I really hope that my colleagues that are considering not supporting this amendment are going to realize that they're making a stance to create public policy that is going, especially in Appropriations, to change access for women's health that has nothing do with abortions. Furthermore, as a member of the Appropriations Committee, I do stand by the process, but I'm going to give you a little bit of light as to what happened in this. This did come very late in when we were sort of alerted to it. In the process of the budget, this language came and I think Senator Wishart mentioned this. The part that I want to shed some light on is when we actually had the discussion in committee, when we're having this discussion, normally we're making an informed choice based on the facts of why we need to include language, why it's an agency issue, why it is something that is creating an issue. And when I asked why do we need to do this, silence. And we did get an answer from our fiscal analyst and they told us we have not heard a response back yet from the Department of Health and Human Services as to why we need do this. I asked my colleagues to not move on this if we do not have a reason to do this. We constantly include language to make sure that it is meeting a need: an agency need, a Fiscal Analyst issue, longevity of some sort and this had no purpose of why we needed to do it. So why are we doing it? I believe and everybody in this body would not do something as pernicious as being able to take away healthcare for women. And that's why I hope we vote and support this amendment. And unfortunately it got out of committee. It was motioned after we heard the response that we do not have information as to why we need to do it. We didn't get information as to why it's urgent. It an agency issue, why it's something of such urgent need it has to happen now. And we didn't wait... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR VARGAS: ...to get a response from the Department of Health and Human services and we motioned and we voted on it and it got out. I wasn't happy about it which is why I'm speaking. And I want people to know that that is what we're essentially accepting. We're accepting that we moved something forward that we could have waited to have a more informed conversation and now we have an opportunity to right that wrong. I'm asking you, colleagues, to right this wrong. We are not talking about a wedge issue. We are not talking about anything more than access to healthcare needs for the neediest individuals in our state. This is not an urban-or-rural issue. This is across the state of Nebraska. And I am imploring you, colleagues, to put aside any ideological differences that you think this has to do with, it does not. Please, support the

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amendment, right this wrong. We need to make sure that we are holding the line here. And I really appreciate the fact that Senator Chambers has brought even more urgency to this issue. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR VARGAS: But as somebody in the committee, thank you very...(microphone malfunction). [LB327]

PRESIDENT FOLEY: Thank you, Senator Vargas. Senator Morfeld. I do not see Senator Morfeld. Senator Groene. [LB327]

SENATOR GROENE: Call the question. [LB327]

PRESIDENT FOLEY: The question has been called. Do I see five hands? I do. The question is, shall the debate cease? Those in favor of ceasing debate vote aye; those opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB327]

CLERK: 26 ayes, 0 nays to place the house under call. [LB327]

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Groene, could you check in, please. Senators Watermeier and Kolowski, please return to the Chamber. The house is under call. Senator Hilgers, at this point we're lacking Senator Watermeier. We can wait or proceed. [LB327]

SENATOR HILGERS: Proceed. [LB327]

PRESIDENT FOLEY: We will proceed. Senator Groene, how did you want to proceed on the vote? [LB327]

SENATOR GROENE: (Microphone malfunction)...alphabetic order. [LB327]

PRESIDENT FOLEY: A roll call vote has been requested. The question before the body is whether or not to cease debate. Mr. Clerk. [LB327]

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CLERK: (Roll call vote taken, Legislative Journal page 1233.) 40 ayes, 5 nays to cease debate.
[LB327]

PRESIDENT FOLEY: We're still under call. Senator Schumacher, you're recognized to close on AM1198. [LB327]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. What AM1198 does is it leaves the language with regard to Title X the same as it always been in prior years. There was additional language put in this year's proposed budget. For those of you who are in the chamber and listened to the debate, you know that there was all kinds of issues whether or not the public was fairly advised of the proposed change, whether the language was clear, whether or not there was an adequate hearing on it. And you also learned that in prior years, when this same type of change has been suggested and defeated, it was all done in the form of a bill in which there had been an easy, simple listing and the public was taught to look for a bill on this particular issue. You also were told that a similar bill but the opposite side of the coin was proposed and was before a Health and Human Services Committee that would expand the services that are curtailed here actually had overwhelming testimony from the public in favor of doing exactly the opposite as what the proposed budget does. This is what we have learned this afternoon. Number one, this change that is in the budget that was never in the budget before, will hurt real people. Hard to say the numbers. We probably don't have an adequate hearing to have the numbers, but 14,000 to 30,000 were the numbers tossed around. Real women, most of those are poor people who are working people. Number two, there has been no case made for the change. No one has testified that there's a need for the change, that how we've been doing it in prior budgets is wrong, has hurt people, that this change would be better. Number three, this isn't related to the budget, it doesn't add or subtract money from the budget. That's what budgets are supposed to do: appropriate money, not shuffle the deck around on highly controversial issues which deserve a lot more public input that this submarining language has done. This is simple common sense. If we leave this in the budget, we will irrevocably shut down some facilities in the state, most in rural areas, most very needed, and most a long distance away from an alternative provider, for no good reason. Why would we want to do that? If there is a good reason, introduce a bill, let the people come in and tell us so the committee advancing the bill has both sides of the story, knows the numbers, and everybody can look everyone in the eye and not make an irrevocably bad decision. You close some of these facilities in those rural areas and you're not going to get them reopened. You're going to have people whose health goes into jeopardy. You're going have welfare cases springing up because of unintended pregnancies that the women really, really choose not to have at that time. This is not smart legislation. This takes us backwards. But that's a debate for a time when there's special attention drawn to it in the course of a normal hearing. There is no rush on this bill. No rush to make a change. Haste would make waste. Nothing good has been demonstrated in the change the Appropriations Committee...
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PRESIDENT FOLEY: One minute. [LB327]

SENATOR SCHUMACHER: ...was more or less induced to make. And none of them stood up today and said, look, we understood the full implication of what we're doing here--not a one. We should not make a change unless it is required. The budget, as it used to be, should be the budget now unless there's a clear demonstration for the change that is proposed. And that has not occurred today, not even in the slightest, not even a whimper of it. I would encourage your green vote on AM1198. Leave things alone. Be conservative, don't change unless you know it's going to do good. Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Members, you've heard the debate on AM1198. The question before the body is the adoption of the amendment. [LB327]

SENATOR SCHUMACHER: (Microphone malfunction)...call vote in reverse order. [LB327]

PRESIDENT FOLEY: A roll call vote in reverse order has been requested. Mr. Clerk. [LB327]

CLERK: (Roll call vote taken, Legislative Journal pages 1233-1234.) 17 ayes, 19 nays, Mr. President, on the amendment. [LB327]

PRESIDENT FOLEY: The amendment is not adopted. I raise the call. Items for the record, Mr. Clerk. [LB327]

CLERK: Mr. President, your committee on Enrollment and Review reports LB149 to the Select File with the E&R amendments attached. (Legislative Journal page 1234.) [LB149]

Mr. President, Senator Chambers would move to reconsider the vote just taken. [LB327]

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

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm going to take some time not only on this provision, but I'm starting to draft amendments to the budget bill. The first one that I will offer would be to strike section...well, I won't tell you. Let life be interesting. But I'm going to strike the language related to the Department of Education. You know why? This is the Legislature's attitude, the legislators, the troglodytes, Cro-Magnons, Pilt-down which happened to have been a fake: (Singing) we don't need no education/ we don't

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need no thought control/ no dark sarcasm in the classroom/ teacher leave them kids alone/ hey, teacher, leave them kids alone. (Ends singing) What do you need education for? It certainly doesn't manifest itself on this floor. So I'm going to do a bit of educating, not with the expectation, which would be naive, that it will have any impact on the people in this chamber. But unless there are not going to be any other amendments to the Appropriations bill, you all are going to have to listen to me for a while. And I think there might be things worse. I can tell you something that's worse for me, when I watch these votes. And I think I made it crystal clear that I read you all's "Bible" and I know you all pray and you quote from it but you don't believe it. So what I want you to do instead of just trying to think of things to say to reach you, I'm going to do things that will take some time. March 14, 2006, LB1060. Senator Foley. Let me go up a bit. Senator Jensen: "And I think that's also very, very important. I've been out here at the Lancaster County public health facility and they have some very young individuals that come into that facility and that are able to get testing. That's great. Now not all public health entities across the state can provide these services, but there are some that do, and some that perhaps can. But we need to, above all, provide services for more people in more places, and then I think, yes, as a business--and yes, the government is a business--that we need to do this through a competitive RFP process. With that, I think the amendment was acceptable, at least to the majority, not all, of the individuals from the Health and Human Services Committee, and that is what is before us at this time. Thank you, Mr. President" President Sheehy: "Thank you, Senator Jensen. Senator Foley, followed by Senator Erdman, Senator Brown. Senator Foley." Senator Foley: "Thank you, Mr. Lieutenant Governor. Thank you. Senator Jensen, for your speech. That helps to clarify a great deal of the confusion, I think, that's being deliberately offered on the floor. I think some senators are deliberately trying to confuse you as to what this amendment really is about. They're trying to say, look, what Foley is really doing here, he's trying to assault the family planning programs in Nebraska. That's nonsense. Read the amendment. Look at page 2 of the amendment, the underscored language. It lists the healthcare providers that are eligible to apply for funding under this program. Local public health departments, federally qualified health centers, certified rural health clinics, hospitals, etcetera, etcetera. Look at that list." Digressing, look at the list in that language that you dealt with today and I'm reading from something that happened in 2006. Senator Foley is persistent, even though no longer in the Legislature. Continuing from the transcript, "Look at that list. Show me the one that doesn't offer, or couldn't offer, family planning services. They all do; they all do, including the existing providers. All of the existing providers are not knocked out by this amendment. They're included. They get to bid for a new contract. They know that. They're all included. It simply opens the door to other providers, as well, because we've got women traveling 50, 75, 91 miles to get a Pap smear?" Senator Foley thought that was unreasonable. Now some will have to drive over 100 miles. See how he hypocritically changes. He was concerned then because he wanted to spread what little money they had to other entities so you could knock out Planned Parenthood. But he disingenuinely said, and I'm going to read it again, "It simply opens the door to other providers, as well, because we've got women traveling 50, 75, 91 miles to get a Pap smear?" That's today. "Come on, that's

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ridiculous. That's absolutely ridiculous, not when we've got 450 providers, 450 providers under the Every Woman Matters Program? And we've got 14 providers under this program? That makes no sense at all. This amendment simply opens up the process for more providers to bid, and it's timely, because HHS is now about to issue a solicitation for new bidders under this program. This is the time to change it. Senator Don Pederson says, why are we doing this on the budget bill? He knows why we're doing this on the budget bill. Because this program exists only in budget language. It exists nowhere else in statute. It was put in the budget in 1991; it's been put in every biennium thereafter. It exists nowhere else in statute, except for in the budget. This is the most appropriate place to address this question. Thank you, Mr. Lieutenant Governor." President Sheehy: "Thank you, Senator Foley. Senator Brown." Senator Brown: "The...Mr. President, members, the line in the amendment that everyone should look to is the line that says the department may contract with a provider who provides some but not all of the services described in this section, if necessary, to provide for the availability of such services. And so the availability of certain of these procedures would be less likely to occur statewide, as a result of the adoption of this amendment. But I wish to further my conversation with Senator Pederson, and I think that he is off the floor. Senator Pederson, would you yield to some more questions, please?" Senator Pederson: "(Microphone malfunction) I'll try." That was showing some of Senator Foley's interest. Now we will go to LB562. This transcript is from March 16, 2006. And I'm going to start reading. Assistant Clerk: Mr. President, Senator Chambers would move to indefinitely postpone LB562. That would lay the bill over unless the introducer wishes to take it up. Senator Cudaback: Senator Janssen, did you wish to take it up or lay it over? Senator Janssen: Take it up. Senator Chambers, you're recognized to open on your motion. Thank you. Mr. President, I've discussed with Senator Janssen... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: ...and Senator Mines what I intend to do on their bill. In the same way that Senator Beutler used a bill earlier to discuss other matters, I'm going to use this opportunity. And in order that the record will be clear, I'm going to read an article that appeared in this morning's World-Herald. And if Senator Foley is improperly represented, if he is misquoted, he'll have the opportunity to straighten it out. But I want this in the record because I spent countless minutes, at least, questioning that man about his true motives, and he never was straightforward-- evasion, avoidance, obfuscation, and that's not an obscene word except to the illiterate. This article was headlined "Funds OK'd for women's health tests." It was in the Omaha edition of the Omaha World-Herald, which I get in the morning, on page 28 and the date is March 16, 2006, by Leslie Reed and Martha Stoddard... [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

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SENATOR CHAMBERS: Did you say time? [LB327]

PRESIDENT FOLEY: Yes, sir. [LB327]

SENATOR CHAMBERS: Thank you. [LB327]

PRESIDENT FOLEY: Senator Wishart. [LB327]

SENATOR WISHART: Colleagues, as I stated when asked by Senator Pansing Brooks, I was opposed to these regulatory changes when we were presented with them in our committee and voted no on advancing them out of the Appropriations Committee. Unfortunately, we were presented with these changes and did not have sufficient time to research the effects that they would have on women's healthcare across Nebraska. Yes, this language was included in the Governor's budget proposal, which did have a public hearing during our Appropriations public hearing. Unfortunately, this issue was not addressed in that public hearing. Additionally, our Fiscal Office requested an explanation of this change so that we had that before we voted on this bill and they requested that of the Department of Health and Human Services. And they have not yet received one about the rationale behind these changes and the potential effects that they will have. I want to apologize for bringing to you a portion of the budget that has not been fully researched and vetted in a way that would benefit this body. I'll take full responsibility for not being aware of this change until it was brought to us. Otherwise I would have made sure that we had full and fair hearing on this change. These four clinics that will likely lose funding for services provide critical health services to women and men. Putting politics aside and all of the propaganda you're hearing on either side of the aisle, I do not understand today how a senator would be considered pro-life if they vote against this amendment or pro-choice if they do. The services provided by these clinics are to support pregnant women to have healthy children, to support women getting screened for breast cancer, to counsel young women and men on abstinence, and to provide STD testing to both men and women. And I want you all to think about someone who is a victim of sexual assault. One of the first things that they might want to do following up the assault is to get tested for sexually transmitted diseases. And I called a healthcare provider in Lincoln that provides healthcare for women and asked what the cost would be for testing a man or a woman for sexually transmitted diseases and I got some numbers from them. A Pap smear would cost between \$50 and \$60 and there may be additional tests for abnormal results. STD testing, hepatitis, \$232; HIV testing, \$54; herpes testing, \$180; chlamydia testing, \$200; gonorrhea \$200. It would cost close to \$1,000 for a victim to get this testing at this clinic if they had a high deductible insurance or had no insurance at all, and these healthcare clinics that we're talking about today help to make these tests affordable for victims because they pay on a sliding scale fee. So with that, I would be voting in favor of Senator Chambers' motion to reconsider and again in support of AM1198. Thank you. [LB327]

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

SENATOR HOWARD: Thank you, Mr. President. I think we've heard from Senator Vargas and Senator Bolz and Senator Wishart, but I was hoping some of the other members of the Appropriations Committee could maybe tell me a little bit about what they thought this provision did. And the only one I see right now is Senator Clements. Would you yield to a question? [LB327]

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

SENATOR CLEMENTS: Yes. [LB327]

SENATOR HOWARD: Thank you, Senator Clements. Since you voted for this provision I was hoping you could tell me a little bit about what your understanding is of what it does. [LB327]

SENATOR CLEMENTS: I'm not an expert on Title X. It does reprioritize...it gives HHS ability to prioritize to federally qualified health clinics. [LB327]

SENATOR HOWARD: Did you know that it would maybe omit some health clinics in places like Grand Island or Kearney? [LB327]

SENATOR CLEMENTS: No, not specifically. [LB327]

SENATOR HOWARD: So maybe it was just human error that we forgot to include the stand-alone clinics in your priority list. [LB327]

SENATOR CLEMENTS: I didn't make the list. [LB327]

SENATOR HOWARD: Oh, because the list was already in the budget? [LB327]

SENATOR CLEMENTS: Yes. [LB327]

SENATOR HOWARD: Okay, thank you, Senator Clements. Is there anybody else here from the Appropriation's Committee? No? They've already run away? I've already talked to Bolz and Vargas and Wishart. It's okay. You know, I think what I'd like to consider if the Schumacher amendment is unacceptable to the body, if we can look at ensuring that some of these stand-alone clinics will not be omitted from the priority list. Right now the priority list as it stands

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means that funding can go to the priorities, but by the omission of the stand-alones, it certainly allows the department to prevent them from receiving this funding. And we certainly don't want individuals in southeast Nebraska through Family Health Services, the Center Health Center in Kearney and Grand Island, People's Family Health Services in North Platte to go without. And so if we're able to...and I will work on this personally to make sure that those clinics are included. I think that would probably address most of the concerns in the body and it would prevent these clinics from not being able to receive this funding. With that, I would yield the balance of my time to Senator Chambers. [LB327]

PRESIDENT FOLEY: Thank you, Senator Howard. Senator Chambers, 2:35. [LB327]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Howard. And since it's on your time I'm going to depart from my reading, but I intend to read this transcript, and I want to tell you all what else I'm going to do. How many days did we spend on the rules? Thirty. Do we have 30 days left? And we're going to have some late nights. I've talked about going until midnight and people don't think I can. Well, what I intend to do if this stays like it is, it's a very bad piece of legislation. I'm going to go through it and make motions to amend it, and I'm going to let each motion deal with a section. The first motion will be to strike Section 1 and the last motion will be to strike Section 266, unless there are more...oh, Section 272. And I will make a motion to strike each section, and nobody need say a word. And you'll see if this old man can do this for seven hours. But there may be some people who want to discuss other aspects of the bill. It makes me no difference. I feel so strongly about the travesty that this body has engaged in that I'm going to try to salvage some modicum of integrity for this Legislature. The Governor's people voted the way I knew that they would. I was very disappointed in Senator Hilgers. He knows better, but you know, he's with that group also now. And I'm not going to be wasting my time around here. I judge the caliber of a person by how he or she votes on issues that pertain to people. I heard and have heard people whining about property tax relief for farmers and ranchers, but I wonder what will the people say who will no longer be able to get healthcare of any kind from the Central Health Center in Grand Island and Kearney. That's one of them that won't get any money. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR CHAMBERS: Family Health...you said time? [LB327]

PRESIDENT FOLEY: That's time, Senator. Senator Hansen, you're recognized. [LB327]

SENATOR HANSEN: Thank you, Mr. President. Colleagues, I rise in support of the Chambers reconsideration motion. I know sometimes the perception of reconsideration motion is that they

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are used to maybe just jump in the speaking order or do some other technical change, more strategy than true intent. But however, we do have from time to time reconsideration motions when I do think a vote does need to be reconsidered. And I'll just remind everybody, the vote we had which I believe had 48 people present, 48 people present for, had 12 people present, not voting. Under call of the house, a quarter of the people in this room did present, not voting in some way meaning that neither side, the yes nor the nos, got to 25. So those 12 people, maybe they're just doing a polite no and taking that route, but if any of those 12 people are in any way negotiable or interested in learning or wanting more time for debate, I do think it's fair and appropriate that we give this another shot. Whenever we see votes that are 18-18 or 17-19 or whatever the exact numbers were, it's tough to see, especially when there are some present, not votings. I understand that there's lots of moving parts. I understand there's lots of things going on. And I understand that, but I think there is an important...for us to accept this reconsideration motion, adopt this reconsideration motion, and get back to AM1198. First and foremost, I think there's a lot of confusion as to what AM1198 would do or what the original budget language that AM1198 is going to strike. We've had some people get up on the microphone and speak matter of factly about what it is and what it will and what it will not do based on things that aren't clear, as well as we talked about some options of just based on the base reading of language, some worries or some cuts in some language that we'll have. I just can't take this position for myself as a person who's a Lincoln senator. If this goes through it seems that every Lincoln provider of Title X funding is at jeopardy of losing their funding. We're going to lose all of our providers. And that's the city of considerable portion that unfortunately has a lot of women and men as been noted, a small portion, 10 percent or so of Title X goes to men, but that's a lot of people who struggle to have reliable access to healthcare and who exactly for programs like Title X who they are meant to access. Now...so moving forward I hope you'll support me in voting for the reconsideration motion, listen to more and further debate on Schumacher's idea, AM1198, and adopting that moving forward. Failing that, I do know there's been some initial discussion on possible amendments to adjust maybe the priority listing. That was kind of a novel concept that caught my attention and maybe that's some discussion we can have on whether or not that's what we wanted to do or we can go forward from there. But the immediate step, though, I do hope we will consider taking up the Chambers reconsideration motion. And since it's his motion, I'll yield my balance of time to him. [LB327]

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Chambers 1:40. [LB327]

SENATOR CHAMBERS: Thank you, Senator Hansen. Thank you, Mr. President. Members of the Legislature, ordinarily I do not take a lot of time reading, but that's what I have to do to some extent today. I do know that there may be the offering of an amendment on the existing language which the body did not want to strike from the bill. The number who are willing to take that step, I guess could be heartening in a desert area like this. But I'll tell you what shocks me. I've watched Senator Brewer's votes. I watched what he did with reference to Whiteclay. I was very

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impressed by that. But I have questions and I have questions about other people who make statements in one area, then when it doesn't affect them directly it becomes something else. Now maybe these people who go to these clinics are not affected by alcoholism, but I'm sure there are people who go to the Central Health Center in Grand Island and Kearney who wish...or will wish when they find out that they can't get service there anymore, will wish that those who are interested in doing something about Whiteclay would have been interested in doing something about their lack of access. The Family Health Services in southeast Nebraska, including Crete and Lincoln, those people will have the same concerns. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR CHAMBERS: The People's Family Health Services... [LB327]

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

SENATOR CHAMBERS: Time? Okay. [LB327]

PRESIDENT FOLEY: Senator Brasch, you're recognized. Senator Brasch, you're recognized. [LB327]

SENATOR BRASCH: Thank you, Mr. President, and thank you, colleagues. I do have some questions here and the need for clarification. As I've been listening to the dialogue and I'm not even sure who I should ask the questions, if it should be Appropriations or perhaps Sara Howard, but I'll start with Sara...Senator Howard...excuse me, I'm just... [LB327]

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

SENATOR BRASCH: It's the hour. [LB327]

SENATOR HOWARD: We're such good friends. I understand. [LB327]

SENATOR BRASCH: I know. That's why I want to ask you a question first. [LB327]

SENATOR HOWARD: Sure. [LB327]

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SENATOR BRASCH: All right, when we're talking about closing...are we talking about closing clinics? I don't see...there's no cuts here, right? It's just federal money and it's...why is somebody going to close? [LB327]

SENATOR HOWARD: You know, I think the only way that a clinic would close is if the department looked at the priority list and said, you're not on the priority list, so I'm not going to give you this funding anymore, and that's possible because there are some clinics who are omitted. [LB327]

SENATOR BRASCH: All right. And those are itemized somewhere or...? [LB327]

SENATOR HOWARD: The priority list is in the budget bill. [LB327]

SENATOR BRASCH: On page...? [LB327]

SENATOR HOWARD: It's FQHCs, community health centers, hospitals, tribal entities, and state and government entities. [LB327]

SENATOR BRASCH: Okay. And I see the bill. I read that, but I was thinking they were naming, calling out names. [LB327]

SENATOR HOWARD: No, no. [LB327]

SENATOR BRASCH: All right, because I couldn't find that. [LB327]

SENATOR HOWARD: But they're including types of clinics, so there's a type of clinic that's considered a stand-alone clinic. It's not affiliated with a hospital. It's not an FQHC so it doesn't have to provide a full range of primary care services. And stand-alone clinics provide...for instance, I was explaining to Senator Hilke, a podiatry clinic is considered a stand-alone clinic because it only provides one type of service. And so if there's a service area out there that only provides maybe women's health, that's considered a stand-alone clinic and that's omitted from this list. I'm sure it was an oversight. [LB327]

SENATOR BRASCH: All right. I see, because as I'm trying to search out information, and I'm not trying to be sneaky. The word "sneaky" hasn't come out, but people are implying this is about Planned Parenthood, which I am pro-life. And that's not a secret either. And I'm also pro-health, pro-wellness. And when you look at a map in Nebraska is that there are 167 better health...there's

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alternatives all over the state. There's different health clinics, and when we talk about Planned Parenthood since it was called out, we looked I think one is in Lincoln and is the other in Omaha is that correct, Senator? [LB327]

SENATOR HOWARD: Yep, just those two. [LB327]

SENATOR BRASCH: All right, and...but Omaha and Lincoln, they have a lot more clinics than the rest of the state does anyhow. We're talking about disparity, that Lincoln and Omaha have more than Planned Parenthood. [LB327]

SENATOR HOWARD: Has more providers? [LB327]

SENATOR BRASCH: They have a lot of places to go in Lincoln and Omaha where these services are offered, correct? [LB327]

SENATOR HOWARD: Where the services are offered, but not necessarily where the Title X funding is drawn down. [LB327]

SENATOR BRASCH: But there are more because I looked at the printout of the list and there's more in Lincoln and more in Omaha. [LB327]

SENATOR HOWARD: Right, they're just not Title X funded. [LB327]

SENATOR BRASCH: And there's a bigger population. I...in these communities. [LB327]

SENATOR HOWARD: Yeah. [LB327]

SENATOR BRASCH: But there are places to go. And then I'm also...as I look at this, I'm thinking you're not cutting out any money, and if there's a priority list I imagine that a community where you only have one place to go, Grand Island or... [LB327]

SENATOR HOWARD: Grand Island. [LB327]

SENATOR BRASCH: You could feel pretty good that you're not going be... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

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SENATOR BRASCH: ...out of the question. But, you know, there's only a minute left, and for me you look at...I don't believe Planned Parenthood does mammograms, is that correct? I've read they don't offer mammograms. [LB327]

SENATOR HOWARD: You know, I don't know. [LB327]

SENATOR BRASCH: And if you look at their annual report, I believe that their cancer screenings are way down. Their abortions are way...you know, I don't know. [LB327]

SENATOR HOWARD: You know, Title X I don't think covers mammograms, if that helps. [LB327]

SENATOR BRASCH: And that perhaps...and so they don't offer it there. But when we're talking about women needing services, I think Planned Parenthood perhaps may be targeted more towards family planning. Would you agree? [LB327]

SENATOR HOWARD: Certainly, as is Title X. [LB327]

SENATOR BRASCH: Very good. I believe I've run out of time. I'll put my light back on if I need to. But I don't support the reconsideration motion or AM1198. Thank you, colleagues. [LB327]

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

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. We have an amendment because people are saying, oh, well, we don't intend to prioritize or keep certain clinics out, so that's good news. I just...somebody handed me an article from Texas because in Texas, in 2011 the Texas house cut funding to the state's family planning by two-thirds from \$111 million to \$37.9 million, and I have this article that talks about following the budgets that the decline will lead to an additional 20,000 medicaid births, About 231 in medical expenses alone, and the state was having to cover 42.6 of those costs or about 98 million. If we think we're going to save money. If we think we're going to make good healthcare decisions by doing this, it's just not true. And another thing that happened was that they interviewed women who were seeking abortions. I know this doesn't deal with that, but part of the problem was accessing their preferred method of contraception in the three months before getting pregnant was increased significantly. So another problem that they talked about is a shift in the type of contraception provided to low-income women. Nebraskans, if you care about this, call your senators now. Let them understand how important this is to you to be able to access as much healthcare as possible. These aren't state dollars. We're talking about Title X federal dollars and allowing the health clinics across

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this state to access those dollars. The shift in the type of contraception that was available in Texas occurred to low-income women because the scientific study showed that the best way to reduce unintended pregnancy is by promoting and facilitating long-acting, reversible contraceptives such as IUDs, implants, and the shot. The family-planning providers in Texas were forced to cut back on those types of methods due to their higher up-front costs. And of course, the people in poverty who received Title X dollars and access those dollars then have to pay a larger fee. So one provider was quoted saying, it's as if Texas had been transplanted back to the late '70s when the pill was the only available method. And I'm sure some of you are uncomfortable talking about all that, but I'll tell you what, I'm not. It's a fact of life. It's a fact of an ability of a person to take care of themselves, to be able to be in control of their own birth control, to be in control of when they're going to have children, when they're going to work, what are the best opportunities available. And we're having this kind of discussion without a hearing, without a hearing. We are saying to heck with this! Oh, I'm so sorry that the Appropriations Committee should have seen it. Well, they didn't see it. Well, the public should have seen it. Well, they didn't see it. Well, too bad, it was there. And back in 2006, Senator... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR PANSING BROOKS: ...Senator Foley at the time indicated this was probably going to come up again. We just didn't realize it was going to come up when he was Lieutenant Governor they're now pulling...PRO is pulling people out to say, oh, you need to make sure to...make sure those women don't have coverage. Really? We're going to continue to make sure, Nebraska, that you, poor women out there across the state, and it's going to get worse because we know how the numbers are declining out in rural Nebraska. So if you think it's going to get better out there, it's not. Wait until we get to that 2020 Census and see what happens. It's going to get worse. The rural population is going to have a harder time making ends meet. And the rural women are going to have an even harder time accessing appropriate healthcare and contraceptive care. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR PANSING BROOKS: Thank you. [LB327]

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

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I know when debates reach this point people leave the Chamber. But there are people who religiously, so to speak, watch what we do. So there are far more people watching us outside this Chamber than is the case when everybody's here. And the ones who are here have gotten their marching orders

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already. But when these farmers and ranchers become concerned, then I'm going to participate in those discussions, which I haven't so far. And I will have amendments to offer. I will have motions to make, and we will take all of the time that the farmers and the ranchers and others who have interest want to take or feel will be necessary to take. But on some of those I won't have to do all the talking because they will have an ox being gored and they will have a great deal to say. But we're at that point that I always criticize the Legislature about. You have your prayers. Then when time comes to do something where it counts, you do nothing. I think Senator Bostelman was in the military. You talk about veterans. There are female veterans. But it's popular. It's politically expedient to pretend you have this concern and this care. But if you cared about veterans in the way you say you do it would extended beyond them. It would extend to people. And Senator Lowe, he and I are going to have a conversation about something that will be just between him and me. It's not anything that's serious, but I've got to get an answer from him on something that I don't understand to this day. There are other senators here who will ballyhoo issues and pretend to care, but they don't. And their actions prove it. They will talk about being interested in the welfare of rural people, and rural people are the ones who need help more than anybody else because I look at the kind of people they send here. You constantly talk about, we take care of our own. When it comes to children the way you take care of your own is to deny them representation when they go to court. Senator Groene boasts about how good the prosecutors are to them, but I read articles about things that happen in the courts out there among your own. And what I don't understand and never have understood is why you all who have such high morals, who are so family-value oriented, and you all are together in these little towns and you all want to carry guns, you want guns in your trucks, you want guns everywhere you go, yet you don't travel very far. You're narrow in your outlook. You're parochial in your attitudes, but you're afraid to walk from your front door to your mailbox so you've got to carry a gun everywhere you go. Who are you afraid of? Black people are not going to come out there and bother you. The Native Americans are not going to try to take their land back. There's a lot of problems trying to get those liquor stores in Whiteclay shut down, so the only ones you can fear are each other. You know a lot about each other, and maybe you ought to watch that Harper Valley PTA movie where it talked about the narrow-minded, small-minded people in these little towns. Everybody knows everybody's business. Everybody talks about everybody's business. People sometimes leave their shades up when they shouldn't and their activities are observed. Everybody knows who's catting with everybody's spouse. Everybody knows who's catting with the young girls in the town. It's well known. Sheriffs know. Police officers on these little police departments know. There are deaths... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: ...that are pretended to be old and cops will make it hard on people in the town. There are certain ordinances that are enforced very rigidly against people who are not welcome in that town. And these are the things that I know about that happen because your

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people tell me. I used to be invited out there regularly to talk to the children in their schools until the parents didn't want it. You know who would invite me? The children. When they had a graduation they would invite me and I would go, and some of those towns are so small that a graduating class at Central or North or any of the large high schools in Omaha had more bodies, their young people, than the total population in the town where the kids invited me to come. But wherever I was invited that's where I went. I went to a place called Broken Bow. My son heard about it. He thought it was Broken Bone. I said, no, it's Broken Bow... [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR CHAMBERS: And when I...thank you, Mr. President. [LB327]

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

CLERK: Mr. President, amendments to be printed to LB415 by Senator Baker and Senator Harr to LB492. I have a new resolution: Judiciary Committee offers LR114; it calls for an interim study. That would be laid over. (Legislative Journal pages 1235-1241.) [LB415 LB492 LR114]

And, Mr. President, Senator Walz would move to recess the body until 6:15 p.m.

PRESIDENT FOLEY: Members, you've heard the motion to recess until 6:15 p.m. Those in favor say aye. Those opposed say nay. We are in recess.

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good evening, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The evening session is about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

CLERK: I have a quorum present, Mr. President.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Do you have any items for the record?

CLERK: I have none.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Members, we're going to resume the debate where we left off. Senator Bolz, you're next in the queue. [LB327]

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SENATOR BOLZ: Thank you, Mr. President. I have been working over the past couple of hours trying to better understand this change, as proposed. And one of the things that I did was to directly reach out to the Division of Public Health to try to better understand their intentions and their goals with bringing this language to the committee. And so I have a response directly from Dr. Williams. And Dr. Williams says, thank you, Senator, for the clarification questions. DHHS has provided Title X services to Nebraskans since 1971 and will continue to do so. The proposed prioritization does not change our commitment to provide services across the state but provides an opportunity to work with providers across the state to increase access to comprehensive services, including reproductive health. Based on the department's interpretation of the language...could I have the gavel, please? Based on the department's interpretation of the language, we believe that Title X funds statewide will not be reduced and no one will lose eligibility. Priority will be given as identified in LB327; however, no providers, including current providers, will be excluded. It is likely that many of our current providers may continue providing services based on geographic availability. We would first fund and prioritize as the bill indicates, but if the prioritized providers do not meet the requirements or do not apply for Title X funding, all other providers will be considered. Yes, the department is currently able to prioritize under federal regulations. So it seems to me, colleagues, that this is an opportunity for compromise. If the real goal is the opportunity for prioritization, I would ask that all of us look at the amendment being proposed by Senator Pansing Brooks, which removes the "up to" language and says that we want to allocate all of the existing funding to the existing purpose, which I think is appropriate, and simply brings the stand-alone clinics among the list of things that can be prioritized. To the best of my knowledge and understanding, that is consistent with the goal of the Appropriations Committee vote, which was to allow the prioritization. It's, to the best of my understanding, consistent with what the department is saying about their goal of prioritizing among these different service providers in concert with federal regulations, and addresses the concerns, perhaps not completely, but addresses some concerns about access to services and ensures that those stand-alone clinics can continue to provide services. So, colleagues, that is my good faith effort to provide information to you and to share the communication that I received from the Division of Public Health and to suggest a compromise in partnership with other people on the floor. So I appreciate your consideration. And if I have any time left, I will give it to Senator Harr. [LB327]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Harr, 2:00.

SENATOR HARR: Thank you, Mr. President, members of the body. I have an amendment as well and I'm willing to pull it if I can get enough people that say Senator Pansing Brooks's compromise will work. The nice thing about bringing a bill, language like this, into the budget is that it doesn't get filibustered, right? You don't have to get 33 votes. You only have to get 25. The downside to bringing a bill, language like this, on a mainline budget is there is no filibuster. I don't know if you guys remember the first 30 days. I do. So we have to decide what do we want

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to do as a body, how do we want to handle this. There are a lot of important pieces of legislation that I want to see passed... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR HARR: There are a lot...piece of legislation I don't want to see passed. So again, it's a double-edged sword. How far do we want to take this? What do we want to do? I ask everyone to read Senator Pansing Brooks's comprise. We're going to have plenty of time to talk before we get to that. We can take all night. We have till 11:59. But let's try to work something out. Let's try to do something better than we did the first 30 days. Let's try to find something where both sides aren't happy, but both sides get a little something. Thank you. [LB327]

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

SENATOR KRIST: Thank you, Mr. President. So dealing with the earmarks that we currently have within this program code and removing...simply removing the caveat that is in...or the wording that's in Senator Pansing Brooks's amendment will bring me over to a point where I'm comfortable with the funding with the healthcare clinics, particularly with the legislative intent and the words that have been read in to the record. So for the record, I now am in opposition with the reconsideration motion. I'd like Senator Schumacher simply to withdraw...actually, he doesn't have to, because if we don't reconsider the vote then we're back to the next amendment in line which would be withdraw. But I think we're going to have to get on the mike, a few of us, and state that our intent is what it is. That's all I'm going to say about this bill. But I want to relay to this body, I have vowed to make sure that I pass on some of the mentoring that I was privy to and the experiences that I have been fortunate enough to have. There were many of you that did not vote, many of you that voted a different way than I would have hoped that you would have. As a gentleman in the body when I first got here who is about to be reelected--I had a great deal of respect for him, a great deal of respect, he was one of my mentors--but we came to a late night vote. I keep talking about late night votes because, in my mind, in my time in the Legislature, those have been very dramatic in one way or another. We came to a late night vote and this particular Senator that I appreciated and respected changed his vote. I walked up to him and I said, Senator, I am really disappointed, I'm disappointed in how you voted. And he was honest. He turned to me and said, I have to get reelected. I have to go back to my district and this one is going to be a pivotal vote for me. You all are going to have to make that decision, vote by vote, item by item, throughout your experiences here, throughout your time here. And then you're going to have to look back on your time here and either be proud or not be proud of what you have done. And I can tell you I have no problem looking myself in the mirror. I don't often see the 25-year-old I'd like to see, but I have no problem looking at myself in the mirror for the votes that I have case and for the time that I've spent on this mike. So if you've had pressure from the

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Governor, the Lieutenant Governor, the leaders of the caucus, whether it be Democrat, Republican, or whatever, to vote in a certain way, and you have come to a point that you're comfortable with your decision, I respect you. Let me tell you that twice. I respect you. But just be aware these aren't the toughest votes you'll see. And these aren't death penalty-type votes that we are taking today, and you won't receive a death threat for this one as many of us had on other votes. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR KRIST: But this should be a vote, like any other vote, that you do what is right for your constituents and for the state. And in some cases, if you feel it's important enough to change your vote because you want to get reelected and do good things, I respect that. But be careful. Because as Senator Utter used to tell us all, it's a slippery slope we live on. Thank you, Mr. President. [LB327]

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

SENATOR GROENE: Thank you, Mr. President. I really don't want to stand here and say what I'm going to say. Wish my wife was here doing it because these kind of issues are better spoken by women. But my wife and I support the women's resource center in North Platte. It's a Christian organization for young mothers in need. They help them through their pregnancies, help them with baby supplies and formula. And they give counseling, postabortion counseling for people who have made that decision. But we also have in North Platte--I didn't even know it--the People's Family Health Services, which is an independent clinic since 1974. They receive \$10,000 a year of this federal money. They have clinics in McCook, North Platte, Grant, Curtis, Imperial, and Benkelman. Not...they have places, storefronts, in North Platte and McCook. They service the other areas. They service over 1,000 women a year, poor women who need Pap smears, mammograms, birth control, STD testing. They help young men with cancer checks, testicle. They do not recommend abortions or do abortions. But they are a private organization. They've been there since 1974, a nonprofit. I am concerned that the language in AM590 will eliminate their funding. And I don't know where these rural, poor women are going to go for STD testing. I had a sister die of ovarian cancer. If she could have been tested because she could have ran down to the clinic, she might be alive instead of deceased at 53. I am firmly against abortion. I stood on this floor and told everybody here a while back there's no such thing as a pregnant woman to me. Once you are pregnant, you are a mother. I got a lot of bad e-mails from people who don't believe that. I didn't get one e-mail in support from pro-life, but I can stand alone because I still believe that firmly. But we watch what we're doing here. Not everybody walks in to one of these clinics looking for an abortion. I am firmly against one of my tax dollars going, against, to Planned Parenthood. But there's more at issue here than Planned Parenthood. I

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think President Trump, since this language was written--I think Senator Chambers mentioned it--has an executive order that you do not have to fund Planned Parenthood. That's taken care of, I believe. But I want to make sure on the record that the People's Family Health Service in North Platte and southwest Nebraska is funded. They don't advertise. In fact, they work with the Christian organization when a young lady is pregnant--and WIC, they also handle the WIC program--they refer them to the women's resource center where they can get education about being a mother, get diapers, formula. Yes, we take care of our own in rural Nebraska. We have different viewpoints. Federal money was available for these clinics back then and they started. I never knew they existed. It's not the side of the street I go on. I go to the medical doctors, my family does. I just wanted to make the point that you can't throw everything out with the bathwater. I didn't even realize this until I talked to a bunch of my constituents. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR GROENE: Yes, I am firmly against abortion. I'm finally saying that. There's a lot of my cohorts who believe that and are afraid to say it on the mike. But they're for AM590. But I'm also for people's access to healthcare. So that's where I stand on this issue. I'm against MO110. I'm against AM1198. I want to trust and I do trust HHS, and Courtney Phillips said she's going to supply service and make sure there's service in rural Nebraska. So thank you. That's where I stand and it's on the record. Appreciate it. [LB327]

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

SENATOR QUICK: Thank you, Mr. President. I just would like to speak on this a little bit just because I do think that this motion coming up, I could support that. Because the Central Health Center in Grand Island and Kearney, it provides such a great service for women in that area. And actually all the other rural centers throughout Nebraska provide that service for them and actually help to reduce the number of abortions in Nebraska. So with that, I feel like I could support that motion and I would yield the rest of my time to Speaker Scheer. [LB327]

PRESIDENT FOLEY: Thank you, Senator Quick. Speaker Scheer, 4:10. [LB327]

SPEAKER SCHEER: Thank you very much, Mr. Lieutenant Governor. Thank you, Senator Quick, for your kindness. I'm about as pro-life as they come, but having said that, I am pro life. That also means a woman's life. I have to tell you I've lost far too many friends to breast cancer, to ovarian cancer, to other things that are tested at a lot of women's facilities regardless of the amount they pay when they walk in the door. They are life-changing, saving facilities. We can't simply turn our back because they may be an independent operation in some of our communities that aren't affiliated with any national organization that you may or may not like. But they're

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providing needed, productive healthcare across the state of Nebraska. We cannot, we should not be turning our backs on those people that are wanting and needing that type of healthcare. We can consider this a pro-life bill if...or amendment if you'd like. But remember, it's pro life. Has nothing to do with fetuses exclusively. It has to do with life. I consider every woman that I work with on this floor a friend. I have gone through losing two employees to breast cancer. They were wonderful, wonderful women. I miss them. I don't want that to happen to someone needlessly. If the comprise that has been presented in relationship to providing the option of independent facilities in those communities without jeopardizing the state's ability to prioritize and utilize the funds, then I can agree to that. I hope you can, too. Thank you, Mr. Lieutenant Governor. [LB327]

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

SENATOR HARR: Thank you, Mr. President. Thank you, Mr. Speaker. Thank you, Senator Groene. This is about women's health, folks. And it's easy to sit out, outside the glass and say who's pro-life and who isn't. And it's people's lives we're talking about here, 15,000 to 30,000 women. That's not pro-life? This is not about abortion. The bill is very clear. LB327, page 49, line 26, "None of the General Funds provided under this program shall be used to perform or facilitate the performance of abortion or to counsel or to refer for abortion." We have a comprise worked out. It's not perfect. Everyone gets a little something. But, folks, don't let perfect be the enemy of good. And let's remember what's really going on here. This is about women's health. Right? I had a mother who had cancer. She just got her five-year clean. There are others who aren't so lucky. There are real issues that women have in health that I as a male don't, and we, as much as I believe in equality, there are certain things that aren't equal, for better or for worse. So I'm going to support the amendment or the comprise of Senator Pansing Brooks when it comes up, but that doesn't mean I'm not pro-life. And that doesn't mean someone is not pro-choice because we're passing this. It means your governing, you're making the hard decisions, and you're figuring out a way forward. We don't want to be here till midnight. We don't want to have to go 20 days on this. So I want to thank Senator Pansing Brooks for her work in finding a comprise to help ensure that women across the state, Senator Brasch brought it up earlier-- Omaha, Lincoln, they're going to be fine. There are other facilities. It's people in greater Nebraska that are going to be affected by this who won't have access to quality healthcare, and that's what this is really about. So I want to thank Senator Groene and the Speaker for their words in this, and remind everyone no money will go towards abortion, abortion counseling, or referral, period. End of discussion. Thank you. [LB327]

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

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SENATOR HANSEN: Thank you, Mr. President. I'm appreciative that things seem to be being developed, and I'm excited to, when we get to the opportunity, debate amendments that might be more consensus among the body. But in the meantime, I'd just kind of like want to reframe and kind of touch a little bit more on what Title X does. I was speaking during our break, I was actually speaking with -- I'll just call them several young Nebraskans who have taken advantage of Title X health services, one of whom was actually a man. And he reminded me that Title X health services, among one of the things the cover is STD and HIV prevention, education, counseling, testing, and referral. I know a lot of times Title X is framed in the perspective of women's health and naturally a large majority of the funds do go that way, but as been pointed out a couple times on the floor, this affects men's health, too. And especially when we're talking about kind of at-risk, high at-risk populations, young men and women of all incomes but especially young men and women who are financially unsecure are people we should make sure we look out for and care for. And I think that's really an important aspect included in the Title X and its impact to the state of Nebraska and one of the reasons I am so passionate about it in making sure it does reach out and does help all of our communities. I just wanted to touch upon that. You know, maybe this is a generational thing, but I see a...I've seen and heard from some people, people I know, people I call friends who rely on these services. And it's kind of scary when you have insurance or don't, when you have poor insurance or don't have insurance or may be on the bubble or all sorts of different moving targets that have been in the healthcare market since I've turned...in the past...in my short time purchasing insurance and being involved, making sure there is some sort of safety net where we know there's some federal funds for some health services like Title X. You know that there will likely be some sort of income-based services available for you and that could be your fail-safe. I found some individuals who are close to me who have been really concerned about whether or not they might have some of these things that are screened for, specifically STDs and HIV. And kind of the scary thought of having areas of the state, whether or not that's Lincoln, whether or not that's a more rural community, where that's just not available and then all of a sudden we have to tie in to the transportation issues that seem to be gripping our state on a lot of issues, and that's a concern. So I'm thankful we as a body are moving forward, hopefully, and I'm glad we can continue to focus on making sure healthcare and healthcare services, like Title X, are available as best we can make them statewide to all populations. But I just want to remind people, there's a couple of times it's been referred to as maybe something the women should be talking about. I just want to make sure this impacts us all, including it very directly impacts men who can receive access to these services. Thank you, Mr. President. [LB327]

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

SENATOR CRAWFORD: Thank you, Mr. Lieutenant Governor. Good evening, colleagues. I will...just wanted to be on the mike to also say I am supportive of the comprise amendment, and I do hope that other people will be willing and able to come along with that as well. I also did

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just want to clarify. I think there's some confusion. Really in this section we've got two types of funding for important health screenings, and the "up to" language is really General Fund moneys that go toward important provisions of healthcare that are in the bill: Pap smears, colonoscopy, cervical biopsy. And as we've heard so eloquently by the Speaker how important it is that we allow people to get those screenings and so making sure that our Public Health Division is spending money to ensure people are getting those screenings is very critical. And I appreciate that we make sure that we add in stand-alone clinics as an option for the Department of Health and Human Services. It is still the case that the department will be allowed to prioritize among the entities that provide Title X services, but in this case we're clearly saying that we do want them to consider stand-alone clinics in that option and as they're providing that funding. And that's, I think, a very important consideration. As we noted multiple times on the mike, there are some communities where those stand-alone women's health clinics or stand-alone clinics are key clinics who provide this care. And I think there's also some confusion when people talk about the fact, well, someone could get these health services somewhere else so it doesn't matter if these stand-alone clinics don't exist. Somebody could go to a hospital or some other clinic to get these services. Colleagues, we're talking about Title X services so it's not just does some other entity in the community provide these screenings, assistance. It's does any other entity in that community provide them to low-income men and women for free or for a price they can afford? That's critical. Unless you want to make sure that we provide healthcare for all of our citizens in the state so that they can go and get these services any place they want in the state and we have a way to do that if that is what you would choose. But since we do not have that option, we have many Nebraskans who do not have health insurance, who do not have access to healthcare except through programs like Title X. And so it's critical that their community has a facility that provides these services that are Title X services, not just a facility that does screening but a facility that does it through Title X. And as we've already said tonight, the application for these Title X services, 30-plus page application. Some other entities also provide some of these services, but we have these stand-alone clinics that serve many of our Nebraskans that have been providing these services and already know...have those 30-page application forms turned in and have that record of providing these important services to the citizens in our communities. And it's critical... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CRAWFORD: ...that we keep this infrastructure in our state. We've talked over and over again about provider shortages, the difficulty of people getting healthcare in our underserved areas. So why would we exclude providers, these stand-alone providers? Stand-alone providers--Central Health Center in Grand Island, Kearney; People's Family Health Services in North Platte; Family Health Services in southeast Nebraska--why would you exclude them as an option? I urge you to reconsider and I urge you to vote for Senator Pansing Brooks's

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compromise amendment. I think it's a good step I appreciate. I urge your support for that amendment. Thank you, Mr. President. [LB327]

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

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. We have worked out a compromise. We're trying to...it's the next one up so we're trying to make certain to talk to people and understand that by adding in the fact that the stand-alone clinics will also be given prioritization and be part of the...be in the mix of being able to get funding, Title X funding, and also get rid of the language that says "up to," because we have never had that before in any of the other budget items that are used for General Fund budgetary items, only for the cash fund, which makes sense because things like the Court Automation Fund is based on fees and so you can't determine in a specific year how many fees are going to come in to that fund. So I hope that you'll consider supporting the amendment that I have that allows the stand-alone clinics to also get prioritization and also make sure to get rid of the words "up to," because we have not done that before. And with that, I'll give Senator Schumacher the rest of my time. [LB327]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Schumacher, 3:20. [LB327]

SENATOR SCHUMACHER: Thank you, Mr. President. Will Senator Pansing Brooks yield to some questions? [LB327]

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

SENATOR PANSING BROOKS: Yes. [LB327]

SENATOR SCHUMACHER: First of all, what is the definition of a stand-alone clinic? [LB327]

SENATOR PANSING BROOKS: I think you could ask Senator Howard because that is something that she specifically described that's a part of HHS. [LB327]

SENATOR SCHUMACHER: Okay. [LB327]

SENATOR PANSING BROOKS: I think Senator Howard could respond to that better? [LB327]

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SENATOR SCHUMACHER: I will. I will do that, then. Then secondly, is it your intent that all stand-alone clinics and the hospitals and the federally...federal centers, they all be treated equally? [LB327]

SENATOR PANSING BROOKS: They get prioritization, equal prioritization. [LB327]

SENATOR SCHUMACHER: Equal prioritization. [LB327]

SENATOR PANSING BROOKS: Yeah. [LB327]

SENATOR SCHUMACHER: So the way they're listed there, if we listed them backwards... [LB327]

SENATOR PANSING BROOKS: It wouldn't matter. [LB327]

SENATOR SCHUMACHER: ...it would have the same effect. [LB327]

SENATOR PANSING BROOKS: Yeah, they get to be prioritized. Yes, those are the priorities. [LB327]

SENATOR SCHUMACHER: And is your contemplation then that these...there would be any rules and regulations that would set out the rules on these things, or is this just going to be by total discretion on applications? [LB327]

SENATOR PANSING BROOKS: As they have done before, they...as the entities apply and as the funds are there, they get to apply for their funding as has been done in the past. [LB327]

SENATOR SCHUMACHER: Thank you, Senator. [LB327]

SENATOR PANSING BROOKS: Thank you. [LB327]

SENATOR SCHUMACHER: Senator Howard, what is a stand-alone clinic so that our record is clear that it's just not a little building off to the side someplace? (Laugh) [LB327]

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

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SENATOR HOWARD: Yes, I will. A stand-alone clinic is a clinic that provides a specific type of service and it doesn't do it in an affiliation with, say, a hospital. And so the difference between an FQHC, which provides a broad range of primary care services, is that a stand-alone clinic will provide a very specific type of service. So the example that I gave previously is a podiatry clinic would be considered a stand-alone clinic because it provides a specific type of service and it's not affiliated with any broader entity. [LB327]

SENATOR SCHUMACHER: Would these institutions that are providing this service now, that are currently getting money, all be considered stand-alone clinics? [LB327]

SENATOR HOWARD: Not all of them. [LB327]

SENATOR SCHUMACHER: Which ones are... [LB327]

SENATOR HOWARD: Not all of our Title X are stand-alones, but some of them are. [LB327]

SENATOR SCHUMACHER: Who's being excluded then? [LB327]

SENATOR HOWARD: The clinics that are being excluded are Family Health Services, Central Health Center, People's Family Health Services, and Planned Parenthood. [LB327]

SENATOR SCHUMACHER: And what's their characteristic that causes them to be excluded? [LB327]

SENATOR HOWARD: Well, they're considered a stand-alone clinic so they only provide this type of service and they're not affiliated with a broader entity. [LB327]

SENATOR SCHUMACHER: So they are the ones that are included in this deal or excluded? [LB327]

SENATOR HOWARD: In the Patty Pansing Brooks's amendment. [LB327]

SENATOR SCHUMACHER: In the Pansing Brooks's amendment. [LB327]

SENATOR HOWARD: Yes. [LB327]

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SENATOR SCHUMACHER: And who is excluded then from the Pansing Brooks's amendment? [LB327]

SENATOR HOWARD: No one is now. [LB327]

SENATOR SCHUMACHER: Okay. Thank you. [LB327]

SENATOR HOWARD: Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senators Howard and Schumacher. Senator Chambers, you're recognized. [LB327]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I'm going to put it where it should be. They're after Planned Parenthood. Who on this floor thinks that anybody with HHS is going to grant any funding to Planned Parenthood? You all think you've got a comprise. How do you think? That's not a comprise. You're giving them everything they want. And here's what I look at in the language of the bill. We ought to read the bill. Page 55, line 7, "To the extent permissible under applicable federal regulations." You know what Trump did the other day? He said under President Obama's administration Planned Parenthood could not be defunded. He changed that. So what was not permissible before is now permissible under federal regulations. That's why you put a date. These things change now with Trump and his crazy people, racist, antisemitic. "Department of Health and Human Services shall prioritize the disbursement of all funds associated with the Federal Title X Program to the following entities: federally qualified health centers as defined in 42 U.S.C.," and then the rest of it. Suppose Congress, in view of what Trump did, changes that law. You don't have a date here that says as of whatever the date is, 2017. So that as far as the state law is, that remains the definition. The definition ten years from now is the same as it was here because you put the date. You'd say you give that federal law as, and then you give the date, as it existed on this date. That's not in here. So as Trump changes things and as Congress makes changes, then this language means nothing. You don't have a comprise. You have a capitulation, and you can do it. And these people will gladly vote for it because I'm sure that those rural senators have been told, well, Senator Erdman, we're not going to close the...we're not going to close the clinic in your area; you're not who we want. Senator Groene, you don't have to worry; we want Planned Parenthood and we're going to get Planned Parenthood. And we'll let all these other rural clinics stay. We're going to give them the money, but we want to get rid of Planned Parenthood. And that's what Senator Foley made clear down through the years. It's what they all make clear. I cannot make these people do anything. I cannot make you all do anything. But you all can't make me shut up. Now you have eaten and your bellies are full. You've been refreshed and you feel differently now from when you did when you were hungry. I didn't eat anything. I didn't drink any water. That is, by the

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way, why my water bill is not very high. (Laughter) You all see how long I stay on this floor. How many times do I leave the floor to flush the toilet in the bathroom when I don't even go? How much water do I drink? I don't have a water bottle here. I don't have the pages bringing me water, coffee, or anything else. And in the old days we called this the culture corner and there was a lady senator in front, the two seats in front, one next to me on either side. And they use to have consultations betting when I was going to have to stop and go to the bathroom. Then they reached the point where they finally told me, Ernie, do you have natural bodily functions? I said, the ones that I need I have. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: I don't do like you all do. I should be hungry now, huh? I'm 80 years old. I shouldn't be able to go till midnight. You all are trying to find a way to get out of here. I want us to stay here, and I want us to work and earn our money and show that you mean it. I will show you I mean it. You saw what I showed the first 30 days, huh? I was always here. And I'll do it now. You gave me the first 30. Are you going to give me 20 more? Ought to have an auctioneer up here telling how many days are you going to give me now? Do you think I will not offer motions to strike each section in this bill and talk about it? You think I couldn't do it? Call my hand. That's what you do with a gambler and you think he's bluffing, but you better be sure he's bluffing. Here's what you all need to listen to. It was in that song by Bob Seger,... [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR CHAMBERS: ..."You're Still the Same." Oh, you said time? [LB327]

PRESIDENT FOLEY: Yes, sir. [LB327]

SENATOR CHAMBERS: They'll have to wait till next time. Thank you, Mr. President. [LB327]

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

SENATOR EBKE: Thank you, Mr. President. And thank you, Speaker Scheer, for your wise remarks a little while ago. Back in 2012, some of you were here, some of you weren't, and I guess not many were here, but you will remember the prenatal funding for immigrants debate. And Senator Krist remembers that. And I was not here yet, but I was watching carefully. And in 2012, I think in the summer, I was at a Republican Party State Central Committee meeting and it was in Norfolk. And Senator Scheer's predecessor, Senator Flood, Speaker Flood, was there, and he was booed by a group of Republicans because he had voted for that. And he got up and he

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dealt with it very straightforwardly and he said, you know, I finally decided that if you're pre-life, you have to be pre-life no matter what the nationality of the mother is. And I was taken by that, so much so that I still remember it five years later, not even thinking at that time that I might be coming to the Legislature. I think it's an important thing for us to remember and I think it's also important for us to remember what...I received an e-mail yesterday actually from the college nurse at Doane University in Crete. She said: Hi, Laura, I am reaching out to you, concerned about the future of Title X funding for family planning services and how this funding impacts our students right here at Doane University. On the fourth Monday of every month for the past several years Family Health Services comes to Doane and offers free and reduced fee services for Doane students. These services include female exams, birth control, STD testing, and education. We have had over 100 students from September through April who have taken advantage of this monthly service. In addition, last month Family Health Services offered a special walk-in STD testing clinic. In three hours 40 students attended and 6 tested positive for chlamydia. It is obvious that this is a valuable addition to Doane University's health and wellness offerings. The thought of losing this free and reduced fee service for our students is disheartening. There is such a need for this service and without it I am fearful that students will not seek services and treatment as needed because of their limited ability to pay. Many young people are not able to use their insurance, if they even have any, for these kinds of services because they do not feel that they can talk to their parents about these sensitive issues. These services alone help prevent unplanned pregnancy, spreading of STDs, and maintaining general reproductive health. Prevention services are much more cost-effective than treatment or absorbing the cost of an unplanned pregnancy through other programs such as Medicaid. Friends, this is one of those issues that because of the way that it was...that it's been couched, it makes it a very difficult political decision for many of us, but there is a right decision. And so having not voted earlier, I would support the Chambers reconsideration motion. I would support the Schumacher amendment, and I will support any other amendment that tries to accomplish the same purposes. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: (Visitors introduced.) Speaker Scheer. [LB327]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Colleagues, I'm going to ask you to do something I normally don't do, but I don't want bad legislation. We have an amendment that Senator Pansing Brooks has brought forward. It may not be the perfect one. I have knowledge of an amendment that Senator McDonnell is working on but is not down yet. I don't want to sit down at a table for 15 minutes and assume that we're going to work out a perfect solution to this. It doesn't happen in 15 minutes. Both senators have promised that they will do their due diligence to work out a compromise between those two that will facilitate that it is workable for all of us. I'm asking you to move forward with Senator Pansing Brooks's amendment tonight so that we can move the process forward. We're bogged down. We're all saying the same thing. We all want women to have services. We don't want this terrible disease to inflict itself on any other

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family or woman. So, please, let's work the art of compromise. That is part of politics. Everybody doesn't ever get everything. No one should be denied everything as well. So consequently, I would ask reverently that Senator Chambers withdraw his motion of reconsideration, that Senator Schumacher remove his AM1198. Let Senator Pansing Brooks's motion to be brought up. We can vote on it, and we can move on with it and dispense with this bill and move on to the next one. We have a lot of work left in front of us. We have competent people that are willing to work together to come up with a just solution. Please let them. Thank you, Mr. Lieutenant Governor. [LB327]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Senator Schumacher, you're recognized. [LB327]

SENATOR SCHUMACHER: Procedurally, I guess I don't understand this. We have a motion for reconsideration that needs to go away, I think before I can withdraw an amendment that's under a motion for reconsideration. I'm not sure if I'm right on that... [LB327]

PRESIDENT FOLEY: I believe that's... [LB327]

SENATOR SCHUMACHER: ...but that would seem to make sense. [LB327]

PRESIDENT FOLEY: I believe that's correct. Let me check with the Clerk. The motion to reconsider is pending, so that needs to be handled first. [LB327]

SENATOR SCHUMACHER: That's what I thought. [LB327]

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

SENATOR CHAMBERS: Thank you. Mr. President, I'm not agreeing to anything. I'm going to resubmit my bracket motion and we're going to debate it. Then I'm going to reconsider it, and I'm going to keep us here as long as I can. These people are so eager to get out of here they will do anything. I am not less concerned about the integrity of our legislating at 7:05 p.m. than I am at 9:00 a.m. in the morning. You all get tired and you change. Senator Brewer knows the difference between tactics and strategy. You all are tactical fighters. You look at the incident. You look at the small piece of territory. But the strategic thinker looks at the entire battlefield, the entire conflict. You let squad leaders handle tactics, you might let the captain of a platoon, but the generals must think strategically. I am not going to let you all loose before I've done everything that I can under the rules, and I will show you what I will do. And you all can get

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weak-kneed. You can get tired. And you can give up and you can throw in the towel and quit, but I won't. A week from now you'll feel differently from the way you feel now. Getting tired is what they expect you to do. They wear you down. They out there in the hallway can...or the Rotunda can laugh at you: We got them; they're getting tired now. They're saying we'll agree to this and we're not giving them anything because we will have somebody who's the head of HHS who will make sure that Planned Parent (sic) doesn't get anything. And if Senator McDonnell names Planned Parenthood in a bill and puts it in a law, that's special legislation and it's unconstitutional. You cannot pass a law to favor a specific individual. That's a closed class, so let him do it. He's probably got some people telling him they are so smart. I didn't know he was so...and...well, wait a minute, I'm going by what I heard. Maybe that's not what Senator McDonnell is doing anyway. We'll find out what he's doing, huh? But he obviously isn't going along with what Senator Pansing Brooks is talking about. Look at me! What do you see? That kind of language you can't say on the mike. I'm talking about something a little deeper than that. But you see somebody who is not going to make a lot of blustering sounds and then let a pin stick in him and you see he's full of hot air. Look at you all slumped in your chairs, tired. Was I standing this morning? Am I standing now? You all got your bellies full, as I said. You're not ready to engage in the struggle. There were certain types of fighters who became mercenaries, and people didn't want to fight against them because they knew there was no quit in them. But the rest of you all who were drafted, you do as little as you can and you run the first time the opportunity comes. I'm not a runner. My brother exercises by running a lot. And I told him, there's nothing I want so bad I'll run after it, and there's nothing I fear so much that I'll run away from it. So I don't have to worry about doing any running. And this is a good time to test me. I've been engaging in the discussions today. Should I be as tired as you are? All of my children, I'm disappointed in you, and now you're willing to accept anything. You are voluntarily suspending... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: ...your disbelief. And that's what fiction writers want you to do--pretend that things can happen, which you know in the real world can't happen, and then you allow the story to proceed. Well, I am not suspending anything. We reckon winning and losing in different ways. I will lose when I go against what it is that I believe. I will lose if I let somebody intimidate me into doing what I don't believe in doing or intimidate me out of doing what I do believe I ought to do. I won't be like the rest of you all. I don't want to be like the rest of you all. Senator Linehan got a bill through here that made doctors give certain information they found out when they gave women examinations. These poor women cannot afford to go to the doctor and get that kind of examination, so she'll vote for this kind of trash that will hurt those poor women. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

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SENATOR CHAMBERS: Thank you, Mr. President. I want a call of the house and a roll call vote. [LB327]

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

CLERK: 22 ayes, 1 nay, Mr. President, to place the house under call. [LB327]

PRESIDENT FOLEY: House is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Stinner, Watermeier, Hilgers, Geist, Bostelman, McDonnell, Smith, Scheer, Friesen, and Groene, please check in. Please return to the Chamber and check in. All unexcused members are now present. The question before the body is the adoption of Senator Chambers' motion to reconsider the prior vote. He has requested a roll call vote. Mr. Clerk. [LB327]

CLERK: (Roll call vote taken, Legislative Journal page 1242.) 17 ayes, 29 nays, Mr. President. [LB327]

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

CLERK: Mr. President, I have a motion to bracket the bill until June 2, 2017; that's offered by Senator Chambers. [LB327]

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

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. I mean what I say and I say what I mean. And you all don't have to stay here; you all can go home. And then as soon as the number drops to 24 we're automatically adjourned. That's how you can beat me and stop me from talking--just go home. But you won't do that. You want to be in between so you can go either direction. I don't play it that way. I was going to tell you what Bob Seger sang in his song "You're Still the Same." You always said the cards had never done you wrong. The trick, you said, was never play the game too long. Now, that's what I'm telling you all. Who's going to make the cloture vote motion? Whose bill is it? Whose name is on this bill? I'd like to ask Senator Scheer a question. [LB327]

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PRESIDENT FOLEY: Speaker Scheer, will you yield, please? [LB327]

SENATOR CHAMBERS: Is Senator Scheer... [LB327]

PRESIDENT FOLEY: I do not see him, Senator Chambers. [LB327]

SENATOR CHAMBERS: I was going to ask him if he was going to make the cloture motion. You know why that would be beautiful? Then you all don't have to worry about any other amendments offered on this bill, because you can't offer any other amendments and it moves without the bill being amended. So maybe you ought to let me just do what I'm doing. Go to cloture, and the bill will not be amended at all by anybody. Am I doing you a favor? Or are there people who want to try to get amendments to this bill? Maybe there's nobody who cares enough about anything in this bill enough to try to want to amend it, which is all the same to me. Winning and losing, as I was going to say earlier, in my lexicon is not based on the outcome being what I want it to be. That's winning in one sense, the most shallow, superficial sense, and it has the least meaning. Because to get enough votes to win that way means you'll get people to sell their little souls, whatever may be left after the Governor gets through chomping on what he wants. They can't have any self-respect. They can strut around here and act like they've got it, but they know that I know what they are. On that, I'm like Jesus. He had no need that anyone speak to him of what's in man for he knows what is in man. And he knows what's in the man when the man himself doesn't know. But a man is what he does, not what he pretends to be, not what he professes to be. Are you going to recant because the Governor gave you some money? You know when I will respect you, and you don't need my respect, so this is kind of an editorial "I". When the gun is to your head and a person...because you all love guns and you understand this, the barrel is to your head and the hammer's cocked and you're asked, what do you believe more than anything else and you say it and they tell you, recant. Recant or I'll blow your brains out. Then you'll find out whether you really believe it, don't you? Well, it's not a literal gun put to your head, but figuratively, and you will recant. You will run like a jack rabbit. Then other times you go to these little meetings, these little Rotary Clubs and strut around, pretend that you're something, and people know there's nothing to you. And that's why they don't respect politicians. They know that none of you are what you say you are. They know that you make your secret deals to protect yours, but I don't do like that. You all know what I am, and I demonstrate it. And some of you envy me and some of you hate me for it. Because by me showing what I am I show you what you are not and what you can never be. And these are the times that you could say in the words of Thomas Paine, that try men's souls and women's souls. And at the time they said that George Washington was being chased through the Jerseys-- there was not just New Jersey-- stepping fast, fast, fast, and the British were stepping fast, fast, fast behind him and that's when that statement was made by Thomas Paine. And contrary to what people say, George Washington wasn't the great general everybody wants to make him out of. In fact, some of the British never saw his face until they saw that profile on a quarter, but they could tell you what the soles of his

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shoes looked like and what his coattails looked like when he was in full stride. All of these myths. You all don't get to see a real man in action, unless you're watching me. I've talked to some of you, but I'm not going to expose you here. Your votes and your conduct will do that. There should be some way to stir you men into stars of manhood, and you women into stars of womanhood, but it can't be and it won't be. It shouldn't be possible for me to talk like this and be telling the truth. Fear is what rules you all, and you ought to be ashamed of yourselves. If you have children, would you want them to see you at your weak moments like this and know what is frightening to you and making you run, rabbit, run. Would you want your children to be just like you? In a movie about Thomas Moore called "A Man For All Seasons" he was being talked to by a high member of the Catholic Church; might have been Wolsey. And he told Thomas what Thomas could get and how he could make it in the world if he could do away with that religious or righteous squint that he had and how he could rise. And Thomas said, like yourself? And that was all that needed to be said to put him down, because that man knew what he, himself, was and was not. So make your little compromises. Sell what shreds of dignity you may wish you had, and buyers remorse won't work for you tomorrow because the die will have been cast. Caesar will have crossed the Rubicon, and you'll have shown all those people what you are, all those people out in the rotunda. You think they respect you? Senator Clements, you think the Governor thought that you were going to be a master in the Legislature of the process? No, that's not why he sent you here; and he did send you here. He sent you to do just what you did, and he will lionize you because you did what you were sent to do. Others are in the same boat. I can stand anywhere alone and speak what I believe, and I'll do that anywhere. You all won't. In a little place like Nebraska, in a little room in the State Capitol Building in Lincoln, Nebraska, you are afraid to speak what you think is true, and do what you know you ought to do. So everybody says I'll give a little, you give a little. I'll take the little you offer and you take the little I offer and we'll pretend that this makes everything all right. But instead of it being all right, it's really all wrong because you get the worst of both sides. And what have you got in your compromise? You've given up everything. Not one of these little clinics would be guaranteed anything under the language of this bill, but I'm sure there are rural senators who have been given assurances... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: ...that if they stick with the Governor, they don't have to worry about their clinics being closed. They've got bigger fish to fry. And it's Planned Parenthood. That's what this is about. And Planned Parenthood does more good for women...forget about abortion...than all these other little clinics put together. They try, and they do what they can, and the little they do is better than nothing. And I hope they're able to continue doing it. I don't want to see Planned Parenthood having the rug jerked out from under them as it's being contemplated here. Why doesn't anybody want to talk about that? That's, as they call it, the pink

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elephant in the room that people want to pretend is not there. This is about Planned Parenthood, and when the President... [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

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

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

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I rise in support of the Pansing Brooks amendment, should it come, when it comes. I still have concerns with it because I think Senator Chambers points out valid and legitimate concerns even with that amendment. That being said, I will support that. I'll also support Senator Chambers' efforts here this evening and will yield him time and speak as long as I can. I think it's important to remember...well, let me step back for a moment. First, this type of policy change has no business being in a budget bill. And I think that we all know what's going on here. This is being created as a litmus test for whether you're pro-life or pro-choice or whatever in between, and the forces outside are watching and recording the votes. I think that's unfortunate. I think it's unfortunate on this issue because this isn't about abortion. It's about making sure that women have access to the types of services they need, and quite frankly its been proven time after time to actually prevent abortions. I would also caution the body that these types of games should not be played with the budget bill. They should not be played with the budget bill because there are issues that are...there are issues that go well beyond this issue in terms of what we need to accomplish as a state to keep the wheels turning with various other departments and agencies and various other issues. And if we keep inserting controversial social issues into a budget bill like this, we will not have the votes necessary to pass the budget in the end. We need to stay focused. And not only that, I keep hearing rumors of maybe on General or Select we're going to cut the university a certain amount or certain other priorities outside of what has already been determined by the Appropriations Committee. As somebody who represents 20,000 students, students that would see a sharp tuition increase, which is akin to a tax increase on the people that I represent, a type of increase that all of you would be opposed to otherwise. I will tell you right now that if that happens to the university budget based on what the Appropriations Committee has recommended, we will go well past Day 90. I have no problem coming down here. I'm five minutes away. My home is just down the street. My work is across the street. I can do all of my work here at my desk. I have no problem going past Day 90. So you do whatever you want with the university budget, but we're going past Day 90 if that's the case. I guarantee it. So cancel your vacation plans, whatever you had planned in mid-June, cancel it, because we're going past Day 90 if that's what you're going to do to the university which is an economic driver and engine in

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this state at a time when we're in economic downturn. And you want to play this game with women's health, with Planned Parenthood? Go for it. But plan to stay past Day 90 and I don't have any problem. I have no problem staying here past Day 90. And I have no problem sitting here tonight supporting Senator Chambers' efforts to make the point and to drive it home. You want to make the budget a litmus test for your social issue? If you want to make the budget a litmus test... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR MORFELD: Thank you, Mr. President. ...then that's fine, we can play those games. But I would suggest that instead we not insert this type of controversial social policy into the budget. I would suggest that we allow the university and all of the other agencies take the cuts that they're getting and working hard to absorb them and be team players in this revenue downfall so that we can continue to ensure that we have a strong state economy. We can continue to ensure that we have a balanced budget, and we can continue to ensure that people receive the critical services that they need, whether they're a woman, whether they're a student, whether they're a farmer, whether they're a worker in an urban city and so that we can move the state forward. Thank you, Mr. President. [LB327]

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

SENATOR CRAWFORD: Thank you, Lieutenant Governor; good evening, colleagues. We're speaking tonight, working tonight in the George Norris Chamber. And, colleagues, let me just remind you of one of the core principles that George Norris had when he insisted that we make this Chamber not only Unicameral, but nonpartisan. And one of his arguments was whenever you have a partisan chamber that the national debates that are polarizing and political will dominate in your chamber. And he did not want to see that. He wanted this Chamber to be used to debate the issues that matter to Nebraskans and to be able to think and ask what is best for Nebraska; not what fits into talking points, not what helps you raise money with scare tactic mailings, not what makes you...allows you to threaten people that you're going to send nasty mail against them in the election, what matters to Nebraska, what matters in terms of improving health in Nebraska. And I really appreciate Senator Ebke's words; she got up to speak. We do need sometimes to back off and think very carefully. And I do know in this Chamber sometimes we can be sometimes too quick to compromise when we do need to think very, very carefully about what we're doing. And so I appreciate all the efforts that people are making to have conversation, and think about compromise, and it is the case that Senator Pansing Brooks's amendment does make sure that we as a body are saying that we want stand-alone clinics to be included as we are making decisions about who gets Title X funding. But it is also correct, as Senator Chambers notes, that the language means that the department could choose to say that

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they are simply not going to give money to Planned Parenthood because they just choose not to because it's to the extent permissible by federal law. And, colleagues, that federal law has changed, and so now that federal law means that's perfectly well within their rights so that phrase "within federal law" now means that they could make that choice. So if we are adopting the amendment, it's important to know that we...that is a possibility. The main thing that protects funding to all of our stand-alone clinics is that they do still have to maintain access. And because those clinics are such a key part of access in some of our communities that may help to protect them in terms of making sure they're still providing some of those services to provide because the department will also have to maintain those access rules. But it is very important that we try to be...know what it is we're voting on and what that compromise means. As Senator Ebke said, I do believe the right thing to do would be to go back to Senator Schumacher's amendment and simply strike the language, and again, not have this decision be made on a budget bill that is an important policy decision. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CRAWFORD: Thank you, Mr. President. ...that would be more appropriately made as a policy decision and not be interjected into the budget bill. Colleagues, just as a closing, I think if I ask you, would you like to reduce abortions by 62 percent to 78 percent you would probably say yes. And, colleagues, new study of a St. Louis initiative to provide contraceptive health to women found that that reduced their abortion rates by the range between 62 percent and 78 percent. So making sure women have access to healthcare, including contraception health, is pro-life. And also as has been so eloquently noted, all these other screenings that are critical are also pro-life. And so I just wanted to urge you to think very carefully about how we move on this issue. And I thank Senator Chambers for causing us and making us think hard about what we're doing. Thank you, Mr. President. [LB327]

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

SENATOR KRIST: Thank you, Mr. President. Now it gets fun. All the light disappears. We get into the darkness. You get to shine a light underneath your chin and look like a jack-o-lantern...love these nights. 11:59 is when we have to finish in order to come back at 9:00 the next morning by rule, just to let you all know. Compromise is a wonderful thing. Sometimes compromise is not achievable. The problem with this bill, if you think you're going to cloture with it, is if we don't get 33 for cloture, the bill is dead. It is a mainline budget bill. So you just keep holding out as long as you can, because 30 days of rules will be followed by 30 days of chaos. The administration specifically put this language in this bill as a litmus test for those of you who call yourself Republican, conservative, pro-life. And its been billed that way and some of you have told me specifically you can't vote for anything other than what's in there because it's

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going to affect your re-election. And I told you I admire you for making that call, but now you're going to live with your decision. You're going to live with your decision on this floor tonight. No compromise? No problem. No shoes, no service. Things that just follow. It is a fact of life that we have to come to some compromise on the issue in front of us. And if that compromise is that we go back to the status quo, remember the result from the rules debate after we debated on all the things we could do, we decided--you know what, let's go back to the status quo because it wasn't that bad. There's no compelling reason to do what we're doing here tonight. None. There's never been a demonstrated reason to do it. You want to talk about re-elections. Senator Clements now has established the record that he will go back and get re-elected for...in about a year and a half...or not re-elected for because he, basically, made the motion to put this on the bill. And I guarantee you, there will be a divisiveness within his district. That's how it happens. And it just grows and grows and grows. And people who are not pro-life will make an issue against him on that fact. People who are pro-life will say rah, rah, rah. Now, you do the math. How many people in district, Clements' district, District 2, will take sides on one side or the other? That's how this game works. You signed up for it. You paid your quarter; you're taking your ride. 11:59. It will get darker, it will get gloomier, it will get tougher to think. You'll wish these lights were brighter. But I'll be right here until 11:59 with all of you. Or we'll come to some kind of compromise. And once again, there is no compelling reason to do what we are doing. Go back to the status quo. I would invite Senator Harr to stick his amendment back in there, which was exactly the amendment that Senator Schumacher had earlier. Go back to the status quo. Senator Bolz, you can have the rest of my time, if I have any left. [LB327]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Bolz, 1:15. [LB327]

SENATOR BOLZ: Thank you, Mr. President. I don't know that I can say it any better than has already been said on the floor tonight other than it will take all of us pulling together to get this budget across the finish line, specifically after the fiscal forecast today. So, colleagues, partnership, collegiality, compromise, priorities, and values are what we'll be debating on the floor over the next few days, and I hope I can partner with each and every one of you to get our budget to the finish line because that's what it's going to take. So I hope that some of the dialogue about extended debate and I hope some of that energy and some of that passion can get channeled into finding solutions. Thank you, Mr. President. [LB327]

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

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm crafting amendments to this language that you want to leave in the bill. Not that you'll adopt them, but just to give you something to think about; and one of them I mentioned. When you talk about the definition of these federally hospitals or whatever they're called, you can find it, and you give the

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citation to a statute on line 11, you ought to insert the words, "as it existed on April 20, 2017," because all of this stuff may be changed by Trump, and if not by him as the President with an executive order...he cannot amend a statute, he can get the Congress to do that because they're all...Congress is controlled by the "Repelicans." They will all be against Planned Parenthood. That has been made clear by Trump issuing that executive order to allow the states to defund Planned Parenthood. Did you see any outcry about that from your delegation from Nebraska? Not at all. They go for everything Trump is doing. And I see a miniature of that right here, and I'm going to stand here in the way that I feel people should be standing against him in Washington. I hear complaints by all kind of people in Nebraska about Congress rolling over for the President. Why don't they stand up to him? Well, look at your Legislature. It won't stand up to the Governor. Why do you expect people to do what you won't do yourself? I know what I should do, and that's in total disregard to whatever the rest of you do or don't do. So I'll be crafting my amendments, and when cloture is voted on you won't be able to get any of the amendments that you want. Maybe somebody wants to take a bigger bite out of the university. Maybe somebody wants to mitigate that which is being done to the university. That's out the window. And I assure you, and you should have learned it from watching my participation with my children here when we're debating the rules. I was in on all of that. You all were always ready to quit before I was, but you thought I was just bluffing and saying that because I would never be put to the test. But I think you should not bluff. That's what people are trying to tell Trump. Don't bluff with Kim Jong Un. If you're not going to launch a preemptive nuclear strike against North Vietnam (sic-North Korea), don't act like you're going to do it. He is not Paul Ryan. He is not those weak-kneed "Repelicans" in the Congress. He's not like those supine people in state legislatures. He will hit you back, and then what are you going to do? You can't just say, oops, I didn't mean it. Well, if you don't mean it, don't say it. If you don't mean it, don't do it. And those who are talking about a compromise, it's not a compromise when you give up everything. And that's what you've done. You cannot ensure that HHS is going to grant this money in the way you want it to. You ought to talk to some of these rural senators and see if they've been given assurances. That if they go along with the program, clinics that affect their people will be left whole and untouched. Ask them. You can talk to all of them. Start over there with Senator Halloran, King David, start with him and work right around and ask all these rural senators. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: You see how bad they talk to you all and the disrespect they have for you when they're telling you how you better give them some breaks for what's happening in the rural economy and agriculture because they know you city people. If you were a building, they would open your front door, step through it and be in your backyard, because you're just a front like those Hollywood facades on the movie sets. But I'm going to have a chance to demonstrate to you what I am because I don't care what you think about me tomorrow. But you all are like

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that song of the young girl saying--will you still love me tomorrow? The Governor will say, I didn't love you yesterday. I don't love you today. So I feel about you tomorrow what I feel for you today. Only more so, which would be contempt. Thank you, Mr. President. [LB327]

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

SENATOR ERDMAN: Thank you, Lieutenant Governor. Originally when I had my light on I was going to call the question. I changed my mind. I'm going to vote for Senator Chambers' bracket motion. Let's find out who wants to vote and who doesn't. Let's find out who wants to bluff and who don't. And I don't care if we're here until midnight or 2:00 in the morning, don't make any difference to me. And so I believe what Senator Chambers said is true. One of the things I will say to Senator Chambers is it's North Korea, Senator, not North Vietnam. But anyway, going on from there, I wanted to address a comment made by Senator Morfeld. The engine that drives the state of Nebraska is not the university. Let me repeat that, I want everybody hear it loud and clear: the engine that drives the state of Nebraska is not the University of Nebraska. It's agriculture. Okay? The University of Nebraska gets about \$600 million in tax dollars every year. So that's the difference between people who perceive something to be true and somebody who knows it to be true. The university is not that engine. All right? So moving forward I didn't come here to compromise. I wasn't sent here by the Governor to do anything. All right? So I came to do what I believe I need to do. And I'm not compromising. I'm not voting for any compromise. And I think some of you will not be shocked by that. So if we got to be here every night until the middle of July, Senator Morfeld, I'll be here. I signed up for this job. I came to do what needs to be done. And if you want to vote for Senator Chambers' bracket motion, go right ahead. Because after today's forecast down another 50, 60 million (dollars), whatever it is, we are going to be a couple hundred million dollars short. So this bill might not be sufficient anyway. So I encourage you, if Senator Chambers doesn't pull his bracket motion, throw a green up there, and let's find out what we're made of. All right? Senator Chambers has challenged you. Let's see what you're made of. I'll be here, Senator Chambers, as long as you want to be here. Me and you, okay? Because I came here, just like you did, to do what you think needs to be done. I'm committed to doing that, and I believe you believe me. So that's where we are right now. I don't know, it's 7:45; got another two and a half, three hours. I'm good for it. There's plenty of coffee, I can stay awake, and away we go. So I do appreciate the chance we got...I haven't spoke much today, and I tried to keep it a little more under control than yesterday, but those comments about the university and some of this other stuff, I don't know why one would think that, but that's the way some people believe and that's the way some people think. But throw up a green on MO111, Chambers bracket motion, and let's see what happens. Thank you. [LB327]

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

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SENATOR WAYNE: Thank you, Mr. President. This is a wonderful evening that we're here. I like hanging out with all you guys and ladies. It's a great time to get through some stuff. I would like to...if Senator Krist would yield to a question. But I don't see Senator Krist in here. [LB327]

PRESIDENT FOLEY: Senator Krist, would you yield, please? I don't see him, Senator. [LB327]

SENATOR WAYNE: Okay. I would ask...will Senator Murante yield to a question? [LB327]

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

SENATOR MURANTE: Yes. [LB327]

SENATOR WAYNE: This is...I'm still new, so I wanted to make sure at 11:59 is that Central Time or Pacific Time that we have to adjourn? [LB327]

SENATOR MURANTE: Central Time, Senator Wayne. [LB327]

SENATOR WAYNE: I did not see that in the rule book, so would you be willing to stay til 11:59 Pacific Time? [LB327]

SENATOR MURANTE: I can be here until that point, but that doesn't change the fact that we would be proceeding into the next legislative day. [LB327]

SENATOR WAYNE: Okay. Thank you. I just wanted to clarify that for the record that we are talking about Central Time. I rise in support of the bracket motion right now. I continue to look through the budget and continue to see what people have deemed policy decisions, but I think that's what we do in the budget. And I have an amendment that I've added that deals with contracts, and kinship, and foster care placement. At this time, would Senator Erdman yield to a question? [LB327]

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

SENATOR WAYNE: Why is it everybody I want to talk to decides to leave when I'm talking? All right, I'll come back to that. All right, Senator Briese, would you yield to a question? [LB327]

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

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SENATOR BRIESE: Sure. [LB327]

SENATOR WAYNE: This is not a trick question. Generally speaking, has government been able to do things more efficiently and effective than private contractors at times? [LB327]

SENATOR BRIESE: Typically less efficiently. [LB327]

SENATOR WAYNE: Less efficiently. Thank you very much. Senator Erdman, would you yield to a question? [LB327]

SENATOR WAYNE: Senator Erdman, would you yield, please? [LB327]

SENATOR WAYNE: Thank you. The question is the same one I asked Senator Briese. Generally speaking, has the government been able to do things more efficiently and effectively than some private contractors? [LB327]

SENATOR ERDMAN: Most generally not. [LB327]

SENATOR WAYNE: Thank you, Senator Erdman. So the reason I asked that is because my amendment deals with, which is going to be brought up, reduced the contracts for relative, kinship, and foster care placement, which is kind of what I talked about earlier today regarding NFC. And what we heard here is that generally speaking conservatives believe that government cannot do it, and nor should we grow government. But it's interesting in this case, DHHS decided that we can bring in house and hire 16 more people to do the services that are being provided by some private contractors regarding kinship and foster care, and they can do it more effective to a tune where we can save about \$3 million. I have a hard time believing that. I have a hard time understanding that we as a body say that we protect kids. I heard a lot today about pro-life. But I also think we're all pro-family. And what these contractors do is keep families together, find placement for foster care within their family, and we're cutting that. I have a huge problem with that. When Douglas County and Sarpy County get an increase for a contract for \$11.5 million for NFC, but the rest of state is getting a reduction. You have heard me on this floor multiple times to a tune where I am taking heat over another vote when it comes to constitutional rights not being dictated by the geographical location in which you live. Well, I think that same thing applies to families. No matter where they are in this state, we have to make sure that we are providing kinship and relative placement the same. And I have a hard time believing that growing our government, and I'm using a conservative argument here for all you conservatives who are here, growing our government... [LB327]

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PRESIDENT FOLEY: One minute. [LB327]

SENATOR WAYNE: ...by 16 jobs is going to do better than what's currently being done by our contracts with these people who have specialized in this area. The reason I'm talking about that because it's personal to me. Not everybody in here knows that I'm adopted. But there are conversations that happen in my household that I wish we could have, people who actually know what they're talking about and in this field to make sure some of my questions got answered. When you're in second grade and they do the dominant and recessive gene traits and you got to walk home and say, what do I do? These are the kind of services we are eliminating. People who specialize, and we're here saying from the Governor, which I heard, in this budget recommendation, that growing our government by 16 jobs is going to do a better job than private contractors. I don't necessarily agree with that. So we're going to have a conversation about that. We might have a lot of conversations about these type of things because what I'm asking for is this body to be consistent. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

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

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator Bolz. She waives the opportunity. Senator Morfeld. [LB327]

SENATOR MORFELD: Thank you, Mr. President. Would Senator Erdman yield to a question? [LB327]

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

SENATOR ERDMAN: Anything for you. [LB327]

SENATOR MORFELD: Oh, I'm sure. Senator Erdman, do you know what the annual economic impact is of the university? [LB327]

SENATOR ERDMAN: It's about equal to what agriculture is. [LB327]

SENATOR MORFELD: And what's that? [LB327]

SENATOR ERDMAN: I don't know what the number is. [LB327]

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SENATOR MORFELD: Well, you just...oh, okay, well thank you, Senator Erdman. Well, for somebody who knows numbers and facts and is making statements on the floor, he doesn't even know what the annual economic impact of the university is, which is \$3.9 billion. And if that's not an economic engine, then I don't know what is. But it doesn't really matter because I can speak numbers. I can talk about facts all day. Senator Erdman isn't going to care or it's not going to affect his opinion about anything. That's been proven time after time. I think that it's important to note that what we do here in terms of whether it be \$600,000 or more or less for family-planning funding, or whether it be cutting the university, or whether it be making it so that families can't have affordable healthcare because of our inaction, it has an impact on real people. Real people that are trying to work, looking at staying in Nebraska, whether they're a student or otherwise, or whether it's a person who's just trying to get something as basic as contraception. It has a real impact. And we play these politics like taking a litmus vote on family planning to see who's pro-life and who's pro-choice and who's not and who's ever in between has a real impact. It has a real impact on families. It has a real impact on people's ability to be able to work, to be able to support their family, and be successful in our economy. There are a lot of different economic engines in our state. One is agriculture. One is the university. One is business in Lincoln, Omaha, Norfolk, and small towns throughout the state. Now, we can play the game of saying which one's the biggest and which one's not, but the fact of the matter is that any good businessperson knows that you need to diversify, and you need to make sure that you don't put all of your eggs in one basket. We also need to consider that supporting families, whether it be through contraception or family planning or just basic screening for health, ensures that we have a workforce that is able to work, that is able to be productive, able to expand the tax base by being productive, and whether financial downturns and economic downturns like this. These decisions that we are making have real impact on real people. And family planning services for many of the people in this body may not seem like a big deal. You probably have never had a problem getting them, because with the exception of a few people in this body, because I don't want to make assumptions about everyone or generalizations, most of us don't have a problem getting access to that, and most of us have the financial resources to be able to receive those types of services, to be able to send our kids to college regardless if we decide to cut the university a lot or not. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR MORFELD: The only option, colleagues, is not just cut, cut, cut. There's got to be a vision. There's got to be a vision bigger than just cutting. And not only that, we've got to stay focused, particularly when it comes to the budget. We should not allow these types of issues to be inserted in the budget for political gain of one side or the other. It deserves to be in the stand-alone bill. Thank you, Mr. President. [LB327]

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PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Crawford. She waives the opportunity. Senator Murante. He waives the opportunity. Senator Schumacher. [LB327]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. Sometimes you think you might start learning something and then sometimes you figure out that you probably haven't, but you know we have an opportunity here. And part of the elements of the opportunity are a little bit of a carrot of \$6 million that goes up, probably year after year. And what it...what we've learned, I think, today is that by and large with the single anomaly of Planned Parenthood getting these Title X funds, with the exception of that anomaly and the position of the body against abortion that we've learned that we respect these type of services for women. We respect the idea of the ability to time pregnancies for when they're ready for them. And we're fighting over this rather small amount of money when the federal government has got a program that we can elect to participate in which would actually not have any money for abortion, but would enable this type of service to expand to many more women in the state at a level of those below 185 percent of poverty, which is more people with more of these same benefits available. That's a lot. Now, unless we're talking in circles and just humoring each other saying that these things are important, that bill is in the Health and Human Services Committee. It has a positive fiscal note for the year starting fiscal year 2018-19 due to the estimated gradual uptake in the system. The savings would be \$9,519,000; \$4.5 million of which is general funds; \$4.9 million of which is federal funds. Can we be smart enough somewhere this evening or between now and Select File or whenever to roll that program into a bill or somehow get it before us so that, number one, we can incorporate this language into there; keep our Appropriations bill clean of policy; and advance a bill that takes care of this issue in an agreeable way; and gets an extra \$6 million-plus dollars into our system? Why wouldn't we do that if this is all a good thing for the people of Nebraska? That's federal money, by and large, I think it's 90 percent federal money, brings in \$6 million net and extends the "Every Woman Matters" program, financial education for young women so they understand how important it is to look at your money and look your position before you have a child. Maybe this could all turn out to be a good thing. And I haven't worked up any language to do it, quite frankly don't know how we'd actually do it, but this is a tool before us. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR SCHUMACHER: And when we're so hard up for money that we're nickel-and-dime on the gas tax thing and we're looking through all kinds of other programs to nickel-and-dime and try to come up with \$5 million here, \$4 million here, \$15 million there to try to come up with some kind of solution, why would we not take \$6 million that's laying on the table? And I don't even get as far as talking about what Senator Morfeld likes to talk about and that is the \$400 million that's also laying on the table. But this is a small thing, and we apparently all, at

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least say we agree, that this is an important service. So let's keep thinking. And I thank Senator Chambers for keeping us thinking. Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Pansing Brooks, you're recognized. [LB327]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. Well, I think it would have been easier to just adopt Senator Schumacher's amendment, or we can bracket the whole budget bill. That's really not a great alternative. So I'm just standing up to remind people that my intent with the amendment is to cover everyone that's currently covered. And if we need to have further clarity on definition, I am happy to work on it between now and Select, I'm happy to work with Senator McDonnell. I have tried to meet with him four times prior to this coming up today on specifically this issue. And he keeps saying he is going to get to me and he hasn't yet. So I don't know why that is exactly, but anyway, so we may need some further clarity on what a stand-alone clinic is, but my intention is to make sure that those entities that currently receive Title X funding are not shut out. As Senator Scheer said, we have people, we have women who need to have exams that determine whether or not they have cancer. We have to find out whether or not people have all sorts of sexually transmitted diseases. These are not giant problems in our lives; they are giant problems in our lives, but it shouldn't matter to...especially the men in here that we are promoting women to be able to have these exams...well woman exams. How bad is that? Boy, if that's a pro-life issue, well woman exams, then this place has gone further into la la land than Senator Schumacher tells us. And I talk to a number of you and, of course, everybody is saying, oh, well we really do support women and women getting the tests and having all these exams and these are really important, and then there is the giant "but" which generally has to do with the people that are pulling...excuse me, that is not how I meant it. Anyway, it generally has to do with people pulling people out on the floor. Yeah, it's getting late. And the fact that some people want to turn women's healthcare into a pro-life issue no matter what. And that's pathetic. That is pathetic. There are a number of pro-life senators in here that get it. They get it because it doesn't have anything to do with that, but boy, I don't know, there is just like this little barrier, just oh my gosh. And if certain groups talk to you, that's it, we have to support them no matter what. If the Governor, if the Lieutenant Governor is out yelling at you in the hallway, you have to do it no matter what. I think that's sad. I hope the women of Nebraska are responding. I have said that we have an amendment. I've already come pretty far on this and acquiesced to things that Senator Schumacher and Senator Chambers are aggravated about. They think I have totally sold out. But again, trying to move us forward. Now we've got people scurrying around trying to make specific legislation that is unconstitutional. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

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SENATOR PANSING BROOKS: Guess what? We can't make a bill that says I want to give \$1 million to Senator Lowe, it's just special legislation. Sorry, Senator Lowe. It's not constitutional. We don't get to specifically either exclude or include specific entities or people according to whomever we want. It's not constitutional. Some people are saying, well, go ahead and let them describe Planned Parenthood and exclude them and then it will be unconstitutional and they'll have a lawsuit. Well, that is just a great way to decide to move forward on legislation and that's not really my goal. I know Senator Schumacher has a wonderful bill that would save the state at least \$6 million a year. That is a whole new bailiwick and...but you know, it did have a hearing and they spoke specifically to that bill. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR PANSING BROOKS: ...as opposed to this issue. Thank you. [LB327]

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

SENATOR WAYNE: Thank you, Mr. President. I know there's a great song that I thought of by Tupac, then I'll just say the theme--that's just the way it is. Things will never be the same. And that is how I look at where we're at today. That's just the way it is. So with that, I'm going to yield the rest of my time to Senator Chambers. [LB327]

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator Chambers, 4:35. [LB327]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Wayne. Members of the Legislature, I will find a way to do what it is I think we ought to do. I've only got three hours and 53 minutes to carry on. And I don't care if you stay past midnight, because one minute past midnight is the beginning of another legislative day. So do whatever you want to, smarty pants. And I wonder where Senator McDonnell is because I had a question or two I wanted to ask him. He seems to be the leader at this...I see Senator McDonnell coming. So as he approaches, I would like to ask him if he would yield to a question, if he would. [LB327]

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

SENATOR McDONNELL: Yes, I will. [LB327]

SENATOR CHAMBERS: Senator McDonnell, in your absence your name has been invoked several times. Are you planning or having an amendment drafted that you feel will kind of

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address this issue we're talking about in a way, other than what we have talked about so far?
[LB327]

SENATOR McDONNELL: As I walked in, we have, a number of us, have been working on a potential amendment, and we have not been successful, so I will not be bringing an amendment.
[LB327]

SENATOR CHAMBERS: Then I don't have any more questions. Thank you. Members of the Legislature, Senator McDonnell, you know he's pro-life, he can't even get an agreement. And then my poor naive goddaughter thinks that's she's going to work with these slippery, slimy creatures to get an amendment that would comprise a so-called compromise that would mean anything. It's not going to work and here's why it's not going to work. Listen carefully. That that is, is. That that is not is not. And that that is not is not that that is, and that that is is not that that is not. And that's why her compromise is not going to work. And I can tell you what these...the gibberish these people spoke to Harry Belafonte when he was a lad just three foot three and certain questions occurred to me as he said. I asked my father quite seriously to tell me the story about the bird and the bee. He stammered and he stuttered pathetically and this is what he said to me. The woman piaba, the man piaba, the cane stand tall like the lemon grass, the lily root, gully root, belly root, uhhh, and the famous gunny scratch scratch. And little Harry said, it was clear as mud but it covered the ground, and the confusion make me brain go round. So I grab a boat and I went abroad and in Baden, Germany, met Sigmund Freud. He said, son, from your sad face remove the grouch, put the body upon the couch. I can see from your frustration a neurotic sublimation. Love and hate is psychosomatic, your Rorschach shows that you're a peripatetic. It all started with a broken sibling in the words of the famous Rudyard Kipling. And then he gave the same gibberish. And Belafonte said again it was clear as mud, covered the ground. Confusion make me brain go round. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: So I went to see a good friend of mine known to the world as an Albert Einstein and he said, son, from the beginning of time and creativity, there existed the force of relatively, πr^2 minus ten is rooted only when. The solar system in one light year make the Hayden planetarium disappear. And if Mount Everest doesn't move, I am positive it will prove that the woman piaba, the man piaba, and so forth. What is going on here makes less sense than that nonsensical song. You're going around and around in a circle that has no beginning and no end. You will go around it eternally and come away with nothing. Save some self-respect and dignity and help me go til midnight. Thank you, Mr. President. [LB327]

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

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SENATOR ERDMAN: Thank you, Lieutenant Governor. I wonder if Senator Morfeld would rise to a question? [LB327]

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

SENATOR MORFELD: Anything for my good friend and colleagues, Senator Erdman. [LB327]

SENATOR ERDMAN: Thank you for being so cooperative, so wonderful. Do you know how much the economic development of agriculture is in the state of Nebraska? [LB327]

SENATOR MORFELD: It's a lot. And it's an economic engine. [LB327]

SENATOR ERDMAN: It's \$22.9 billion. What is the university? \$2.9? [LB327]

SENATOR MORFELD: 3.9. [LB327]

SENATOR ERDMAN: Yeah, it's pretty close to the same. You know, 22 and 2, that's about right. Anyway, I kind of forgot what...oh, we're here talking about AM590 and LB327 and Senator Chambers' bracket motion. And as I said earlier, I am for the bracket motion. We're going to see who wants to vote and who wants to talk. And as I said earlier when I stood up, looks like we got about 3 hours and 58 minutes to go, so we'll be here for a while. But we talked about compromise and we can get along if we compromise. I didn't come here to compromise; I came here to get something done. And as I said earlier, when the projection comes in like it did today and we are significantly down from where we were and they forecasted a 5 percent increase in revenue, I don't know where they got that forecast, but looks to me like we will be very fortunate to hold our own and be even. And so if we're even, we got to figure out another \$250 million; so looks like LB327 is going to take a lot to work to make that...get where it needs to be. And so I am not at all surprised that it's going to take this long. I figured it would take clear up until the end and if it takes until July I'll be here until July. And when I come back, I will bring you some sweetcorn and we will all sit around have a good old time. But this is amazing once it gets dark in here, Senator Krist, people get a little edgy, they get a little upset, they get a little cranky; Senator Schumacher is laughing, he knows it's true. But...so whatever we need to do to waste another 3 hours and 57 minutes, I guess we can. I wish I knew songs like Senator Chambers does, I could sing you a bar or two. I know one about Zacchaeus, he was a wee little man in the Bible. I told that to my friend, Senator Halloran, this morning. So I could sing that song, I know that one. Or we could talk about Senator Briese's sales tax bills. That would be a good place to start. We could find some revenue there, we could balance our...get some property tax relief from

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that. There is a lot of ways we can get property tax relief, but we're not willing to do that either. There is a lot of things we're not willing to do, but there's one thing I am not willing to do and that is compromise. So when Senator Chambers leaves his motion up to vote on a bracket until June 2, please vote green. Thank you. [LB327]

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

SENATOR BLOOD: Thank you, Mr. President. I wasn't sure you said my name. Friends, when I first got here after dinner, I had that funny butterfly feeling in my tummy. I had the first few days when I came onto this floor, of course until we started talking about rules, I heard what I remember Patrick talking about in training where we had senators like Senator Groene and Senator Scheer speak like statesmen, and it made me proud to be sitting here until I heard the end of what Senator Groene had to say. Because I truly thought that he was going to stand up in support of Senator Schumacher's amendment which was a good amendment. We're talking about middle ground. What was he offering? Middle ground. So I am sitting here and we don't have to keep rehashing who this is going to help. We know who this is going to help. You guys aren't stupid. Most of you that stay on the floor, which isn't a lot of you, but most of you, are listening. I know Senator Briese is listening. He's right in front of my face. I see him laugh and I see him listen seriously, intently, and good for you, Senator Briese. I have a lot of respect for you because of that. But look around. You know what is going on right now, right? They're eclipsing our sun because they don't like our daylight. They don't like that we're trying to take care of those who can't take care of themselves. You can stand on this mike all you want and talk about...and I'm sorry, I'm not trying to offend anybody, but you know what, when you talk about all the people that are dying from breast cancer or ovarian cancer or cervical cancer, when you talk about STDs, do any of you remember that before AIDS people were worried about things like herpes? I remember a "60 Minutes" in high school and somebody had gotten herpes and that was the end of their world. And I am not minimizing that it is not a horrible thing, but that was before AIDS. Right? You take away...and I don't care what you say, I'm going to remind you what I said earlier, and I'm not going to talk about my nether regions this is time. I'm going to remind you that every other state that has used this language had only one intent, and you were all too smart to fall for it. And I don't know if it's true that some of you have gotten marching orders. I hope that isn't true because I don't think your constituents elected you to be a minion. So now they have taken our daylight, and I truly it's...I think it's because they're just tired of their own dark, starless nights; they're trying to steal our sunshine, and we're going to let them if we don't come up a compromise. Senator Schumacher had a compromise. Senator Chambers, I respect the heck out of you. We certainly don't agree a lot, but that doesn't mean that I can't like you for who you are, because, of course, that is an act of compassion and eventually I'm going to turn you on the Catholic faith. But that's a whole other discussion. Friends and statesmen, Senator Groene, you were so eloquent until that last sentence. Come over to the dark side. We'll give you back our sunlight. [LB327]

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PRESIDENT FOLEY: One minute. [LB327]

SENATOR BLOOD: Let's move forward. Let's find true middle ground that still benefits these people. And when we go home, we're not going to have nightmares that we did something wrong. We're still going to have Senator Chambers' respect, but gosh, let's get this done. [LB327]

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

SENATOR MORFELD: Thank you, Mr. President. I yield my time to Senator Chambers if he so chooses. [LB327]

PRESIDENT FOLEY: Thanks, Senator Morfeld. Incidentally, that was your third time. Senator Chambers, you're recognized. [LB327]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Morfeld. And not to get into the middle of the argument between Senator Erdman and Senator Morfeld, but if ag is the engine that drives the economy of the state, that engine is off the track. I'm reading about harvesting; I'm reading about the shrinking loan possibilities. I'm looking at the lowering price of grain. I'm looking at all of the things that are depressing the ag economy. I am looking at the fact that there's consolidation in agriculture. And even though there is no definition of a family farm, that just means the family runs it, but some of them are as huge as any of these corporate farms, but there is a kind of consolidation where there will be fewer and fewer entities that control ag. They have factory farms now which are very cruel to animals, but factory farm is going to be a term that applies to all of ag, and people are going to be in places where there is no plowing, straight furrows are crooked furrows, no combines, no smelly feedlots because they don't want to deal with that, but they're going to control everything that has to do with growing food whether it's plants, vegetables, or even minerals because they are learning how to compound minerals so that you can ingest them. And it's not going to be people like Senator Hughes who might think he's doing pretty well, or Senator Friesen who is doing well, and some of the others on this floor. They know how bad things are in the ag sector. And by the way, you don't have to be a practitioner of agriculture to know how to read and understand what you read, and the people who write things know more about agriculture than anybody on this floor. They study it with a different intent and purpose in mind. So they get right down to the molecular level, literally, when they talk about genetically modifying organisms. Farmers don't know anything about that. And I'm not talking about the ones who wear bib overalls, a tall straw hat, and got a hay seed sticking out of his head. I mean by farmer now anybody who owns a substantial interest in any ag production unit. You can't even tell me what a production unit is now because you have to modify it, you have to give all kind of conditions to make sure that what you are talking about is what you are talking about and not what the really knowledgeable people are talking about. So

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forget this stuff about ag being the engine running the economy in this state. And when more and more people have to leave the farm and come to the cities, they can't get a job because they don't know how to do anything, they are narrow minded, they are parochial in their outlook, they're going to be viewed as hicks and hayseeds and ridiculed when they go on these college campuses, and that is happening right now as quiet as it is kept. And some of them are developing serious psychological problems because they don't fit anywhere. They don't want to go back home. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: And they can't make it where they are. And yes, you got these old people in the Legislature who have lived their life and ruined the lives of young people out there and talk about--we take care of our own. Yeah, you take care of them in the same way the mob took care of their foes. But you haven't given them anything. They can't live and thrive somewhere else. That's why they are victims to alcohol and drugs because they are trying to fit, they're trying to belong, and they think that's what it is, and the ones who want to exploit them know how to get them. You turn me loose with a bunch of rural young people and I can turn them all into opioid dip, dip addicts. I don't do that. But anybody would know how to do it because they would study those kids and know what the problem is, and their problems are the old people in the rural areas. Not all of them. Thank you, Mr. President. [LB327]

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

SENATOR CRAWFORD: Thank you, Mr. Lieutenant Governor; and good evening, colleagues. I think you see here what happens when you put social policies in a budget. Which is already a very tough budget year and we have a lot of tough decisions to make and putting this language in the budget has just exacerbated the challenge of addressing the budget crisis that we face. And colleagues, we have a long road ahead. And there are three rounds of debate and sometimes for some of our bills the hard decisions and hard debate tends to happen on General File, but this is a tough budget year with lots of moving parts. And so I'm expecting very rigorous debate and discussion and hard choices probably at all three rounds. And clearly much more debate and discussion on Select File than we usually have on bills because we have a lot of moving pieces, and including the forecast report that came in today. So I stand against the bracket motion. I think it is an...and even though I do not, I mean, I think we still have work to do on the language that we have been debating tonight that is sitting there in AM590. I do not want to bracket the bill. I think it's important to keep moving with this process. And I do think it's important that in addition to the conversations we're having on LB327, that we continue, and especially now with the new forecasting discussion, we recognize that, colleagues, as some of us have been saying again and again we have got to look at both sides of the equation. So we've got to make budget

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cuts. We need to figure out, clean up the language that we are debating tonight about how we're dealing with women's health. But we also need...and this budget time to think both about LB327, as well as the Revenue bill that we are using Senator Smith's shell bill for. What revenue can we bring in to make sure that we're balancing our budget. It's very difficult to make these choices on cuts alone. And colleagues, I just want to remind you, I don't think we have talked about this much on the floor already, recently in March there was a survey asking Nebraskans--what would you like us to do to solve this budget crisis? And colleagues, far and away, the response that got the most responses, over 70 percent of Nebraskans favored increasing the state tobacco tax. The question was out of five proposals to fix the state budget shortfall, what would you propose that we do? Over 70 percent, 74 percent supported increasing the state tobacco tax; 44 percent tax internet sales in Nebraska, which we already do, so it would be just be collecting them. Colleagues, only 27 percent of Nebraskans support cutting funding to programs that provide healthcare for the poor as a way to balance our budget. And, colleagues, Title X funding, the funding we are talking about, is healthcare for the poor. There's very, very little support for reducing this funding. And again, the language we're talking about now is not reducing the funding, it's just restricting who can use that funding, but that is restricting access. Colleagues, I urge us to make sure we're having a good balanced discussion not only about the appropriation side of this issue, but the revenue side of this issue. Nebraskans, over 70 percent of our fellow citizens... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CRAWFORD: ...are telling us they want us to consider revenue, and specifically in this case the tobacco tax which not only brings \$100 million, that helps us with the recent budget forecast, a \$100 million, bring the revenue in. It also has public health benefits, reducing the likelihood that our youth start smoking. So it's an important conversation for us to have as we continue to have full debate on probably each of the three rounds of this budget. I am committed to having a very rigorous debate on Select File, and if necessary, Final Reading to make sure we're really having a fair and effective discussion on all these matters on the budget. Thank you, Mr. President. [LB327]

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

SENATOR HILGERS: Thank you, Mr. President; good evening, colleagues. I rise in opposition to Senator Chambers' motion. But let me start in a place where Senator Chambers and I wholeheartedly agree. I heard him say earlier that it doesn't matter when we debate these issues whether it's 11:00 at night or 10:00 in the morning the legislation is the same. And he is absolutely 100 percent correct. My principles matter, no matter what time of the day we are, no matter what day of the week we happen to be in. It does get late, people might get tired, but what

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we are here to do, the right thing no matter what it is, that's our obligation, that is our responsibility, and that's our duty first and foremost. Secondly, there's some areas with which I disagree with Senator Chambers and others. And what I have heard throughout this debate, and I've listened very closely, it is, essentially, a binary choice as far as I can tell. Those who opposed Senator Schumacher's amendment to strip the language were those who wanted to strip healthcare from women. And those who supported Senator Schumacher's amendment did not. In fact, I think I heard Senator Chambers reference my own family, and they had a wonderful conversation with him on the floor when they were here. And he's absolutely correct, I do not want my daughters to go without healthcare, but I do not want other women to do so as well. And the reality is that there...I don't think either is true. Because when we have these types of debates, colleagues, we go to our separate polls and we reach conclusions and we tar people with conclusions and with motivations and results. And I think when we do that we should back them up with facts and with logic. My view is that this portion of AM590 and LB327 does not do what the opponents would claim. And why do I say that? Number one, these are federal funds. And as we've heard in context of LB495 and in other bills where we are spending the federal government's money, there are significant strings attached, there are significant conditions that apply. And if we deviate from those conditions, we lose the money and we could in some cases get fined. The federal government says you must do x, y, z. You do x, y, z. You don't do x and y; you don't do x, z. You don't do a, b, c. You do x, y, and z or you can't have the funds or you can get penalized. So Title X provides significant restrictions to what the state can and cannot do. And we can't just limit access to these funds, we can't. That's first. But secondly, I reject the claim that by prioritizing in a way that the federal government has allowed us to do would to devastate rural communities. Now I am willing to have that discussion. And if there's reason for that, I want to listen. But what I have heard are conclusionary statements. If this passes, then this terrible thing will happen and there's nothing in between. There are other states in the past who have prioritized their healthcare funds, their Title X funds, on the basis of which healthcare clinics provide comprehensive services. It is not an irrational thing to do because someone may want to have more than just family planning services when they see a doctor. It's natural for them to get other services when they are in that visit, so it's not irrational. In those states, with the data that I have seen, have not led to the wholesale destruction of communities and the closing of healthcare clinics and the other parade of horrors that opponents have claimed. Now if there is data to the contrary, I am all ears. If there is evidence to the contrary, please tell me; because it is absolutely critical for us to get this right no matter what the decision is. But in my view, the debate should be about those facts and what are the likely things to happen based on evidence... [LB327 LB495]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR HILGERS: Thank you, Mr. President. This is a very serious issue. I completely agree with everyone here in this body who has expressed that sentiment, and it deserves the serious

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debate that I think we have given it. But at the end of the day, there is not the evidence to support the idea that clinics will have this wholesale reduction in services. I just don't think there is. For that reason, I oppose Senator Chambers' bracket motion and support AM590. Thank you, Mr. President. [LB327]

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

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

PRESIDENT FOLEY: Thank you, Senator Howard. Senator Chambers, 5:00. [LB327]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Howard. And you know something? As the night wears on, I feel more energized. I feel much stronger. I have more energy and I'm sorry that they're going to try to get a cloture vote at 9:00. And he'll get it, because all of you all are weak. Now, if I can contrive to force a cloture vote on Select File, you don't get to amend this bill. And if you offer an amendment, then I will amend your amendment to death. I will take all of that time by myself. I had help today. I don't really need it. The help I wanted was to have more people give me time. Take my bluff. The Speaker wants to bail out at 9:00, unless he's going to go on with the agenda. But he's not going to do that. He can look at you. You're tired, you're worn out, you're throwing in the towel, you're ready to quit, and my colleagues think that what they have...that's right, Senator Brewer, I'm like that guy who said I have not yet begun to fight and his crew wanted to mutiny and they said that's why we're getting the-you-know-what kicked out of us because you haven't started fighting, but I mean it in a different sense. This is not even a fight. This is nothing. You will notice how much progress you have not made, just like the discussion on the rules. You all play into my hands. And you're going to do it some more because you're hard-headed, you're stiff-necked, you don't learn. I can tell you in advance what I am doing to you and then you do it. And you think you have fixed me when you do what I commanded you to do. I own you. I own this Legislature. And that infuriates those racists out there. I can see them jumping out windows now. But they're so poor they don't jump out of a second story window, they jump out the basement window. That's how bad off they are now out there. They can't get jobs. White men are dying earlier. They're having all kind of psychological problems. They are actually dieing earlier, and doctors are going to begin to give it a name pretty soon because they can't stand the pressure. They always were favored, they were spoiled, they were coddled, they got jobs they were not qualified for, they had women who knew something train them, then they would get the job over the woman--be the supervisor, and then hit on them like Ailes, Bill O'Reilly, and Donald Trump. And these white men never had to produce anything. And when they lost those jobs because the factories closed, they didn't know how to do anything. And now they're so terrified Donald Trump tells them because he sees them

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as the fools that they are; you vote for me and I'll reopen these plants. We're going to make everybody rich. America is going to be great again. And now he won't even talk to you all. How many jobs has he produced for those people who had no jobs and were sure that in his first hundred days they were going to be back to work, they're going to have their self-respect, they can get the heels of their shoes fixed so they're not walking on run-over heels, threadbare clothes, not respected by their wife and their children they feel. So they become brutal towards their wife and their children and there is now more domestic violence among them, because they are cowards. They won't go after the one who is doing it to them. They go to those who are closest to them, their family. Read the newspapers; read the magazines, then you won't be able to stand up and tell me that I am lying, which is what you wish were the case. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: And I know how to beat you down. I've watched you beaten down before. But I don't do it like the Governor to take away your self-respect. I want to provoke you into standing on your two feet and being what you ought to be as a member of the Legislature. You have the power. You have collectively more power than the Governor. We can pass any law that we choose. We can override any veto. We could work together if we would, but you all have let people fragment you. And you haven't got sense enough to see it. Those with sense enough to see it are too cowardly to do anything about it. Follow my example. Follow me. Take up your cross and follow Jesus. Take up your self-respect and follow me. But you're not following me. I'm just a step or a half step in front of you, because I'm so much older, I know a little more than you know, but on some subjects you know a lot more than I know. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR CHAMBERS: We should combine what we know and make this a Legislature. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Krist you are recognized. Members, please come to order. Senator Krist. [LB327]

SENATOR KRIST: Thank you, Mr. President; and good evening, colleagues. Not quite dark enough for the jack-o-lantern light underneath my chin, but it's almost getting there. We, I think, are coming to a point where there will be a decision made tonight, at least somewhat of a decision. Most of you have been consulted or talked to, not sure it's the best thing to do. It's one thing to do. I never thought I would see a cloture vote on a mainline budget bill. It has some risk, but neither here nor there. I would like to just say that I think the debate has been a good debate and I believe the people who have been engaging in the debate have been forthcoming, they have

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been honest, and they have projected what they believe, I think, rather than what they have been told to believe. I'm not sure across the board. But I have faith that we will work through these budget bills and get to a point of compromise that we need to get to. With that, if Senator Chambers would still like some time, I would yield him the balance of my time if he would like it. [LB327]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Chambers, three and a half minutes. [LB327]

SENATOR CHAMBERS: Thank you, Mr. President; and thank you, Senator Krist. Every time I hear time, I kind of go back into my Edgar Allan Poe mode. And if you think about it, three-fourths of the word "poem" comprised Edgar Allan's last name. So every time you see "poem" think of Edgar Allan Poe. And he was a master when it came to the language. And he was also the inventor, the creator of the detective story. And he was just ruminating and he made some comments and speculations about the stars and the movements of the planets, and astronomers looked at what he had written and they said this man without being an astronomer, just using his mind, came up with things that are actually that way in the universe. You should not underestimate the power of your mind. Look at this old man. I'm young again. After...oh, it's not 9:00 yet. You don't want to see me after 9:00. You will not see me this chipper early in the day. You all are creatures of the day. I am a creature of the night. Unlike the Bible, it said--they love the darkness for their works were evil. I love it because it does bring out the best in you. There are things that are not as distracting. It has a way of making everything and everybody equal. And you can think, you can meditate, you can grow, you can be what you were created to be if you believe in creation. And Senator Lowe, that's something which even nonbelievers believe in. You'll get a better sense of what it is. You won't be able to put it into words, but you'll sense it like no other time if you do it late at night when it's still. There are a few places in this country you can go where you are not hearing noise all the time. But you find those places, you find that solitude and then you will refresh yourself, you'll remind yourself what you really are. And if you think on it long enough, when you come down to this pesthole, some of it may carry over. And you will say--what I let them do to me yesterday, they're not going to do to me today. What I was before I came there and lost it, I'm going to take it back and I'm going to be that to the nth degree. Everybody can to that if you believe in yourself and you really believe in it. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: I'm not joking. I'm not making this up. I am going to demonstrate it to you and the Speaker is quitting before I will. He's the one who ought to keep you here. He's the one who ought to accept my challenge and he ought to let you know that we're not going to be bluffed and bullied and intimidated by Chambers. That is what I get in phone calls. White

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people tell me that is what I am doing. And they think that's going to make me stop doing it? If that's the way I am perceived, then that is encouragement to continue. Because I know those people who are fearful are the ones that can be controlled, they can be corralled, and the fear is in the people in this Legislature, and you've lost that intelligence that you have. Not lost it in the sense of it's gone for good, you've let it be blunted because you're tired, you want to get out of here, and the Speaker is going to accommodate you. But here is my challenge to him. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

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

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

SENATOR MCCOLLISTER: Thank you, Mr. Lieutenant Governor; good evening, colleagues. I found our darkened hall experience enlightening. Our free-ranging conversation has been more than interesting. I have understood or at least heard the relative value of agriculture versus the university. I enjoyed the poignant comments of Senator Ebke, Senator Chambers, and Senator Krist. I think we all know that the votes we take in this body during this legislative session have consequences, have consequences in elections we may be in later on. And I'm fine with that. Whether I win or lose in the next election, I look myself in the mirror and be satisfied that I did the right thing. So with that, I would give the rest of my time to Senator Morfeld if he is here. [LB327]

PRESIDENT FOLEY: Thank you, Senator McCollister. Senator Morfeld, 4:00. [LB327]

SENATOR MORFELD: Thank you, Mr. President; and thank you, Senator McCollister. I think this is the perfect time of the night actually to talk about Medicaid expansion, particularly Kelly Adams' story. She lives in LD-28, which I think is Senator Pansing Brooks's district. And fortunately for Kelly, Senator Pansing Brooks is a strong supporter of Medicaid expansion. And I just want to read off her story here today: Quote, I am a full-time business administration student at Southeast Community College. I'm a member and former vice president of the Blue Star Mothers of Nebraska, a military support group. I'm working full time but through two part-time jobs so I don't get health insurance through that work. One of my jobs is custodial work which is labor intensive. I've been getting tendonitis, back pain, and other aches. My body is breaking down from this work and I need to see a doctor but I can't. I have hypothyroidism which requires life-long daily medication. I currently pay for it out of pocket. I am three classes away from finishing my business degree which I'm assuming will lead to a full-time job that provides insurance. In the meantime, I am in the coverage gap and a lot of pain. I have four kids, one still at home, and I need to be able to take care of them. I need to spend my money on things like

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food, utilities, transportation, and my kids' medical needs. My own health is a low priority in comparison unfortunately. If I could get affordable health insurance I'd be able to see a chiropractor for my back and I could get a cortisone shot for my tendonitis, or if needed, surgery. It is impossible to even know what my health needs are without access to health insurance. If I could take care of those health issues, I could even work more hours as I am finishing my degree. I would be a different person. I would be a happy person. I'd be a better parent. That is Kelly Adams' story. And if we expanded Medicaid, not only would we be able to eliminate the program that Senator Riepe wanted to eliminate earlier with, I think it was LB333, because Medicaid expansion would cover those individuals. But we would also be able to provide people like Kelly the dignity of affordable healthcare. We would also be able to maybe do other things with our state budget given that it seems to only be getting worse in terms of revenue because we'd be bringing in \$1.7 billion over the course of the next four years and we would be providing affordable healthcare to Nebraskans who wouldn't have to go to the ER. It would lower our own rates. And in response to my good friend, Senator Erdman, I think we're having fun now, there is a few different facts about Legislative District 47 that I think are interesting, about the critical nature of government services. For instance, in Legislative District 47, just in crop insurance alone from 1995 to 2014 there was \$276 million in assistance. [LB327 LB333]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR MORFELD: Thank you, Mr. President. In terms of farmer subsidies, from 1995 to 2014, \$1.3 billion. In terms of Medicaid per capita spending in 2013, well there is a lot of it, I haven't added it all up yet, but the fact of the matter is that Senator Erdman's district benefits from these government programs. I am sure it helps drive the economy in his district just as there are certain government programs that drive the economy in all of our districts and in my district. And it's important to protect these programs so that we have a safety net, so that people are more productive, and so that we as a state have a diversified economy that is strong and works for everyone. Thank you, Mr. President. [LB327]

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

SENATOR VARGAS: Thank you very much, Lieutenant Governor, colleagues. I rise...well, obviously, I'm very much in support of LB327 and the amendment. And most importantly, I know we have been having a lot of conversations about a couple different things. One is Title X, which I am still looking at my colleagues to come to reason that we are making a wedge issue where it doesn't exist and trying to do everything we can to secure the right services for women: HPV, HIV, STD, STIs, screenings for breast cancer and for cervical cancer, and that is what we're discussing and that is what we were...it's the main component of what we're trying to defend. I also want to rise in support of this conversation piece that Senator Wayne brought up

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around some of this funding and the different concessions actually we did make within child welfare. We made some cuts and brought some services in house that, I don't think we always agreed to, but we did because we're trying to do right by the budget and also do right by our government and make sure everybody is kind of doing their part. But more importantly, I think this is a really important conversation for us to be able to ensure that we are standing by the budget, but also standing by making some changes when they make sense. And something like this for Title X, where we are very, very clearly cutting off programs and services for women's health and pitting different entities against one another is just not the route we should be going down. With that, I do want to continue to stand in support of LB327. I do still stand for not including this language in Title X and hopefully we can get to that amendment that Senator Pansing Brooks brought forward. And I will yield the remainder of the time to Senator Chambers if he would so want it. [LB327]

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

SENATOR CHAMBERS: Thank you, Mr. President; thank you, Senator Vargas. Senator Hilgers and I were just having a good discussion and we both agree that we ought to be as attentive when we're legislating late at night as we are in the morning. And as he pointed out, when you are looking in court at the meaning of a law and there are questions, there's no asterisk beside each law and it says--these were enacted late at night, so give them more leeway; these were enacted in the early part of the day when they had more sense, so you can interpret them more strictly, it's not like that. Once it goes into the statute book, that is the law of the state. There have been times when courts have upheld laws that the Legislature passed and they will emphasize we're not talking about whether the law is wise or not, whether it should have been enacted. All we're looking at is whether or not it violates the constitution and it does not violate the constitution. It's not unconstitutional for the Legislature to pass a law saying every member of the Legislature is a jackass. That's not unconstitutional, and it might be one of the truest laws they ever passed with that asterisk which says below--except for Ernie Chambers. He's the muleskinner. And a muleskinner was not one that took the skin off mules. The muleskinner was the one who would drive the mules. But mules are not stupid. Mules get blamed for being stupid because they're smarter than people. If the mule doesn't work hard, is that stupid or is that intelligent? A horse will let you run it to death. If the barn is on fire, the horse... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: ...runs into the fire. If you're like this dumbbell who was a farmer, but he was as smart, this mule wouldn't move and the farmer got mad and he said I'm going to make that jackass move if it's the last thing I do, so I'm going to build a fire under him so he'll pull this wagon. So the farmer built the fire under the mule, and the mule moved, he moved just far

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enough so the wagon was over the fire. The fire burned off the wagon and the jackass laughed at the farmer. You can't outsmart a mule because the mule went to mule school. You didn't go to school at all. See, you can lead a horse to water, but you can't make him drink. You can lead a fool to school, but you can't make him think. And you all are in the fool school right about now. All you want to do is get out of here. The Speaker can shut me down by getting you all to vote cloture and you'll get out of here... [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR CHAMBERS: But you didn't amend the bill, did you? Thank you, Mr. President. [LB327]

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

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Colleagues, in a few minutes we will have a cloture vote. I am requesting that you have a red light on the bracket, a green light on the committee amendment, a green light on the bill, LB357...LB327, excuse me, late night and my eyes are bad. It's been a long day. At 9:00, we will have spent 8 hours and 25 minutes on the bill. Under normal circumstances that cloture vote would have come at six hours. We have had ample opportunity to try to discuss the bill, but unfortunately our discussion has gone in different directions that have not been fruitful for the development of good legislation. This bill will move on to Select. As I said earlier, it will give us time for all parties considered in the discussion of the Title X funding issue to get together and try to work on something that is agreeable to all. That doesn't mean that everything in the bill is going to be agreeable to everyone. There are give and takes in every situation. And I want everyone to realize that moving into that. I will be working with Senator Pansing Brooks and Senator McDonnell during the interim to try to facilitate a compromise, as you will, or a development of a bill amendment that will facilitate broad support on the floor. I am hoping in the future that we will take our duty seriously. This is the mainline budget. When I see people voting to bracket a mainline bill, the budget bill, that makes me pause. We are here. This is serious times. This is the end of the session. Appropriations have worked long and hard to bring us a budget bill that we can now work with. Let's work with it. We need to be able to do things, we need to have a great discussion. I know a great many of you were dismayed that we didn't get the opportunity to actually discuss this bill. It has a lot in it. We should have been spending this six hours, six or eight hours talking about the depth and details of this bill. This is the most important bill we will have in front of us this year. It shouldn't be taken flippantly. We will be done after this. We will go home. I want you all to reflect on today. Think about tomorrow. We aren't halfway done. This budget is going to drive the state of Nebraska for the next two years. What we do will have consequences for a number, a multitude, all Nebraskans in one manner or another. We have to show fiscal restraint. We also

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have to show compassion. It's important for all of us to have both of those characteristics. We as a state cannot live with one or the other, we must have both. So those that have more fiscal restraint, please think about your areas of compassion that we need to work on. For those of you that may have more compassion than fiscal restraint, I want you to start thinking about we do have limited amounts of money that are available to us. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SPEAKER SCHEER: Things that we will have to reduce will impact people, but we do have limited resources. I ask you to please consider that cloture vote as it comes forward. It is important. It is necessary. We need to move this forward. Thank you very much. [LB327]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Mr. Clerk, you have a motion on the desk. [LB327]

CLERK: Mr. President, I do. Senator Scheer would move to invoke cloture pursuant to Rule 7, Section 10. [LB327]

PRESIDENT FOLEY: It is the ruling of the Chair that there has been a full and fair debate. Speaker Scheer, for what purpose do you rise? [LB327]

SPEAKER SCHEER: I call a call of the house please. [LB327]

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

CLERK: 32 ayes, 0 nays, Mr. President, to place the house under call. [LB327]

PRESIDENT FOLEY: The house is under call. Senators please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor, the house is under call. Senator Hughes, Morfeld, Kolowski, Smith, Friesen, please check in. Mr. Speaker, we're waiting for Senator Hughes, Smith, and Friesen. [LB327]

SPEAKER SCHEER: May I have a roll call, record vote, regular order please. [LB327]

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PRESIDENT FOLEY: Still lacking Senator Hughes. Do you want us to proceed, Mr. Speaker? Oh, he's here now. Okay. All unexcused members are now present, it's the ruling of the Chair there has been a full and fair debate afforded LB327. Members, the first vote is a motion to invoke cloture. Those in favor vote aye; those opposed vote nay. Mr. Clerk. [LB327]

CLERK: (Roll call vote taken, Legislative Journal pages 1242-1243.) 42 ayes, 6 nays, Mr. President, on the motion to invoke cloture. [LB327]

PRESIDENT FOLEY: Cloture is invoked. Members, the next vote is the Senator Chambers' motion to bracket the bill until June 2, 2017. All those in favor vote aye. Roll call vote has been requested. Mr. Clerk. [LB327]

CLERK: (Roll call vote taken, Legislative Journal page 1243.) 2 ayes, 42 nays, Mr. President. [LB327]

PRESIDENT FOLEY: The bracket motion is not adopted. Members, the next vote is the AM590 Appropriations Committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk. [LB327]

CLERK: 46 ayes, 1 nay, on adoption of committee amendments. [LB327]

PRESIDENT FOLEY: The committee amendments are adopted. Members, the next vote is the advance of LB327 to E&R Initial. Those in favor vote aye; those opposed vote...roll call vote has been requested. Mr. Clerk. [LB327]

CLERK: (Roll call vote taken, Legislative Journal page 1244.) 36 ayes, 1 nay, Mr. President, on the advancement of the bill. [LB327]

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

CLERK: Mr. President, a series of amendments to be printed to LB327. (Legislative Journal pages 1244-1245.) [LB327]

Mr. President, Senator Howard would move to adjourn the body until Thursday morning at 9:00 a.m.

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