

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

Floor Debate  
May 14, 2019

---

[]

FOLEY: [RECORDER MALFUNCTION] I call to order the seventy-sixth day of the One Hundred Sixth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections.

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

CLERK: Mr. President, just two amendments to be printed to LB720 by Senator Bolz. That's all that I have.

FOLEY: While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR107. Members, we'll move to the agenda. The first item is legislative confirmation report. Mr. Clerk.

CLERK: Mr. President, the Health and Human Services Committee first reports on two appointments to the Commission for the Deaf and Hard of Hearing.

FOLEY: Senator Howard, you're recognized to open on the confirmation report of the HHS Committee.

HOWARD: Thank you, Mr. President. Good morning, colleagues. This morning I'm bringing you two appointments for the Commission for the Deaf and Hard of Hearing. Both of these candidates are first-time appointments that were advanced unanimously from the Health and Human Services Committee. The first appointment is Frances Beurivage. Ms. Beurivage resides in Lincoln and has had many roles in the deaf community including as an interpreter, instructor, and currently serves part-time in her retirement as a consultant to Boys Town National Research Hospital at their childhood center for deafness. Before she retired, she worked there full-time managing-- she worked as their full-time managing-- national assessment for sign language interpreters working in educational interpreting. Ms. Beurivage is not deaf or hard of hearing but grew up in a home with both of her parents being deaf. It was that experience that led

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

Floor Debate  
May 14, 2019

---

her to begin a life of service to the deaf community. Frances Beaurivage will make an excellent addition to the Commission on the Deaf and Hard of Hearing. The next appointment is for Sandra Shaw. Mrs. Shaw resides in Seward and currently works for the Seward County Aging Services. Her tie to the deaf community is that both her husband and her daughter-in-law are deaf. Her husband became deaf as an adult due to an autoimmune disease. It was her experience with that journey that led her to becoming involved in advocacy, the lack of access to everyday activities and that many people don't understand is what it's like to be deaf. Both of these candidates will make great additions to the Commission on the Deaf and Hard of Hearing and I would urge you to vote green to confirm them. I would be happy to answer any questions. Thank you, Mr. President.

FOLEY: Thank you, Senator Howard. Is there any discussion on the confirmation report from the Health and Human Services Committee? I see none. Senator Howard, you're recognized to close. She waives closing. The question for the body is the adoption of the confirmation report from the Health and Human Services Committee. Those in favor vote aye; those opposed vote nay. Members, we're waiting to get the computer situation resolved, just please stand by. Members, the technology problem has been resolved. Those in favor of the confirmation report of the Health and Human Services Committee, please vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 40 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

FOLEY: The confirmation report is adopted.

CLERK: Mr. President, the second confirmation report I have is from the Health and Human Services Committee regarding an appointment to the Nebraska Rural Health Advisory Commission.

FOLEY: Senator Howard, you're recognized to open on the second of two confirmation reports of the Health and Human Services Committee.

HOWARD: Thank you, Mr. President. Good morning, colleagues. I'm presenting you a confirmation report for Roger Wells to the Nebraska Rural Health Advisory Commission. This confirmation was advanced from the Health and Human Services Committee with a unanimous vote. Mr. Wells is a physician assistant who resides in St. Paul and has been practicing for over 30 years. This is a reappointment as Mr. Wells has served the commission for 20 years. He is active in the National Physician Assistant Association and also the National Rural Advisory Commission. When asked what his biggest concern was for rural health he stated that 40 to 50 percent of providers in rural areas are pre-retirement age. Recruiting medical providers to rural

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

Floor Debate  
May 14, 2019

---

areas is important to ensure the continuing care. Small communities must be creative in enticing clinicians to live and work in the area. Another challenge he cited, is the need for population health in rural areas because many rural citizens don't do maintenance health. Educating citizens to do preventative health to prevent onset of chronic disease is essential. Mr. Wells will continue to be an essential member of the Nebraska Rural Advisory Commission, and I would urge your green vote on his confirmation. I'm happy to try to answer any questions. Thank you, Mr. President.

FOLEY: Thank you, Senator Howard. Debate is now open on the confirmation report. Senator Chambers.

CHAMBERS: Thank you. Mr. President and members of the Legislature, and welcome back, Senator Howard. You were missed, at least by me for sure. Made me forget my thought. Oh, there's a verse in the "Bible" that says-- it refers to people who are ever learning and never coming to a knowledge of the truth. I would like to ask Senator Howard a question.

FOLEY: Senator Howard, would you yield, please?

HOWARD: Yes, I will.

CHAMBERS: Senator Howard, did I understand you to say that this doctor had been practicing for 30 years?

HOWARD: Yes, sir.

CHAMBERS: And there are lawyers who practice for a longer time than that. Now, it's-- the verse I quoted said forever learning and never coming to a knowledge of the truth. How long will this doctor and other similarly situated have to practice before they become competent at what it is they're doing?

HOWARD: Oh, I couldn't say. Several years I would believe, yes.

CHAMBERS: So is there any period after which we don't say they're practicing because it seems to me if you practice anything for 30 years, you ought to be able to do it at the end of 30 years. How do you feel about that?

HOWARD: I would agree with that statement.

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

Floor Debate  
May 14, 2019

---

CHAMBERS: Have you ever talked to this gentlemen before?

HOWARD: Yes, I have. I've affirmed his appointment before.

CHAMBERS: If you see him, raise the question to him that I did, and then if he gives you an answer, let me know when he will have practiced long enough to really be whatever it is a person practices that long is trying to do. But I'm going to support the recommendation you made because I have confidence in you and your judgment. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. I see no further discussion. Senator Howard, you're recognized to close on the confirmation report.

HOWARD: Thank you, Mr. President. I just want to personally thank Senator Chambers for his remarks about my judgment. That is very helpful for my heart today. Thank you, sir. With that, I would urge the confirmation of Roger Wells to the Nebraska Rural Health Advisory Commission. Thank you, Mr. President.

FOLEY: Thank you, Senator Howard. Members you heard the discussion on the confirmation report from Health and Human Services Committee. The question for the body is the adoption of the report. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 43 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

FOLEY: The confirmation report is adopted. Pursuant to the agenda, we'll move to General File appropriations bills, LB610A.

CLERK: Thank you, Mr. President. LB610A is a bill by Senator Lindstrom. It appropriates funds to implement the provisions of LB610.

FOLEY: Senator Lindstrom, you're recognized to open on LB610A.

LINDSTROM: Thank you, Mr. President. LB610A is an appropriations for the amount of \$7,500. This is anticipation of AM1771 to LB610, pending approval on Select File. This is merely an opportunity for an A bill to catch up to the bill on Select File. LB610 is on the agenda today and we'll go into further detail about the A bill, but I would like to put on record where those two funds are. This is in conjunction, or the groups that will be working together to

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

Floor Debate  
May 14, 2019

---

facilitate this is DHHS and then the State Treasurer's Office to accomplish that \$7,500 transfer. DHHS, the fund is Program 033, and from the State Treasurer's Office, the Program 505 under the Education Savings Plan. So those are the dollars that will be moved to accomplish the underlying A bill, and we'll hear LB610 later today. So appreciate your green vote to allow LB610A to catch up with the underlying bill. Thank you, Mr. President.

FOLEY: Thank you, Senator Lindstrom. Is there any discussion on LB610A? I see none. Senator Lindstrom, you're recognized to close. He waives closing. The question for the body is the advance of LB610A to E&R Initial. Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

CLERK: 43 ayes, 0 nays, Mr. President, on the advancement of LB610A.

FOLEY: LB610A advances. Part of the agenda, we'll move to Select File, appropriations bill, LB600A. Mr. Clerk.

CLERK: Mr. President, LB600A. Senator Walz would move to amend the bill with AM1775.

FOLEY: Senator Walz, you're recognized to open on your amendment to LB600A.

WALZ: AM1775 catches up with LB600.

FOLEY: Thank you, Senator Walz. Is there any discussion on the amendment, AM1775 to LB600A? I see no discussion. Senator Walz, you're recognized to close on AM1775. She waives closing. The question for the body is the adoption of AM1775. Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of Senator Walz's amendment.

FOLEY: AM1775 is adopted.

CLERK: Senator Slama, I have nothing further on the bill.

SLAMA: Mr. President, I move that LB600A be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB600A advances. Per the agenda, Select File budget bills, LB295. Mr. Clerk.

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

Floor Debate  
May 14, 2019

---

Members, we're obviously having some technical problems this morning. We're going to stand at ease for a bit until we get this resolved. LB295, Mr. Clerk.

CLERK: Senator Slama, LB295, I have no amendments to the bill at this time.

FOLEY: Senator Slama, you're recognized for a motion.

SLAMA: Mr. President, I move that LB295 be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance LB295 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB295 advances. Our next bill is LB296.

CLERK: LB296, Senator, I have no amendments to the bill.

FOLEY: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB296 be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance LB296 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB296 advances. Proceeding to LB297.

CLERK: Senator, LB297, no E&Rs. I do have an Appropriations Committee amendment, AM1747.

FOLEY: Senator Stinner, you're recognized to open on the Appropriations Committee amendment.

STINNER: Thank you, Mr. President. Members of the Legislature, colleagues, just a refresher on LB297 introduced by the Speaker at the request of the Governor is part of the Governor's biennial budget recommendations. The bill appropriates funds for the reaffirmed and new construction projects recommended by the Governor for the next biennium. Reaffirmed projects include those projects currently underway that have already received approval and funding previously but are funded over several years. In addition to the new and reaffirmed appropriation set forth in the bill, language is included to provide for the reappropriations of the unexpended June 30, 2019 appropriation balances for the fiscal year 2019-20 continued to complete the project. The bill contains an emergency clause and becomes operative on July 1st. With your consent, Mr. President, I'd like to move to AM1747.

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

Floor Debate  
May 14, 2019

---

FOLEY: Please proceed on AM1747.

STINNER: Thank you, Mr. President. The amendment makes two technical changes to correct the identification of a budget program number and a fund name as well as another program number and source of funds for appropriation. With that, I would ask that you vote green. Thank you, Mr. President.

FOLEY: Thank you, Senator Stinner. Is there any discussion on AM1747 to LB297? I see no one wishing to speak. Senator Stinner, you're recognized to close on AM1747. He waives closing. The question for the body is the adoption of AM1747. Those in favor vote aye; those opposed vote nay. Members, once again, if we could take a vote on AM1747. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 40 ayes, 0 nays, Mr. President, on the adoption of the committee amendment.

FOLEY: AM1747 has been adopted.

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

FOLEY: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB297 be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance LB297 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB297 advances. Our next bill on the agenda is LB293.

CLERK: Senator, I have E&R amendments with respect to LB293.

FOLEY: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB293 be adopted.

FOLEY: Members, you heard the motion. This is a debatable motion. Senator Cavanaugh, you're recognized.

Floor Debate  
May 14, 2019

---

CAVANAUGH: I didn't mean to speak on the motion, but I guess I will now. I wanted to rise to talk about how we're funding our government. We had this conversation last week when we discussed the budget, but I think that it's really important for us to go back to that as we're moving through this-- actually quite quickly today. Our budget package this year is appropriating, I think it's 49 million dollars to expand our prison system. And I find this disappointing and disheartening that we as a body have not worked harder to find solutions to reduce our prison population to address the mental health crisis in this state and to provide services to those in need in this state. We have a lot of conversation, debate, philosophical differences about how we approach the business of governing here in Nebraska and how we approach taking care of our citizens, and I hope that moving forward we can work together to do a better job of having a comprehensive conversation and approach to these things. The individuals in our corrections system are people, and most of them, if not all of them, are people who are suffering from poverty, who are suffering from mental health, who are suffering from tragedy, and it's something that we don't talk about. We dehumanize the people that are in our correction systems, and that's unfortunate. We had a Mother's Day weekend and my children had their little puppet things that are from the New Testament and one of the little puppet finger things was Pontius Pilate, and it really makes me stop and reflect in my own religion about the importance of not dehumanizing people because that's what was done to who is considered the leader and the mentor to all Catholics is Jesus Christ, and he was dehumanized by the Romans and he was crucified for it. And so, I think it's really important to remember historically how easy it is for us to dehumanize those in our corrections system, and that we can and should do better by them because these are our neighbors, our brothers, our sisters, our fathers, our children, our mothers, our daughters, our cousins, our aunts or uncles. These are grandparents, and they deserve our compassion and our care, and they deserve for us to not just throw money at continuing to incarcerate them, but to instead invest in early interventions in childcare subsidies, in food subsidies, in education, in roads, in transportation so that they can get to their jobs, an infrastructure so that there's grocery stores nearby. These are the things that we need to be doing for our citizens, not building more prison beds. I do appreciate that the prison beds that we are building, some of them will be at least half, I believe, are to address the mental health crisis in our correction system, but we need to be doing more before they get to prison. And right now we're just perpetuating the system, and it's going to ultimately cost the state significantly more dollars by not making these investments. Thank you, Mr. President.

FOLEY: Thank you, Senator Cavanaugh. Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. President. Just want to stand and remind people what we're voting on on this LB293. It's called the deficit bill for the 2019 year going through June 30th of 2019. And the major item that we discussed the other day is the developmental disability provider error that was done in 2017 where we had-- the state had paid its half, and we then paid half of the federal share. This is the final part of the federal payment that we missed out on for them not

Floor Debate  
May 14, 2019

---

following the federal rules correctly. So this has 2.7 million dollars in it. I had opposed it in the committee at first, but when we had final discussion about it, there was extra funds from other agencies that were unused, and so that passed on General File, and I do support this bill, LB293. Just wanted to alert some people who weren't aware of what was in this one. This was regarding the special payment for the DD provider error from 2017, and I support LB293. Thank you, Mr. President.

FOLEY: Thank you, Senator Clements. Members, the question for the body is adoption of the E&R amendments. Those in favor say aye. Those opposed say-- Senator Chambers, we're having some technical problems here. We did not realize that your request to speak light was on. We didn't see that. Anyway, Senator Chambers, you're recognized.

CHAMBERS: Thank you. Mr. President, I recognize what it was, but before they took the voice vote I wanted to indicate that I would like to speak. So I didn't feel like there was anything in the way of a conspiracy, but I should tell you all one thing. You pray every morning, but this morning you offended the god of the machine. You take for granted that these computers are always going to work the way they're supposed to, but I just on a whim said, can we show them something this morning that because something which always has been a certain way will not necessarily always be that way. Could you just on a couple of occasions when they push those buttons let there be no response from you in the same way there's no response to the God that they pray to every morning. Can you do that for me? And I did not get a response just like you all don't, but since actions or inactions speak louder than words, it was shown that the god of the computer will respond if one who's on the proper wavelength will make that request. But there is something that I would like to say on the bill. In case I can't finish it because I have an article I want to read. In view of the fact that Senator Cavanaugh had raised some issues other than just the dollars and cents, I have a comment or two I'd like to make. The past few days I have not brought up the subjects that I had been doing earlier in the session. The discrimination and lack of concern about the LGBTQ community, the fact that people who are on the margins of society are not given what I consider to be appropriate consideration by us as a Legislature, so now that the opportunity presents itself on a money bill, that's probably the most opportune time to speak because here is something-- a couple had came to me. Maybe it's the god of rhyme. Here is something that's very funny. Christians won't act for love of God, but they will for love of money. So while we're talking about money, then some other issues can creep in. And I have an article that I want to read, but I think I will wait until I am recognized before I start it so that I won't run out. So on this time, Mr. President, I'm ending this and then when I'm recognized, I'll complete it. Thank you.

FOLEY: Thank you, Senator Chambers. Senator Slama.

Floor Debate  
May 14, 2019

---

SLAMA: Thank you, Mr. President, I'd like to yield my time to Senator La Grone. Oh, okay, then I waive. I waive.

FOLEY: She waives the opportunity. Senator Chambers, you're recognized.

CHAMBERS: Thank you. Mr. President, you know that your God is not at work here because the "Bible" says your God is not the author of confusion, but the god of the computer is, and that is the god I think who is in charge this morning, and because of that you may pay attention to this article. It appeared in the Lincoln Journal Star, May 10th. The caption or headline that was put on it, some people just don't matter much. This will be particularly relevant in view of the fact that we move that bill to prohibit shackling female prisoners under certain circumstances. There are-- and this is written by Leonard Pitts who is a columnist with the Miami Herald. There are people who do not matter much. That's a painful truth, starkly at odds with our Jeffersonian creed and national mythology. But it is the truth nevertheless, one frequently proven in actions if denied in words. In this country by dint of race, gender, class or status, some people just don't seem to matter. Apparently Tammy Jackson is one of them. No other conclusion is possible after reading the May 3 letter her public defender, Howard Finkelstein sent to Broward County, Florida, Sheriff Gregory Tony. In it he decries the quote, outrageous and inhumane, unquote, treatment accorded his client in a Broward lockup, and if anything, the lawyer is guilty of understatement. He says, Jackson, who has mental illness, went into labor before dawn on April 10 while alone in an isolation cell. Here is a woman so far along in her pregnancy that she can go into labor and they put her in an isolation cell, and as soon as I saw that I knew she had to be black because we are not deemed be human beings, but to continue. To back up. He says Jackson who has mental illness went into labor before dawn on April 10 while alone in an isolation cell. He says she cried out for help but guards did not come to see about her, much less take her to the hospital. Instead they phoned the jail's on-call doctor. It took four hours to reach him, and even then he showed no particular urgency saying, he would check on Johnson when he-- Jackson when he got to work. Here's some racist white doctor, hired by the prison who says, when he's notified that this woman is going into labor in an isolation cell he'll check on her when he gets to work. That's why money should not just be given over to these corrections wherever they occur. Continuing. But the letter alleges he never did. He never did check on this woman. Maybe I should have started by saying this is about a white woman. Then you all would listen, but there are people out there who will listen. Indeed no one did. No one gave her anything for pain. No one tried to control the bleeding. She screamed all night long, help me, somebody. Help me. Help me, now, I'm in pain, I'm bleeding. I'm in labor. You listened, didn't you? You listen if I raise my voice, don't you? That's what has to happen when white people are involved, so if it's necessary to raise my voice to emphasize a point, I shall do it. She screamed all night long, and no one came. Jackson was found in her cell, cradling her baby 6 hours and 54 minutes after she first cried out for help.

Floor Debate  
May 14, 2019

---

FOLEY: One minute.

CHAMBERS: See, that's what white people love. This is a black woman being tortured, and that torture, unremitting, will go on for six hours, and the white people enjoyed it. They probably got sexual gratification because psychiatrists have shown that those who inflict pain get sexual gratification from that, and that's why they pick certain people who are perverted to be professional torturers, because it works to the good of everybody, except the victim being tortured. And I have my light on so I'll stop for now and then continue when I'm recognized.

FOLEY: Senator Chambers, you're next in the queue. This is your third opportunity.

CHAMBERS: Continuing. And if you wonder how such a thing could happen, don't. After all Jackson is a prisoner, charged with possession of cocaine and drug paraphernalia, trespassing and sleeping on a public street in a nation still using its criminal justice system to treat a public health crisis. She is indigent, enough to need a public defender. She lives with schizophrenia and bipolar disorder, according to what her mother told CNN, and she is black. That's the critical word. So how could it happen? How could it not? Does that strike you as harsh? Does it indict too sharply the high-flowing words carved in marble over the courthouse door? Those noble sentiments about blind justice and inequality before the law, and I add with liberty and justice for all. BS. Maybe you haven't been paying attention. After all, under the same system of justice that allegedly brutalized Jackson, a man who raped a 14-year-old girl was just set free by a judge in up-state New York, while a judge in Georgia showed equal lenience to a man who raped a teenage girl and imprisoned her in a dog cage. And the rape kit backlog. The number of rape-evidence cases piling up, unopened because nobody has bothered to test them. It stands north of 150,000 nationwide, and never forget that billionaire Jeffrey Epstein molested dozens, maybe hundreds of underage girls and got a 13-month sentence in a private wing of the local jail with 12 hours furlough six days a week. Meantime, Tammy Jackson allegedly gives birth alone in her cell. Internal affairs is investigating. Maybe heads will roll, but that will not resolve nor even address the thing that makes this feel like such an epic betrayal. After all, this is not Cuba. This is not North Korea. This is not Syria. This is the United States of America. Things like this are not supposed to happen here, but they do, and they always will until enough of us decide otherwise and vote otherwise. For the record-- did you say time?

FOLEY: No, I did not.

CHAMBERS: Oh, for the record, Jackson's daughter is named Miranda Latrice Nixon. In photos she has a full head of curly hair and lies sleeping in a blanket. She is precious and beguiling as all newborns are, but don't be fooled. This is a little black girl, born to indigents, a ward of the state at a month old, and America remember, some people just don't seem to matter. Her mom is

Floor Debate  
May 14, 2019

---

one of them. And she, the child, is too. And y'all wonder why I am upset when you talk about this rag and liberty and justice for all, and these are the things happening to black women right now. And you want me to be simpleminded like you all are. It's not liberty and justice for people of my complexion, even one who is going into labor and screaming for help in a Christian country. BS. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Cavanaugh.

CAVANAUGH: Thank you, Mr. President. Thank you, Senator Chambers, for reading that woman's story. I think that's really important and it calls to mind the fact that she had a baby, and for six hours that baby did not receive medical attention is egregious, and something that everyone in this body should find just horrific the thought of having a medical provider right there, and that medical provider not seeing her is heartbreaking. I've mentioned before when I had my eldest daughter, Della, I suffered from postpartum hemorrhaging. If I had been unattended for six hours, I would have been dead. I would have been dead. There's nothing, there's nothing that would have told anyone in that facility that that woman wasn't suffering from postpartum hemorrhaging. They weren't checking on her. They could have found her dead in her own blood with a baby. Six hours is egregious. Six hours to have a woman unattended after she's given birth when there are people there ignoring her. Thank you, Senator Chambers for calling attention to that. Thank you, Senator Chambers for yelling to get the attention of this body. You mentioned that this woman was black, and I try to think of a situation in which a white pregnant woman would be in that same situation, and I just can't because a white pregnant woman who goes to jail for a drug charge, drug-possession charge, would probably be knocked down to a misdemeanor not a felony. A white woman who's pregnant in prison would be taken to a hospital to give birth. This wouldn't happen if she were white. Certainly she wouldn't have been treated well, but she wouldn't have been left alone for six hours with a newborn. It's disappointing that the body isn't paying attention to this conversation. It's disappointing that we keep having conversations about the wrong things. We're not talking about the people that are impacted by our legislation. The power that we wield in this body is great, and the people's lives that we impact with this body are important and significant no matter who they are. There's been a lot of talk about babies, unborn babies, children, but I don't see that people are putting actions behind that. I don't see people voting in favor of supporting children. There's so many more ways to support children than just telling a doctor what they have to say to their patient. There's providing food for those children, providing education, providing safe childcare. Making sure that there's transportation for families to get from jobs and to school safely. I hope that this body will reflect on this conversation today, and that we will continue to work and be better than this. We have big problems to solve, and we can't solve them by ignoring them, and we can't solve them by dehumanizing these people, these women, these men, these children. Thank you, Mr. President. If he would like, I'll yield the remainder of my time to Senator Chambers.

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

Floor Debate  
May 14, 2019

---

FOLEY: Senator Chambers, if you care to use it, there's 1:30.

CHAMBERS: Thank you. Mr. President and members of the Legislature, and I have a motion up there. I'm going to show you how I can make you all pay attention, if I choose to do it. This woman cried out for help, and she went six hours and 54 minutes before any help came. Do you all think I can take six hours and 54 minutes of your time today if I choose to? Is that what it's going to take for me to get your attention, to make you listen and pay attention? Give you a little bit of discomfort and unease for six hours and 54 minutes. Let's make it an even seven hours. Let's say it's ten o'clock now, five o'clock. Oh, but then we have to take time off for eating because you all like to eat also, to ease the pain in your belly when you haven't had enough food. So I'm thinking about whether or not I should test myself, test your patience, test this system by just taking seven hours out of one day, but it's also seven hours or one day away from those few remaining in this session.

FOLEY: That's time, Senator.

CHAMBERS: You all-- you said time?

FOLEY: That's time.

CHAMBERS: Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Slama.

SLAMA: Thank you, Mr. President. Since today's discussion or this morning's discussion is about the budget and what we, as a state are spending, I'd like to get back to that. There was a study posted by WalletHub in March labeled 2019 tax rates by state that compared the collective, local, and state tax rates for the U.S. median household. Now, the U.S. median household was calculated as an income equal to \$58,000, owns a home valued at \$193,500, which is the median U.S. home value, owns a car valued at \$24,350, the highest selling car of 2018, and spends annually an amount equal to the spending of a household earning the median U.S. income. I understand that this may not be the median income for Nebraska, but this is the standard used to compare states to each other. Now, I was surprised to find that Nebraska was not ranked in the top 10 for best states for taxpayers, was not ranked in the top 20, wasn't ranked in the top 30, wasn't ranked in the top 40. In fact, in a ranking of 50 states, plus the District of Columbia, we ranked 47th of 51. In total, local and state tax on the average-- on the median U.S. household. We were in front of only Illinois, Connecticut, Pennsylvania and New York. Folks, we were 47th out of 51 in total tax burden nationwide. Our median U.S. household faces a tax of 13.37 percent

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

Floor Debate  
May 14, 2019

---

annually. We rank 44th when it comes to real estate tax rate at a rate of about 6 percent. Vehicle property tax rate, we ranked 36 at an average of \$387 per year. We rank 19th on average income tax rates, and we rank 30th on sales and excise tax rank, which I think is important to note as we look at increasing our state's sales tax. But I think it's important to note as we discuss the budget that at the root of every taxation issue is a spending problem. So I'm looking forward to today, looking at some parts of the budget we may see as wasteful looking for places to cut because, folks, 47th out of 51 just isn't going to cut it. And with that, I would like to yield the remainder of my time to Senator Chambers if he would like to continue his discussion.

FOLEY: Senator Chambers, roughly 2 minutes.

CHAMBERS: Thank you, Senator Slama, and I would like to continue. There are too many things that happen on this floor that remind me of what it means to be black. How you all don't have to worry about certain things. You don't get up in the morning and wonder what kind of slight or insult either you will confront or somebody who will call your office will tell you about. Black people still hold a degraded second- or third-class status in this society with all of the fine words in the Declaration of Independence. See, you all started me when I was young and in school thinking that there was something special about this country when I, in the fifth grade, memorized the entire Declaration of Independence. A lot of it had slipped away because I had no reason to remember it after that feat was done--

FOLEY: One minute.

CHAMBERS: --but some of the words ring in my mind like a fire alarm bell. We hold these truths to be self-evident, that all men are created equal, are endowed by their creator with certain inalienable rights among these life, liberty and the pursuit of happiness. To secure these rights, governments are instituted among men, deriving their just powers from the consent of the govern. Whenever a government becomes destructive of these ends, it is the right-- it is the duty of the people to alter or to abolish it and provide new guards for their future security. How many white kids learned that? How many white adults even know it now? You hold those things out to us. And it's like the football in Charlie Brown, that that mean, little girl, and they make the little girl the meanest one for a purpose, that conditioning. She holds the football--

FOLEY: That's time, Senator.

CHAMBERS: --and then when Charlie Brown-- you said time?

FOLEY: That's time.

Floor Debate  
May 14, 2019

---

CHAMBERS: Thank you, Mr. President.

FOLEY: Senator Hunt, was your speaking light on? No. Okay, I see no one else in the queue. There's a motion pending at the desk, but before we get to the motion we'll dispense with the E&R amendments. Those in favor of adopting the E&R amendments say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk.

CLERK: Mr. President, Senator Chambers would move to indefinitely postpone the bill.

FOLEY: Senator Chambers, you're recognized to open on your motion.

CHAMBERS: There's a song that I'm not going to sing. Now it begins, and there's an old rhyme, needles and pins, needles and pins, when a girl gets married her trouble begins. Men, men engineer all these hateful things. Men are the ones who created slavery, but back to what a black man experiences in this country, not every black man, the world is what we perceive it to be. A principle of psychology says, if a person perceives something as being real, it is real to that person in its consequences. Mine is not just a perception, mine is a recognition of the day-to-day realization and observation with reference to what happens to people of my complexion. And here's the irony about you all's country. When I say my complexion, it could be as pale as yours, or as dark as this, (holds up desktop podium). When a black person says my complexion, you know that that does not necessarily have reference to color because white people create psychological, political constructs that go contrary to reality. If you saw a picture of my mother and one day I may let some of you all see a picture of my mother. You think she's one of you all. She's got hair redder than the reddest hair of anybody who has ever been in this Legislature. She had hazel eyes and her complexion was so pale that when she was an older person and I met her in the grocery store where we both shopped, I embraced her. A black man said, Chambers, man, what you doing hugging that old white woman? I said, brother, you need to be careful how you speak and know what it is you speak of before you let words come out of your mouth. That old white woman is my mother. Oh, Chambers, man, I didn't know, I'm sorry. I said, that's what I said, you didn't know. Now he was as much a victim of racism in this country as anybody else. So, there are black people, complexion-wise, that's why I say if I were blacker, I could be prouder, because some of you all think we want to look like you, that I put chemicals in my hair to make it look like your hair. And yet ironically, I saw some device on television, this white woman was using it, and she has hair straight, hanging down her head like it was just wet. You know that wet dog-like hair, it just hangs straight, and she put this thing-- it looked like a pair of pliers, but they were heated, on her hair and pulled it down and when she let it go, her hair went boing and sprung up and it set curls, curly hair. White woman trying to get curly hair. Some black people trying to-- (baby crying) don't hush the baby up. That's the purest sound we will here on this floor. If ever I'm speaking and a baby cries or a baby makes any sound, let me hear

Floor Debate  
May 14, 2019

---

that sound to remind me that there is something living in this world born of a man and woman which is pure, more innocent, more of an example than anything walking in shoe leather as a member of this Legislature. So it doesn't offend me when the baby makes the sound of a baby. And that brings me to a point that I can make about little Italian babies. See, when this country was talking about keeping people out, the people who were not worthy, who were not fit to come to this so-called white country, but they didn't know their history. The people who founded America were from what the British called the convict-debtor classes. Convicts and debtors were sent to America, and they were given a choice. Given a choice. You could either hang in England or go to America, and some chose to be hanged. But others chose America because, as Khrushchev said, living things want to go on living. When they got here, some lived here as they did in England. Off the work and labor of others, they were thieves, they were robbers, they were burglars, and laws had to be passed to deal with these British people who had come to America rather than be hanged in England. So the fathers and mothers of this country came from the convict-debtor classes in England. Australia was another prison colony where the British scum, as they were called by the British, were sent so that they wouldn't contaminate pure British society. So many of these criminals were sent to America during the colonial days that Benjamin Franklin and a group of his cohorts wrote a letter to King George III and said, stop sending these criminals over here because no sooner have we incorporated one group of them into society and got them to behave halfway like civilized people, half Christianized people, you send us another group of them. So with this letter, I am sending you a crate of rattlesnakes to equate with the types of people you send to this country. You didn't know that was in your history, did ya? You didn't know you came from convict debtors, did you? But all of these people, and when I say all, not every single individual, but these people in America began to talk about God having ordained them to own this land, and therefore they could slaughter the natives who were considered inhuman, animals, and the concept of scalping came from white people because there was a bounty on native people, and when you presented a scalp, you collected the bounty. Who do they tell you does the scalping? Hmm? What do they do in the movies? They put their wrongfulness on others. There was a man, he was a high-ranking official in Massachusetts, and he talked about how on almost any day, you could walk down the streets and smell the heads of these-- they called natives in those days, savages, and they spelled it with an "I". The head of these "salvages" frying, frying in pans on the street and others of their heads were being kicked down the street like a football. That's what they were doing, and they wrote about it just like the Nazis who operated the death camps wrote in lurid detail about the infliction of tortures against Jews, and the Nazis are considered to this very day to be bad people. But the Americans want to say they're better than everybody. They've whitewashed their history. They don't want their history taught. And that's why when we had that Americanism bill before you and you wanted to keep the mythology of America going, you would not accept amendments that were designed to bring truth into the teaching of American civics because it's not truth you want, it's propaganda. So here's what they did. When they decided that more people such as themselves may see fit to try to come to America, they had to find a way to keep them out. And you know the ones they didn't

Floor Debate  
May 14, 2019

---

want in here? They didn't want Italians, as they called it. Didn't want Italians, didn't want any of the eastern Europeans because the eastern Europeans were the savage people. They weren't quite as civilized as those in Britain, or the United Kingdom, Britain, Wales, Scotland, the other areas considered western Europe. So they passed laws against them. And those who were against these inferior people coming here said, oh, yes, when the Italians are little, they are beautiful, delightful little babies, like all little babies are delightful.

FOLEY: One minute.

CHAMBERS: But they grow up into big full-grown Italians and therefore, none can come here. There were some people who did not like that idea, and as is the case today and as the "Bible" said, there will always be a remnant. There were people who stood against this racist, discriminatory attitude. They tried to remind these people who now felt they were better than everybody else what their forebears suffered in Europe, and when they first came to America, like some of your forebears did. But you carry on the racist traditions. Why do you think a racist white nationalist person could be elected president?

FOLEY: That's time, Senator.

CHAMBERS: Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Continuing debate, Senator Bolz.

BOLZ: Thank you, Mr. President. I appreciate that Senator Chambers has a few things on his mind this morning, but I just want to rise and articulate how ill-advised it is to indefinitely postpone or make motions to reconsider or recommit any of the budget bills. These bills are our most important responsibility, it's the only thing we're actually required to do, and there are significant consequences if we don't move this budget package forward. So I stand in opposition to the indefinitely postpone motion, and I want to raise two points related to LB293 that show just how important this piece of legislation is. The first is, LB293 contains the funds that we reimburse to localities for the homestead exemption. The homestead exemption, of course, is for lower income, seniors and other folks who are on fixed incomes, and those dollars are very important to their financial stability. The other thing I want to draw the body's attention to is, everyone on your desk should have what we call the green sheet, which is our current financial status. If I could ask you to turn your attention to line 5, it references LB293 which says that we would lapse FY18 appropriations to the tune of 27 million. In other words, those unspent funds that can be used to help us balance our budget. Line 22 has the \$2.3 million expenditure, which is to say that in the third line over rather than having a positive 1.9 million, we would have a negative 23 million if we didn't pass this bill forward. So in an effort to be fair-minded and even-

Floor Debate  
May 14, 2019

---

handed, even though I have great respect for my colleague, Senator Chambers, I do need to rise and articulate just how unwise it is to consider an indefinitely postpone motion for the sake of the budget as a whole. Thank you, Mr. President.

FOLEY: Thank you, Senator Bolz. Senator Hunt.

HUNT: Thank you, Mr. Lieutenant Governor. I have a couple things on my mind, and it seems like a good time to talk about it, because it relates to the budget, it relates to spending, it relates to economic incentives, and it relates to corrections. In an article published written by Paul Hammel in the World-Herald on March 19, headline, Nebraska prison population hits a new high, quote, I hope it's an anomaly, corrections chief says. Here's a record Nebraska leaders didn't want to set, a new high for prison overcrowding. On Monday state prisons held 5,515 inmates, the most in history, and a surprising landmark in light of several efforts to reduce overcrowding. I hope it's an anomaly, state corrections director Scott Frakes told a panel of state lawmakers. It means that state prisons are holding 2,140 more inmates than they were designed to handle, about two prisons' worth and are at 163 percent of capacity, the second worst overcrowding in the nation. It also, blah, blah, blah, goes on. We went a long time in Nebraska without investing in the corrections system, he said-- Frakes said. We're paying the price for that. I support, um, funding improvements to our prison system. I think that inmates need more connection to their communities. I think that, from what I have heard from incarcerated people who have reached out to me who I worked with before I was elected, the quality of rehabilitation in Nebraska could be increased, and maybe that's something that takes appropriation of more funds. But I want us to be careful about saying, well, we funded-- more correct, more funding to corrections so they're able to build more beds, we're able to build more prisons, boom, therefore we solved the overcrowding problem. That's really the wrong solution to the problem. I think that one thing that would really help this and also be a great economic incentive for our state is legalizing cannabis and legalizing marijuana and allowing people with drug convictions to clear or modify their records, because there are so many people in our prisons with nonviolent-- who were convicted for nonviolent crimes, who were convicted for drug use and possession, and we in this body didn't allow them to apply for SNAP benefits. That's something that would really help rehabilitate them and keep them out of our corrections system in a time that I just told you from this article in the World-Herald, and we all know this as leaders in this body, we can't put more people into our prisons. And I think that the wrong solution for us is-- it's not right for us to say, well, let's give them more funding so we can lock more people up. The right solution for us is to say, what are some bigger policy questions that we could come together and look at in Nebraska that would attract more people to our state, increase our revenue, give us more funds to work with, and help empty some of those beds instead of trying to fill them up with people, and give them opportunities for rehabilitation like SNAP, like raising the tipped minimum wage, like making sure that LGBTQ people can't be fired for who they are in Nebraska. Like investing in regional public transportation. Like expanding Medicaid. All of these things will not only reduce

Floor Debate  
May 14, 2019

---

our prison population, but they will attract more people to our state. And so, I wanted to say that on the record today because I'm not inclined to support increases in spending for corrections until I see the political will in this body to balance--

FOLEY: One minute.

HUNT: Thank you. --to balance that increase in funding with an increase in proactive, forward-facing policy to help incarcerated people and inmates be successful, whether they're going to be incarcerated for a long time, or whether they're going to come back out into society and live life like everybody else and be in the world, and we want them to be successful. We want them to be taxpayers. We want them to be entrepreneurs. We want them to have families. We want them to be participants in their communities. And just funding more beds is a very shortsighted way of addressing that problem. Thank you, Mr. President.

FOLEY: Thank you, Senator Hunt. Senator Chambers.

CHAMBERS: Thank you, Mr. President and members of the Legislature. I'm in accord with what Senator Hunt said. I'm sympathetic to what Senator Bolz said, but I have a greater responsibility on me this day. I'm going to read a paragraph, again, from this article. No one gave her anything for pain. No one tried to control the bleeding. She screamed all night long, and no one came. Jackson was found in her cell cradling her baby 6 hours and 54 minutes after she first cried out for help. Were there no guards on duty? You think they couldn't tell that a woman on the verge of giving birth was pregnant? Why would they put her in solitary confinement, and nobody checked on her? They could anticipate what her problem would be, and yet what I'm reading about happened to that woman. The "Bible" said that after Cain had killed Abel, the voice of God was walking in the garden and asked Cain, where is thy brother? And Cain responded, am I my brother's keeper? Well, where were the keepers of this woman? Did she count for nothing? Less than nothing? If any of these people owned a pet and that pet were crying out in pain, I believe that any one of those persons who was the pet owner would have done something to find out what was the cause of the pain and would try to find a way to alleviate it, which means that a black woman who is pregnant, on the verge of delivering, was beneath an animal. What about all of the pro-life? All of that about, you care about the fetus, you care about a zygote, you care about anything that is in the womb, but you don't care about a black woman who has all of that in her womb. Your so-called pro-life principles, if that's what they can be called, are as much a mockery as these outcries about the existence of democracy in this country. They mean nothing. And the people who are situated-- of this woman was situated will be swept aside because more important things have to be done. Maybe we in the Legislature have to legalize medical marijuana. Maybe if this woman had been administered some kind of medication, her pain could have been lessened. But maybe those who would be interested in

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

Floor Debate  
May 14, 2019

---

legalizing medical marijuana wouldn't have any concern about a woman situated as this woman. What about industrial hemp? Where I understand the prosecutors are trying to create a criminal offense in connection with that product, because they cannot stand to lose, and the Governor cannot either. So these are the things that engage you all. So I'm going to have to find a way to take considerable time on every bill that comes up this morning. I don't care what the subject is. Those bills mean something to you? There are things related to human beings that mean a lot more to me than any bill before us, even these bills that relate to the budget. What would happen if we don't pass any budget bills this session? First of all, that's not going to happen, but if it happened, what would happen? We, by a vote of a certain number can--

FOLEY: One minute.

CHAMBERS: --extend the session of the Legislature. The Governor can call us into special session. If the Governor called us into special session, he is allowed to restrict the subject matter that we can consider. It would be only the budget, and he could keep us here until we pass the budget bill. So that is not something that anybody has to worry about. The budget bills will pass. All these other bills can be introduced next session. You all put so much into these bills that they become of the warp and woof of who and what you are. Passing a bill means more than doing those things that should help the people that we supposedly are passing these bills for. In a race between a human being and something else, the human being never wins the race unless it's a white human being racing against any person considered--

FOLEY: Time.

CHAMBERS: --to be one of color.

FOLEY: That's time. Thank you, Senator Chambers. Senator McCollister.

McCOLLISTER: Thank you, Mr. President; good morning, colleagues. Senator Hunt's comments stirred me to action. In my first year here, in 2015, we passed LB605. And, of course, that bill is designed to reduce the prison overcrowding that we have. And I think most of us know that we're second only to Alabama. We're sitting at 160 percent currently, and that's nothing to be proud of. That's-- is unbelievable. In fact, ACLU has a court suit against us, and unless we reduce the prison population, we will end up facing the bad effects of that court suit. We've had bills come before this body that help people coming out of prison: SNAP benefits, Medicaid, things like that. We need to do a better job with those programs, because those people coming out of prison, we don't want them to return. And that's the problem that we seem to have in this state. We do need to do a better job with this issue. Senator Lathrop is eloquent in this. And we need to just buckle down, work with the Governor, and let's reduce the prison

Floor Debate  
May 14, 2019

---

population. Thank you, Senator Hunt, for your comments. And let's hope that the body itself rises [INAUDIBLE]. Thank you, Mr. President.

FOLEY: Thank you, Senator McCollister. Senator Chambers, you're recognized. Your third opportunity.

CHAMBERS: You all listen to songs. Was there a song "how many roads must a man walk down before he's called a man?" "How many seas must a white dove sail before she sleeps in the sand?" They asked these questions; Peter, Paul, and Mary, and then the answer, "the answer, my friend, is blowing in the wind. The answer is blowing in the wind." Things are not going to change unless people change them. People are not going to change them unless the people who are supposed to make the changes, change. But they're not going to do it. I know it. You all know it. There was a verse in the "Bible" that said if these people didn't speak, the stones would rise up and speak. Periodically, I prevent the stones from speaking and terrifying all you Christians by saying those things that need to be said. The thing I regret is that you Christians won't say what your Christian leader told you to say, except Christ was not a Christian. Christ was not a Christian. Christ didn't call those who followed him Christians. The Christians were not known to Christ. The disciples were first called Christians at Antioch. Jesus was long gone by then. Where was Jesus? He had flown away. He said, I can't stand it down there with those hypocrites, and if I do, I would do to them, talking to his father; daddy, you're going to tell me that I got to go down here and die for these creatures? They're going to kill me. Why don't you let me do to these what you did to all of them in Noah's day? There are some women we can save, because they're the ones who never deserted him completely, although they stood some distance away, they didn't flee as it said the disciples fled. You talk all of this religion, you articulate all these principles, but they mean nothing, because when we're able to do things with our vote to help the people we pretend to care about, we don't do it. I heard what Senator McCollister said. I was here so many years ago that they had what looked like a Bastille that was called a prison. The cells were segregated, and the black prisoners got the worst end of the deal, even in prison. And I led an effort to tear down that prison and build the one that is there now. I led the effort. And there was a firm in those days known as Kutak, Rock; and then they added Campbell. One of their people who dealt with Corrections wrote me a letter, and I still have it somewhere, saying, Senator Chambers, don't stop; you're on the cutting edge of what is starting to happen now and it is called prison reform. They didn't even have a word for it that was popular at that time. But I was in the forefront. And I spent more time at that prison than I did in the Legislature. And embarrassed and humiliated my colleagues, because in those days there were reporters who would write about these things at length. There was at least one editorial writer, Dick Herman, who took note of what I was doing and knew that a change needed to occur. There was an old person named Terry Carpenter who had these white senators in terror. They called him "Terrible Terry." He became persuaded that what I said was true. And he got on board. And we were able to bring about a change in the entire prison system. I visited the women's prison. They had no

Floor Debate  
May 14, 2019

---

books to speak of, no recreation. I got somebody, I forget whether it was somebody who owned a pool hall or somebody who get a-- to get a pool table and donate it to the women's prisons. There were several book stores who took--

FOLEY: One minute.

CHAMBERS: --their paperbacks and tore the covers off and marked them so that they couldn't be sold by the prison people, and gave me boxes to take and give to the women at the women's prison. Oh, you didn't know I did that? They didn't even have a legal library out at the men's prison until I spoke about it on the floor, and the then-head of the Nebraska Bar Association got together to get some books to put in that prison. You all don't know who has done things that have brought this state to where it is now. People think this state is progressive because of things that I've done that I had to fight tooth and nail to try to get done. And we still, as a Legislature, will not do the right thing. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Chambers, you're recognized to close on your IPP motion.

CHAMBERS: Thank you, and I'm going to have a call of the house and a roll call vote. And I'm going to be not voting so I can make a motion to reconsider and I don't have to bother my brain with trying to draft amendments. I told you all about the things that I did for you all so you can get some expense money while you're in session. There was a time when our staff members didn't get paid much of anything. And there was one year when I was able to persuade the Legislature that despite the relatively small percentage amount we were giving to others, we should give ours an 11 percent increase. It had never been heard of. Because I would argue that 11 percent of very little may not be as much as 2 percent of a lot more. But anyway, that started moving our staff closer to what other staff members in the other branches got. I was the one who pushed to give a long weekend on Easter to our employees. One time, I didn't make it to the Exec Board meeting where we took a vote on that, and they didn't vote to do it. Some of the employees came to me and told me what happened, so I got a piece of paper and went around to all the members of the board and got them to sign it so that we would give the long weekend. I'm looking out for white people. White people didn't look out for their own kind. And they're not kind to others who are not members of their kind. This place was virtually uncivilized when I got here. I can show you all letters and editorials different from the kind that are written now by people who don't know what went on in the early days of my coming to this place, and the changes that I brought about. But white people didn't mind those changes because they benefited white people. Well, now I'm the same person that I was then, but there are still people who need help. And I am stronger in my criticism now because you've had some decades when you should have become a bit more civilized and imbued with more understanding. And that's why where

Floor Debate  
May 14, 2019

---

much is known, much is required. And your "Bible" said: he that knew his master's will and did it not shall be beaten with many stripes because you knew better and didn't do better. You all know better, but you're not going to do better, because you feel you don't have to. And in reality you don't because you're in the majority and you go along with whatever the majority wants. That's why-- and sometimes I digress to draw you all within the ambit of what I'm talking about. Trump is doing things that are hurting a lot of people in agriculture in this state. Farm Bureau will cry and moan about what's happening, especially for those growing soybeans and other grain. And although there was one comment about the price of beef actually kind of rebounding and it's good, well, in the Asian part of the world, there are going to be some cutbacks on buying beef and pork. Then they're going to start crying just like the grain growers are now. A banker is not going to loan you money because you've got all these thousands of bushels of soybean in a silo that nobody wants to buy, but these farmers in Nebraska will not speak against what Trump is doing because he is their leader. The most important thing is that he is a racist. And as long as he appeals to racism, they will go along with anything he says, even though it hurts them financially. And now I'm glad that the tariffs are going to hit laptops and these things that all you sophisticated people do, and the price is going to be paid by you. Your president is so stupid that he's praising the fact that money is flowing into the American treasury from the tariffs, but guess who's paying that money that's flowing into the treasury? The Americans who are paying the increased costs.

FOLEY: One minute.

CHAMBERS: Chinese are not hurting. You're not sucking money from the Chinese. You're sucking it out of Americans' pockets, and if they had a tax that was as high as what they're going to pay because of these tariffs, they would want to run everybody out of office who did it. But you're so dumb, you don't know how tariffs work. You don't realize that they're hurting you. But when it dawns on you, will it be too late? Who can say? None is so blind as those who will not see. You all are the willfully blind. You're the willfully ignorant. So that you won't have to assume any moral responsibility for delivering on the oath that you voluntarily swore. But why should you be expected to uphold an oath when you tell lies and do other things when you're campaigning to get into this office, then you sell out even when you get in this office.

FOLEY: That's time, Senator.

CHAMBERS: Thank you, Mr. President. I would like a call of the house and a roll call vote.

FOLEY: There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please.

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

Floor Debate  
May 14, 2019

---

CLERK: 17 ayes, 2 nays to place the house under call.

FOLEY: Members, the house is under call. All senators please return to your desk and check in. The house is under call. All unexcused senators please return to the Chamber the house is under call. Unauthorized personnel please leave the floor. The house is under call. Senator Morfeld, would you check in, please. Senator Linehan, check in, please. Senator Hunt, check in, please. All members are now present. The question for the body is the adoption of Senator Chambers' motion to indefinitely postpone the bill. There's been a request for a roll call vote. Mr. Clerk.

CLERK: (Roll call vote taken.) 0 ayes, 47 nays.

FOLEY: The motion is not adopted. I raise the call. Mr. Clerk.

CLERK: Mr. President, before we proceed, the Appropriations Committee will have an Executive Session under the north balcony now. Senator Chambers would move to reconsider the vote just taken.

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

CHAMBERS: Thank you, Mr. President. I'm going to give you all a chance to get out of this. Majority is not always right. But the majority will rule. Now, you're only going to get one chance, one chance only. I can either continue indefinitely or I can just take the time for the rest of this morning's session. All of those who want me to take time just for this morning's session and not consider it this afternoon, and I might close my eyes, raise your hand. I see three. That's not a majority under any circumstance-- four, okay, that's it, you had your chance, polls are closed, you lost. You've given me now a vote to continue beyond this morning. And seldom do I go-- let what I do be decided by a vote of the Legislature. But when the Legislature feels so strongly about something that they will vote against their own interests for a change, who am I to frustrate the will of the Legislature of which I am a part? So you all mark this day down, May 14, when Senator Chambers allowed the Legislature, by vote, to determine what his conduct was going to be. And those of you who were on the short end of the vote, imagine how you'd feel if that's where you were the majority of the time on issues that meant a great deal to you. You would decide how you're going react to it, and we respond to the reality that we perceive based on the kind of person we are. Each one of us is a product, as I've suggested to you all of our background, our upbringing; our education, if we have any; our experiences, the friendships we may develop, the battles we may have to wage; all these things unite to make us what we are. But what I am, more than anything else, is what I am. That's why Popeye and I said, the words that will stand true for all time and all climes-- I am what I am, and that's all that I am. If you look into those words, it will tell you that even if I should be a good enough actor to fool

Floor Debate  
May 14, 2019

---

everybody, as people on this floor will do from time to time, I still am what I am. The hypocrite was just the one who wore the mask. That word by itself was not necessarily bad. Then it took on the meaning of one who hides what he or she really is behind a mask in order to do something which is deemed inappropriate. So everything I'm doing could be an act. But you won't know it, you have no way of knowing it. What I'm saying I want in the record, and I want it to be in the record at a time we're discussing something that means something to all of you, and that's money. Some people, Senator Hansen B., mistake a verse in the "Bible." They say, love of-- they say money is the root of all evil. But the "Bible" says the love of money is the root of all evil, because another verse says, money answereth all things. So, properly utilized, money can bring about some very worthwhile and necessary actions on the part of society, on the part of organizations, on the part of individuals. So you should be like what Paul told young Timothy: Study thyself to be-- show thyself approved, a workman of God who needeth not to be ashamed, rightly dividing the word of truth. Here a little, there a little, line upon line, you put these things together and you come up with a concept. But the concept alone is not enough. You all talk about having faith. The Governor is said to be a man of faith. He calls himself a man of faith. But what did the "Bible" say? Faith without works is dead. So when you hear somebody say I'm a person of faith, that lets you know that person is a sepulcher, a tomb, filled with dead things. If you don't practice the things you say you believe, you are that hypocrite. And there's one who sees you and knows you. I don't know what you're thinking. In general I do. And on this floor, I know what you're going to do, based on certain issues. Like Senator La Grone, I understand he's out there running around trying to hurt something on the next bill. What we're-- the rate we're giving to providers. After you all voted for those rates, he is running around here trying to stop it. And he'll have the chance when that bill comes up to say that's not true, that he supports-- he supports those rates for providers. And you'll have a chance to vote that way. And you'll be able to show that I was mistaken. But we shall see what we shall see, shall we not? And when a senator is given the job of running around here trying to carry out the Governor's will, what do you think that shows? What do you think that shows? The dog whistle has been blown. Dogs can hear things that human ears cannot. Because dogs have to hear things that human beings don't have to hear in order to survive. Hansen B. understands that under the principle of evolution, every evolutionary change that occurs is designed to enhance the survival of the species, not just at random, there's a purpose, and Mother Nature is the one who sets the purpose. And whether human beings understand it or not, that purpose is going to be carried out. So if I study critters, whether they be two-legged, four-legged; six-legged insects; eight-legged arachnids; eight tentacles a mollusk; no legs, a snake. But legs give you kind of an insight into things. And if you study Mother Nature and the way Mother Nature does things, you will learn a lot, but not everybody arrives at the same conclusion because Mother Nature makes everybody different. That's why Senator Hansen B.'s DNA will not match mine. All of the billions of people who have been on this earth, how do we know there are not billions of people on this earth now? Has somebody taken an actual headcount of every human being everywhere on the face of this earth? They talk about finding what they call tribes that they didn't even know exist. They limited the

Floor Debate  
May 14, 2019

---

number of people on this earth by the limitation of their own knowledge. If they don't know it, it doesn't exist. Columbus discovered America. No, he didn't. There were native people here already. Columbus overcame the ignorance of some people, but his ignorance led him to think he was someplace where he was not. But when white people, or off-brand white people such as Italians and Eastern Europeans do something, even they are better than every person who is designated a person of color. So their errors become the realities for everybody from that point on. How can somebody on this continent be referred to as an Indian? This is not India. Yet the people who were here originally are called Indians because some white man who didn't know what was going on hung that label on them, and they have to accept it. Not only do they have to accept it, they have to accept being humiliated, stripped of their dignity, put in what they call Indian schools.

FOLEY: One minute.

CHAMBERS: Have their hair cut off, take their language from them, and teach them how to speak the language of the oppressor, then act like in later years everything is all right, because one of them might be given something special like every now and then a black person will be given something and becomes the poster child for white kindness and justice while he or she enjoys, and I use that term advisedly, the contempt of everybody like him or her. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. You're recognized.

CHAMBERS: Thank you, Mr. President. Awake my "Sinjin," that's the way Alexander Pope, in his day, pronounced what we would call St. John, S-t, period, J-o-h-n, St. John. But in those days, English people who were scholars could change the way words were spoken. I spent a lot of time learning things from white people. I never had a black teacher in my life. White people on this floor talk about local control, and they want local control as long as white people are the ones in control. I did succeed, legislatively, in dividing OPS which was the largest school district in the state into three districts. And white people took it to court. And I tried to force the judge to call it to trial, because I knew I would win. Then those, including the NAACP legal fund joined some white people because they thought it created segregation. And I told them to say that segregated schools are made segregated by what I do is like saying I can make water wetter. If they would have read that law, they would have seen that the division was based not on race but on the location of the seven high schools and the districts that had been drawn for those high schools by the white people who comprised the white board of education. So what were they doing? Admitting that the way they drew boundaries segregated the schools. So I have to use object lessons. It said that each of these districts would comprise two high schools in two of them; there are seven high schools in Omaha. So there would be two in one district, two in the

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

Floor Debate  
May 14, 2019

---

other, that's four; and then there would be three in the third one. That takes care of all seven. And you determine the population of those high schools by the districts that had been drawn by OPS that were called attendance districts. And when I attacked them on that, because that's what I did from the time I was in high school, I did a lot of things adults should do, they said, well, we're not segregating the schools, we put schools in neighborhoods, but the neighborhoods are what they are because of housing patterns. And even as a child, relatively speaking, compared to those old mossbacks, I said: you are not allowed, under the law, to superimpose a school district on a segregated neighborhood pattern and thereby have segregated schools, you can't get away with that. But they did get away with it, because I was labeled the radical, the one who was destructive, because I took what white people did and turned it on them. And I said all that would happen is that each one of these would be a school district on a par with every school district in this state. They would have the same benefits in terms of state aid. Each would hire its own superintendent, its own teachers; establish, to the extent that is allowed, its curriculum; and they would have local control, meaning that the people who live in a district where their children go to school would control that school. And it was all right when white people were involved. But white people wanted to control the schools where black children went to school also. And when I pointed out that you had a white baby in the womb of a majority-minority district--

FOLEY: One minute.

CHAMBERS: --District 66, created by law, segregated so that white people's children, they could run out there and they not have to go to school in OPS; wouldn't have to go to school with black children. That was called "white flight" in those days. And I recognized it then and I brought those things up on the floor of the Legislature. And do you know why the three districts concept did not last? I and Senator Raikes, who did a whole lot of work when it came to the details, he was the Chair of the Education Committee; could get statistics and things such as that. We were both going to be term-limited out. We could not protect what we had done. Even if the court upheld what we had done, which I believe would happen, we would be term-limited out, and all the Legislature then would do is--

FOLEY: That's time, Senator.

CHAMBERS: --pass a law and revoke what we had done. You said time?

FOLEY: That's time. Senator Chambers, you're recognized for your third opportunity.

CHAMBERS: Thank you, Mr. President. My, how time flies. I thought I just offered my motion to reconsider. So I've got to get something else up there while I'm talking. So here's what we did. We contrived what was called the Learning Community, and it created a consortium of schools in

Floor Debate  
May 14, 2019

---

Douglas, Sarpy, and maybe a little bit of that throw-away district out north, Washington. And each one would elect people who would serve on the Learning Community Board; and naturally I was elected, because people had confidence in what I would do where education is concerned. And there may have been more white people than black people in the district for learning community because it comprised more territory than these legislative districts. And that's what we did in place of that division of OPS into three districts. When I get my next motion up there, I'm going to have a chance to tell you the role that Senator-- she's the lady senator from Nebraska out there in Washington, D.C., Senator Fischer, how I helped her get some money for rural people. And then when I was out of here, she did the treachery of saying that the people who are members of the Learning Community could not get that whatever it is that you gave you for each meeting that you attended, when I wasn't here, she went back on her word and changed that. Those are things you all don't know. But I thought I'd decide to go ahead and give you a clinic this morning and teach you about some of the things that happened in your white legislature while I was here that I know about. You don't have reporters who were here. They don't know it. Editors who are now editors of these papers, they don't know it, so they write superficially. I say the flag is a rag, and they run with that because they can grasp that. Yeah, this is what these ignorant people that Trump said he loves. He said he loves uneducated people. He said that. Because they're dumb, and you can lead them around by the nose. You can shake a rag in front of them, and they're like an enraged bull. So what? Because they're angry, that's going to stop me from saying what I believe to be the truth. It won't work. It hasn't worked in 40-some-odd-years and it won't work now. And when you all get on the fighting side of me, as you did this morning, then we're just going to deal with this the way we need to deal with it. And when I say "this" I mean me taking some time. And when I pause, that's not for applause, but it's so that I can craft, quickly, another amendment or motion, which I am in the process of doing. And I've gotten it drafted. So not only will I have three times to speak-- oh, and an opening, but I'll have a chance to deal with this motion twice. We'll deal with it the first time around, then we'll deal with it by way of reconsideration. And I'm playing by your rules. I have to play by your rules, because you all are the majority. And every time they try to change the rules to stop me, I said it would pinch them, but it won't stop me at all. And you all are the ones who suffer under your rules. My intent--

FOLEY: One minute.

CHAMBERS: --when I came here was to play by the rules. And my philosophy on that score was to learn the rules of the game, then beat those who I'm playing at their own game. And you know why that's easy? Because they've got the numbers and no one has to know anything because they can just clump together in a gang and win a gang fight because the only one who has a gang is them. And I'm the one that they come against. But since I have four of them that I have to deal with, that means I have to think at least four times as well as each one of them so I can withstand what the four bring against me. But they're so careless and hateful that they do

Floor Debate  
May 14, 2019

---

things that hurt themselves too. They will do things against their own interest to try to get hold of somebody they don't like. And that person they don't like is smarter than they are. You shouldn't be surprised or offended that I'm smarter than you all. I had white teachers. I just paid more attention to them than you all did. There are some smart white people in this world.

FOLEY: That's time, Senator.

CHAMBERS: Thank you, Mr. President.

FOLEY: Senator Chambers, you're recognized to close on your motion.

CHAMBERS: Thank you. Members of the Legislature, I have a confession to make. I will be 83 years old, I think I'll be 83 July 10; 82 or 83. When you get to my age, what's a few months, what's a few years, what difference does it make? Once you reach a certain age, you can even stop counting years. You're what they call old, and nobody even cares anymore. And if you have grandchildren, great-grandchildren, oh, great-granddad, whatever you are, I didn't know you still had birthdays. Why do you have birthdays? You're too old for a birthday. Look, I can't give you a bicycle. Children think in terms of what they're familiar with, as do other people. We can't get you a car because you're too old. I'm going to let you all in on a secret. I cannot be called to account for anything I say in debate in any other form whatsoever. I believe in rules. Somebody at my age certainly should do that. So when I'm driving on the highway, I drive my age. And who can criticize me for doing that? And that's my understanding, that age carries certain prerogatives. And you just said, oh, I didn't remember. And when you're old, you can get away with slippage of memory, not hearing, not seeing, not perceiving, not understanding. But as black people, we learned this trick a long time ago. Because when we're around white people we're invisible. When we are the maid, when we are the cook who sometimes will put feces and urine in the food that they fed white people; yeah, that's what they did; you can take my freedom, then take all of me. Why not take all of me, including my waste material? And that was done. Who cared whether a cook heard something, or a maid heard something, or a butler or a chauffeur. But what white people failed to realize, I could have a doctorate, but I can't get a job doing what one with a doctorate should be allowed to get. So I have to put on a butler uniform and learn how to buttle. I have to put on a chauffeur uniform and be a chauffeur. And all these important white people, even governmental officials, talk in our presence as though we are not there. That's why a man named Ralph Ellison wrote a book called "The Invisible Man". All black people are invisible unless you want us out there on the basketball court, on the football field, and you have the most racist white people down south cheering their lungs out for an all-black basketball team, or virtually all-black football team like Alabama; white people screaming because black people are in their place. When they put animals in the coliseum and had human beings try to fight these animals, the animals were doing what those who captured them wanted

Floor Debate  
May 14, 2019

---

them to do. So the animals could live as long as they did what those who captured them wanted them to do. But they were never let out of confinement to roam the streets or go back where they came from and be what nature intended them to be. They're always caged. They're always put into an arena to fight against human beings. And the human beings they fought against were human beings not wanted. Some of them were Christians. That's where the expression throwing the Christians to the lions came from. Oh, you were given a chance to save your life.

FOLEY: One minute.

CHAMBERS: Thank you, Mr. President. And it was a fair fight. See, the lion doesn't have a weapon. So we throw you in there with them and you don't have a weapon either. That's the only way it's fair. And not surprisingly, the lions never lost. And why was that? Because the one who contrived the contest rigged it. There's no way any human being is going to beat a lion. Until white people got smart enough to create Tarzan, and not only could he outsmart the lions, he owned all the lions. A white guy, in the jungle, owned all the animals. That's the reality. That's the mythology that people in America grow up with. And it has impact on young minds. They're like malleable clay and you shape and mold them into what you want. And once you got that shape, you set them out in the sun and it hardens and it will never change.

FOLEY: That's time, Senator.

CHAMBERS: Thank you, Mr. President. I would ask for a call of the house. But first a roll call vote. I mean a call of the house and then a roll call vote.

FOLEY: Thank you, Senator Chambers. There has been a request to place the house under call. The question is shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: 19 ayes, 3 nays to place the house under call.

FOLEY: The house is under call. All unexcused senators please return to the Chamber and check in. The house is under call. All unauthorized personnel please leave the floor. The house is under call. (Visitors introduced.) All senators please check in. The house is under call. Senator Groene, please check in. Senator Chambers, we're lacking Senator McDonnell. Thank you, Senator Chambers. We will proceed. Question for the body is the adoption of the reconsideration motion. A roll call vote has been requested. Mr. Clerk.

CLERK: (Roll call vote taken.) 1 aye, 46 nays.

Floor Debate  
May 14, 2019

---

FOLEY: The motion is not adopted. I raise the call. Mr. Clerk.

CLERK: Senator Chambers would move to bracket the bill until June 6.

FOLEY: Senator Chambers, you're recognized to open on your bracket motion.

CHAMBERS: Thank you, Mr. President. And members of the Legislature, many, many years ago when I was a small lad, I was in the Boy Scouts and one of the models, maybe it was the only one, be prepared. Well, I've got my next motion already prepared. So like a seamless web, we'll move right from this into the rest of my disquisition for this morning. Now, between now and when we come back this afternoon, any number of things could change. My mind could change. Israel could succeed in causing the United States to launch an attack against Iran. Then all these young white boys are going to be going over to Iran, like they went running over into Iraq and Afghanistan; the way they went running into Korea; the way they went running into Vietnam. Look, after the Vietnamese whipped the French at the Battle of Dien Bien Phu, shouldn't that have told the Americans something about how stupid they were. But Americans know everything. So they plunged on in there and they stayed there for a long time, and so many of them got killed they built a big wall in Washington, D.C., to commemorate all of those young men and women who died for nothing. The stupidity of white politicians. And you're getting something like that now. Read what happened with a ship called the Maine. And people say, remember the Maine. Now, I'm going to weave a story that may or may not be true. There was a ship that belonged to a big country in a harbor. Not a harbor along its shoreline, but near another country that wasn't too far away. And something bad happened to that ship. And this big country had wanted an excuse to do something to another big country that owned this little place that was not too far from the big country whose ship it was. Well, the people who lived in this big country who owned the ship knew that there were a lot of white people in that country who were dumb. They were ignorant. They didn't know anything. So the leaders of these silly people told them that somebody on that little area where the ship was had done something bad to the ship. And since this was a big country that owned the ship, something had to be done. And what countries did in those days when they were displeased with each other was to commence hostilities. And in this make-believe story that I'm telling you, the big country that owned the ship had done something bad to its own ship. But it made the other country take the rap. They shifted the rap, as they would say in the rackets, to the other country. And the big country that owned the ship then had no choice other than to go to war. So if you update that to today, there is a big country presided over by a psychopathic crazy person. He sent a lot of ships over into a certain part of the world that some refer to as the Middle East because a little country called Israel, which is the tail of the dog, wagged the dog, which is the United States. Under Benjamin Netanyahu, Israel has provoked this idiot who runs the United States into taking actions against Palestinians. One of the bad things that he did was to say that Jerusalem is the capitol of Israel. Jerusalem was of consequence because there is a division in that part of the world. And there is only one state that

Floor Debate  
May 14, 2019

---

is recognized by the white people and it's called Israel. The Palestinians are being occupied by these people who came from Europe. They were called Jews. And in 1948, there was a-- what do you call them now? A terrorist attack against a building known as the King David Hotel. And the head terrorist was one who became the head of this outlaw, neo-Nazi country called Israel. And that Israeli dog has been-- tail has been wagging the United States dog ever since. That Israeli country, I call it neo-Nazi because they learned from the Nazis. When the Nazis were doing things that were bad to people who wound up going to Israel and stealing the land from the Palestinians, such as mass or group punishment. See, Israel built outside, outdoor prisons for Palestinians and put them out there in those prisons no matter how inclement the weather. That's what Israel did. The neo-Nazis learned that from the Nazis. They're given billions of dollars by the United States to kill Palestinians. They showed a picture the other day of these little children mourning a little baby sister several months old whose home had been destroyed by an Israeli missile. And they say, well, Palestinians, not all of them, but a group called Hamas, or something like that. If you arrange the words-- the letters, it almost comes out Shama, but they're one A short. Had done something Israel didn't like so Israel could launch missile attacks, air attacks, blowing up buildings, houses, neighborhoods, and people and that's what the Nazis did. But they weren't considered Nazis. But that's what I consider them. They are murderers. They are law criminals. And when that young member of the U.S. House of Representatives talked about the power that this AIPAC, this Jewish organization wields over the Republican Party, they wanted to say she was antisemitic. No, she told the truth. And it's the money that AIPAC has and controls that causes these white congressmen to cow-tow to Israel and lick their spit. Netanyahu said he's going to name an area that was taken from the Palestinians after Donald Trump. If Russia did that in Ukraine, what would these Americans be saying? So because this young Muslim woman properly described what Israel is doing and the power they have in this country, they said she's antisemitic and that's where the Jews are smart. Anything you say against Israel is antisemitic, because these people in America don't realize that there are reporters, there are journalists who don't just report, they're columnists, they're editors who attack Benjamin Netanyahu and what the nation of Israel is doing more harshly than anybody in the U.S. Congress would dare to do. But Americans don't read, so they don't know. Well when the war starts-- oh, I'm old, remember, and old people's minds wander. Today I saw on the news where they showed a portion, a corner of a large oil tanker with a little hole in it, and they said Iran did that. Now, you got these missile batteries over there. You've got aircraft carrier over there. You have a bomber fleet over there, and you got all these ships around and somehow somebody from Iran infiltrated all of that and set off some little explosive to blow a little hole in one of these oil barges. Not enough-- not big enough hole to make it sink, but enough for this crazy man Trump to say see what the Iranians did? You all can't get out of Iraq. You can't get out of Afghanistan. And you're going to let him put you into a war with Iran. And you think Iran will be standing alone. You think when the conflagration begins, Israel is going to be safe?

SCHEER: One minute.

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

Floor Debate  
May 14, 2019

---

CHAMBERS: You all need to pay attention to what's happening in the world, but you don't. You should be far more offended at what this President, as you call him, is doing to you than any words that I'll utter on this floor. But I always talk about giving learning lessons with examples. You're more offended by words that I speak than you are by the actions that are killing agriculture in this country, killing agriculture in this state right now. Oh, you didn't know there are people who grow soybeans in Nebraska? You didn't know there are people who grow corn in Nebraska? Why, they're the ones who send these people down here to keep talking to you about property tax relief and you all get caught up on that little bitty thing and you run around like a dog chasing his tail. How much tax relief do you get? Next time we have that bill, I'm going to have Senator Linehan or Senator--

SCHEER: Time, Senator. Time, Senator.

CHAMBERS: --Groene explain how the money in that tax relief-- you said time?

SCHEER: Yes, I did.

CHAMBERS: Thank you, Mr. President.

SCHEER: (Visitors introduced.) Going back to those in the queue, Senator Chambers, you're recognized.

CHAMBERS: Thank you, Mr. President. They're going to explain to me how tax relief is doled out of that fund that they call the Tax Relief Fund that you all put \$25 million into. How many of you all know that you get tax relief from that fund? And how much tax relief do you get? Shows how dumb you are. Yeah, the big farmers do, they got enough land for it to mean something so you suckers from the city are taking this money that could be used when there is a bunch of it to fund some program to dole it out to these people who got the big farms. They might benefit from it. You don't benefit from it in the city. And it is a rural city split, but the "ruralies" are showing not how smart they are, but how dumb the rest of you all are. So when these bills come up, we're going to have fun talking about them. And you all are going to have the opportunity to improve my education by explaining all of these things associated with property tax relief that I'm confessing I do not understand. And I'm going to have Senator Groene and his ilk, and Senator Linehan, explain all these things. They wanted to be the Chairs, they wanted to be the brains to put this stuff together, well, explain it to all of us. And especially somebody old like me who is a little slow on the uptake so that I can understand. Now, I know some of you all thought I couldn't go seven hours today. There's Senator Briese sitting like the cat who swallowed the canary. And I say Senator Briese, where is the canary? He said, meow, I don't know. And when he said that, yellow flowers-- yellow feathers come floating out of his mouth. I say, well, Senator Briese, I see

Floor Debate  
May 14, 2019

---

yellow feathers coming out of your mouth and usually yellow feathers are associated with that canary that was just swallowed. And old clever Senator Briese would say, well, no, I didn't swallow the canary. Senator Groene made me do it. See, I knew that would get his attention. You see him pop straight up? No, that's alright, Senator Groene, you're just background noise for me to make this point about Senator Briese swallowing the canary and then acting like he didn't do anything. But the thing about being a member of this Legislature, if you have some things in your head, you can talk all day and make more sense in ten minutes than the Legislature as a whole discussing something like property tax relief would make in an entire day. They repeat, they repeat, they repeat. When you get a chance, go look up the word "shibboleth" It's not a bad word. But it's something people refer to. It's something like a test. When you want to find out where somebody stands, what tribe, what clan, what political party somebody belongs to, you put the shibboleth test on them. A lot of this stuff comes from the "Bible." There was a river, and this may be true and it may not be, it was controlled by a group of people, and there were some on the other side who wanted to get across that river to escape the hostilities. So a test was given to them: pronounce a word. And this group of people could not make a certain sound. So instead of saying "shibboleth", they said "shivaeth" [PHONETIC]; or instead of saying "shivaeth" {PHONETIC} they said "sibboleth" [PHONETIC] and signed their death warrant because they could not properly pronounce a word.

SCHEER: One minute.

CHAMBERS: So we put the shibboleth test on Senator Briese and those yellow flowers--feathers coming out of his mouth signed his warrant. He did it. The canary is gone. Senator Briese is grinning. Senator Briese got a little hump in his belly in the area where food makes it hump. And feathers come out of his mouth every time he opens it. The jury all concludes unanimously that Senator Briese swallowed the canary. See, that's how those things are done. I'm giving you a little lesson on how your jury system works in America, as well as all these other things I'm saying. But I said this morning that I was very offended about some matters that came up, that continue to come up; and most of them, or many of them, swirl around racism.

SCHEER: Time, Senator.

CHAMBERS: Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. Senator Chambers, you're recognized, and this is your last time other than your close.

CHAMBERS: I didn't understand you.

Floor Debate  
May 14, 2019

---

SCHEER: This is your last time at the mike other than your close.

CHAMBERS: Thank you. Not only does it swirl around, what offends me, swirl around racism, but the mistreatment by you of your own kind. If you would just take care of your own kind, it would be less of a burden on me. I cannot even watch you mistreat your own kind, some of whom would mistreat me if they had the opportunity. But it's hard for me to watch anybody who is weak mistreated by somebody who is strong. Whether the one described as strong comprises an individual or will comprise a group who because of their numbers will have enough strength to be oppressive, I have trouble being comfortable in the presence of people being mistreated because they're weaker than the one doing the mistreating. And since I'm in a white society, and I'm around white people so much, the majority of those I see being mistreated, because they're weak, are white people. When I listen on this floor about certain schools that don't have the academic offerings that their children need to get a decent education, they're talking about white children. Why should that make me any difference? I wish white children would get the best education available. And when I used to say that when I was giving talks around the country to black audiences, they'd say, Chambers, you must be crazy. Why do you want these white children to get such a good education? I said, 'cause I want them to be smarter than the white adults that I have to deal with now. I want them to be smarter. And it will take education to do that, because obviously the ones that I deal with don't have any education. And they don't need it because they've got the numbers. And they will use their numbers to get their way. And since they're using their numbers, at some point I'm going to read to you what Alexander Hamilton said about you all, and he was a slave holder, but he didn't have respect for white people either. He said, humankind is divided into two: the rich and the well born, and the masses like you all in this Legislature. The poor ones who don't have a pot to you know what in or a window to throw it out of. Alexander Hamilton didn't like you all. He said you were inferior, that the better classes need to be given a permanent controlling position in the government. And the reason that is, and I'm going to read his words for you this afternoon, because they gain no advantage from misbehaving because they've got all the advantages. And therefore, they have no reason to let the government go astray because the government is doing what they want and that's what happens when you put the rich and well born in charge. You all are unstable. You're unreliable. You're unruly. You need somebody to control you. And he was talking about white people. He was a slave holder. But he knew his slaves had no rights whatsoever. They were owned. They were his sex toys, his sex objects. He raped little girls. And you all have some bills coming up talking about sex trafficking and raping little girls. But when those mighty white men did it, I'm supposed to overlook it. Who are the mighty white men as an example? Presidents: George Washington,--

SCHEER: One minute.

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

Floor Debate  
May 14, 2019

---

CHAMBERS: --Thomas Jefferson. Who is that little bitty guy whose wife is named-- whose wife's name you find on cookies and rolls, Dolly Madison, James Madison; Andrew Jackson, then one of your top patriots, Patrick Henry. And Hamilton was the Secretary of Treasury or something. Fortunately, he got in a dual with somebody that he thought he could handle and it didn't work the way he wanted it to. But I'll have a chance to go into those things this afternoon. And I intend to do it. And now your colleagues are getting smart. You see how the Chamber is emptying? I want to have a situation where a scripture will be fulfilled with me--

SCHEER: Time, Senator.

CHAMBERS: Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. Senator Cavanaugh, you're recognized.

CAVANAUGH: Thank you, Mr. Speaker. I started out today talking about how we're funding government and what we're using our resources for. And yesterday we had a robust conversation and probably a philosophical debate about tax incentives for charitable donations. I know that we have another tax incentive package coming up, and I think it's just really important that we as a body are thoughtful. And Senator Chambers is saying some really important things here about how we are treating people in this state and the lack of dignity for people in this state. And I find it audacious that we would be bringing to the floor massive tax credits and incentives for the wealthy when we're not even providing food for the poor. And I just want that on the record that I firmly stand by that; without offering parental leave to families so that they can take care of their loved ones and one another and themselves when they need to, and without offering health insurance and access to healthcare, without having access to food, high-quality food for children, food in the school system. Don't come talking to me about tax incentives. Don't come talking to me about tax breaks. And don't come talking to me about tax increases. If we're not going to take care of our citizens, don't bother talking to me, because that is the most important thing to me as a senator. Thank you, Mr. Speaker.

SCHEER: Thank you, Senator Cavanaugh. Seeing no one left in the queue, Senator Chambers, you're welcome to close on your bracket motion.

CHAMBERS: Thank you, Mr. President. And Senator Cavanaugh, I assure you that when that bill comes up, I'm going to have something to say about it. That's why I touch on what Alexander Hamilton said, and I will read his actual words. See, this Chamber will be full when you're talking about things that might benefit the Catholic Church or some other religious school. I watched you all yesterday. I didn't come up here to waste my time 'cause there were enough people talking about it. People popping up all over the place talking about that because the

Floor Debate  
May 14, 2019

---

people's interests were involved who are considered important. That's when you'll all be here. But I'm watching you and listening to you even when you don't see me. And I can derail this train whenever I want to. You see what a nice guy I am? I could have been doing this all session. Today is the 76th day. That means you have 14 days left, 14 days. How much can you get done in 14 days if somebody is determined to stop you? Well, you can have an emergency meeting of the Rules Committee and shut off everybody. Then you have these bills that you have some concern about and you can't discuss it, you cannot amend it. And you got to take it or leave it. And you'll take it, because that's what you do. You know how to swallow spit. And the Governor might be in favor of having that happen. I watch the way he's got his bunch of people out there, and they order certain senators to get on out there, and they go trotting out there. We ought to put a little bell on them. Then we'll know that the Governor has summoned them, whenever we hear the tinkle, tinkle, tinkle, we know the Governor has summoned them. And as that pit bull lying down by the Gramophone, had under his name-- or under his picture, his master's voice. That's what they're hearing, their master's voice. Even your Governor will not criticize what Trump is doing; that's demolishing agriculture in this state. Why should I be interested in giving tax breaks to these farmers who are afraid to even criticize what Trump is doing that's hurting everybody? Because they're looking for a handout from Trump. I tell you when that barn that I see every day coming down here with big red letters, Trump, on it, what that dumbbell doesn't know is that when he puts another coat of paint on it, that paint is going to cost more because of the tariffs from Trump. Americans have no idea how many products that they use every day come from China. When the tariff is paid, it's not paid by China; it's paid by Americans who purchase those products. So the money goes out of your pocket into your U.S. Treasury, and that's why Trump will say, money is flowing into the U.S. Treasury, flowing like it never did before, 'cause it's coming right out of you dumbbells' pockets. You don't realize that a tax is a tax is a tax, whether they spell it with three letters or how ever many letters the word tariff comprise. A tariff is a tax on you, dumbbells. And you pay it and you praise the man who is doing it. So when that guy goes to get another bucket of red paint to repaint Trump on that big barn, he's helping the Chinese. He's so dumb, he doesn't know it. And Trump said, that's my kind of guy. Puts his little finger together and says, because you see, I love uneducated people 'cause they don't know anything. And what-- I'm probably the only one who heard when he came back from North Korea that first time, he said, when Kim Jong Un spoke, everybody stood up,--

SCHEER: One minute.

CHAMBERS: --and that's what I want. He said, that's-- you got a child in the White House. Not only did he want everybody to jump up and take notice, like he saw those thousands of people do when Kim Jong Un spoke, but you know what he wanted to do right away after that? And you all forgot it. He wanted to spend hundreds of thousands of dollars to bring thousands of military troops to have a military parade in Washington, D.C. You all forgot that, didn't you? Didn't you? That's what your dumbbell President wanted to do, showing the contempt he has for you,

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

Floor Debate  
May 14, 2019

---

because you don't know anything. He wants to play soldier, and he's going to get a lot of young men and women killed for his purposes and then tell what a wonderful job he's doing. Now, when you go watch the news, look at that little bitty hole that they say is in that oil ship. And he said that somebody from Iran did it. Well, if somebody can infiltrate all those ships and get there, you all are in trouble.

SCHEER: Time, Senator.

CHAMBERS: Thank you, Mr. President.

SCHEER: Question before us is the adoption of the bracket motion. All those in favor please vote aye.

CHAMBERS: Mr. President, I'd like a roll call vote. But first I want a call of the house.

SCHEER: There's been a request to place the house under call. The question is, shall the house go under call? All those in favor please vote aye; all those opposed vote nay. Please record.

CLERK: 19 ayes, 5 nays, Mr. President.

SCHEER: Thank you, Mr. Clerk. 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, Senator Kolowski, Senator McCollister, Senator Pansing Brooks, please return to the floor, the house is under call. Senator McCollister, Senator Pansing Brooks, please return to the floor, the house is under call. All are accounted for. Mr. Clerk, roll call.

CLERK: (Roll call vote taken.) 0 ayes, 45 nays, Mr. President.

SCHEER: The motion fails. Mr. Clerk. Raise the call.

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

SCHEER: Senator Chambers, you're welcome to open on your bracket for reconsideration.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, I should from this day on be known as the "uniter." The one who unites. Protestants, Catholics, Gentiles, nonbelievers,

Floor Debate  
May 14, 2019

---

unbelievers, black, white, all united unanimously call me the "uniter" from now on. I'm the only one who can do that. The only one who will do it. And when it comes to uniting all of these disparate, you all say disparate, all these disparate entities, it takes a special talent, no matter what the cause is, which they are united around. Hitler and the guy before him managed to unite Europe against Germany. But I want to digress a bit and talk more about the approaching war that you all might be in with your dumb selves. Spain is not as stupid as Americans. They had a frigate as a part of all these ships that America has had sent around Iran. And the Spanish people said, we're smarter than this. We're going to let this mad man put us in the middle of something which is totally insane? How did we let it reach this point anyway? But since we are intelligent, we know it's never too late when you see you're on the wrong course to stop, reverse your course, and extricate yourself from that situation. So you know what Spain did? They removed their frigate from this group of ships that America has sent into the mouth of probably a shooting war. You think it will bother him? He has no concept of war. He didn't even join the military when he wouldn't have had to fight. He escaped the draft. And I'm going to tell you all something else ahead of time 'cause you're so dumb and these white people are supposed to be smart don't see it, why do you think Deutsche Bank would allow Trump to default on loan after loan after loan, comprising millions and millions of dollars? What do you think Trump made it possible for Deutsche Bank that they needed a funnel to do? Have you all ever heard of money laundering? Now, nobody has mentioned that. Nobody has mentioned that the Trump outfit was involved with money laundering, but I'm telling you, when I analyze what I see, and all I see is what's on the news. All I can read is what is in the newspapers. But thinking about those things and things that have happened in the past, money laundering, I believe, is one of the things that caused Deutsche Bank to allow Trump to default, default, default, and to continue to get loans. I would like to ask Senator Clements a question if he would respond?

SCHEER: Senator Clements, would you please yield?

CLEMENTS: Yes.

CHAMBERS: Senator Clements, for the record, because everybody doesn't know your stellar history as I do, are you a banker?

CLEMENTS: Yes.

CHAMBERS: Would you consider yourself to be, relatively speaking, without boasting, a successful banker?

CLEMENTS: Yes.

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

Floor Debate  
May 14, 2019

---

CHAMBERS: How many times, if I borrowed \$50,000 from your bank and defaulted, how many times would you give me the opportunity to do that?

CLEMENTS: Once.

CHAMBERS: And the once would be that first time I did it?

CLEMENTS: Yes.

CHAMBERS: Well, suppose I came back and I said, but Senator Clements, we know each other, we're both in the Legislature, give me another chance. [SINGING] Give me just one more chance. Then would you give me another chance?

CLEMENTS: If you had more collateral.

CHAMBERS: Well, I don't have any more collateral, it's just me, friendship.

CLEMENTS: Your signature is a good signature, but it wouldn't be worth \$50,000.

CHAMBERS: Thank you, Senator Clements. Members of the Legislature, if I had some clout with the people you have representing you in Washington, D.C., I would recommend that they bring Senator Clements to Washington and have him explain to people that a person is not going to be able to go to the same bank and default and default and default and default unless something more than just that person's signature is involved. If there is collateral, then if I don't pay them, they can liquidate that collateral. That's what it's for. But I don't have the collateral and I keep getting loans. There is something of value that the bank is getting, which is of greater value than the amount of money that's being lost through these defaults. And you know Deutsche Bank has not gone under. Something is going on. And you all will find out one of these days. China has been around for I don't know how long, but longer than Trump has been. Trump, even if he wins reelection, is gone. But the damage he has done will linger after him. If these other countries and the EU, by the way, said they're not going to be drawn into this stuff that Trump is trying to do against Iran. Iran is still a part of that nuclear treaty; so is the EU. And they were all taken aback in Europe when Trump unilaterally withdrew. And now he's threatening the world economy, easing you dumbbells into at least a recession. You know why recessions are good, just like Trump says that tariff wars are good, trade wars are good, you know why recession is good? Because now we're all brought down to the same level. We're all in the same bag. We're all in the same boat. All of us. We now have something in common in that we don't have anything. But because you're a man and you're used to having things your way, and you can't do anything to the

Floor Debate  
May 14, 2019

---

one who caused it, you all have shown that you'll take it out on your family members. I was giving a talk in Iowa when I was going around the country speaking to the farmers that even farmers were afraid to speak to because they thought these were revolutionaries, and those are my kind of people. I told them, if you all will heed anything I say, heed this one thing; do not kill your family and then commit suicide. Commit suicide first and then kill your family. And do you know it took about five seconds for that to soak in and then they laughed. They saw a point that I was trying to make. First of all, your family didn't do it to you. You might be ready to check out, but maybe they're not, and certainly not children. So why did these white men, when things go bad, kill their families? That's what you will do, because you've had an economic turn down. That's not the end of the world. But you make it the end of the world because now your privileged status has been taken away from you. You know what you fear more than anything else? Having to live the life that you were instrumental in forcing on other people. You know how hellish it was because you helped create it. And now that the hell you created is going to burn your hide, you don't want it. I'm waiting. There was something that they called a phenomenon when black troops were captured in Vietnam, Korea, and other places. The black soldiers didn't crack under brainwashing like the white soldiers did. And then some white people put it together. Well, all these white guys, they were always used to having somebody who would rescue them.

SCHEER: One minute.

CHAMBERS: Whatever their problem, somebody they could count on. So they were waiting for that rescue and it never came and they lost their minds and they sold out. Black guys never expected anybody to come to their aid. This is the way it is in America. Nothing different here. And they didn't crack the way these white ones did. While you all are protecting your privilege, you're also making yourself very weak and very vulnerable. Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. Mr. Clerk.

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

SCHEER: It's the ruling of the Chair there has been full and fair debate on LB293. Senator Stinner for what purpose do you rise?

STINNER: Call of the house.

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

Floor Debate  
May 14, 2019

---

SCHEER: There has been a request to put the house under call. The question before us, shall the house go under call? All those in favor please vote aye; all those opposed vote nay. Please record.

CLERK: 24 ayes, 2 nay, Mr. President, to place the house under call.

SCHEER: The house is under call. All those unauthorized personnel please leave the floor. All those senators, unexcused senators outside the Chamber please return to the Chamber and record your presence. The house is under call. Senator McCollister, would you check in, please. Senator Kolterman, Senator Wayne, Senator DeBoer, please return to the floor, the house is under call. Senator Matt Hansen, could you check in, please. Senator Kolterman, Senator DeBoer, please return to the floor. The house is under call. We are all here and accounted for. The first question before us is to invoke cloture. It will take 33 affirmative votes. All those in favor please vote aye; all those opposed vote nay. There has been a request for roll call vote, reverse order. Mr. Clerk.

CLERK: (Roll call vote taken.) 45 ayes, 2 nays on the motion to invoke cloture.

SCHEER: Cloture is passed. Moving to the first item to be voted on, the reconsideration motion for Senator Chambers. All those-- a roll call vote has been requested. Regular order, Senator? Mr. Clerk.

CLERK: (Roll call vote taken.) 1 aye, 45 nays, Mr. President.

SCHEER: The motion to reconsider fails. Next item is LB293. All those in favor please vote aye; all those opposed vote nay. There has been a request for a roll call vote. Mr. Clerk.

CLERK: (Roll call vote taken.) 45 ayes, 1 nay on the advancement of the bill.

SCHEER: LB293 is advanced. Items, Mr. Clerk. Raise the call.

CLERK: Mr. President, notice of hearing from the Government Committee regarding gubernatorial appointees. LR134, LR135, new resolutions, by Senators Slama and Hunt. Enrollment and Review reports LB295, LB296, LB600, LB600A as correctly engrossed. They also report LB610A to Select File.

Mr. President, Senator Howard would move to recess the body until 1:30 p.m.

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

Floor Debate  
May 14, 2019

---

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed. We are in recess.

RECESS

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

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

SCHEER: Thank you. Do we have any items for the record?

CLERK: Appointment letter from the Governor, Mr. President, with respect to the Public Employee's Retirement Board. That's all that I have.

SCHEER: I'm sorry, that's all you had. OK. Thank you, Mr. Clerk. We'll proceed to the first item.

CLERK: Mr. President, LB298, first of all, I have Enrollment and Review amendments pending.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB298 be adopted.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. Any opposed say nay. They're adopted.

CLERK: Senator Hilkemann would move to amend with AM1748.

SCHEER: Senator Hilkemann, you're welcome to open on AM1748.

HILKEMANN: Thank you, Mr. President. This is a simple amendment. And surprise, surprise it has to do with the Property Tax Relief Fund. It's obvious that this fund has grown from its beginnings of \$115 million now to \$275 million, it's the results we had last week. One of the things, one of the reasons I have always-- or that I was told early on about the Property Tax Relief Fund that I didn't like was that so much of this money goes out of state. And I've heard

Floor Debate  
May 14, 2019

---

that as much as 40 percent of these dollars are shifted out of state to people who own the land that live out of state or corporations who are out of state, and so forth. And then we had on testimony here, I think, we had testimony in one county, I think, maybe 3 percent or 4 percent is all that goes out of state. Well, let's find out, folks. And so with this amendment, what this amendment does is it is asking the counties when they get the money from the Property Tax Relief Fund that they give us the amount of money, the percentage of that money that stays in state and that which is transferred out of state. And that they can use the addresses of the parcel of land for-- who's tenanted to doing it. That's the nature of this amendment. Senator Linehan and I have talked about it. Senator Groene and I talked about it. Senator Friesen and I have talked about it. Senator Stinner and I have talked about it. All have worked together and agree with it. We've taken it to the counties, NACO, and they have agreed that this is a doable project, and so that's the nature of the amendment. Thank you.

SCHEER: Thank you, Senator Hilkemann. Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. President. While I have supported the reinstating the Property Tax Relief Fund, and I'm glad that we did that, and I haven't really had a chance to review this amendment. If it's just a reporting situation, I don't think I'll oppose that, but I wanted to remind the body that those people who are getting property tax relief also are paying property tax in. The relief is 10 or 15 percent, I suppose. They're paying 85 or 90 percent they're paying into Nebraska. Also if it's ag land that produces income and they're getting rent from it, I had a family member with an interest in our family farm, and they don't live in Nebraska, but their income from the farm is taxed by Nebraska income tax. And so these people who are getting property tax credits also are paying property tax above the credit amount and also paying income tax on the revenue from property if it does produce income, which a lot of it will be taxable income if it's farmland. And so I just wanted to remind people that it isn't just going out, it's also coming in to Nebraska from people out of state. Thank you, Mr. President.

SCHEER: Thank you, Senator. Senator Chambers, you're recognized.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, Senator Clements, believe it or not, touched on something that I was going to ask Senator Hilkemann about. So I would like to ask Senator Hilkemann a question or two if he would respond.

SCHEER: Senator Hilkemann, would you please yield?

HILKEMANN: Yes, I will.

Floor Debate  
May 14, 2019

---

CHAMBERS: Senator Hilkemann, is the only thing your amendment does is to have a report prepared of how much of this so-called property tax relief goes to people who live outside the state of Nebraska?

HILKEMANN: That is the purpose of this amendment, Senator.

CHAMBERS: And what is the purpose of getting that information?

HILKEMANN: Well, Senator, here-- thank you for asking that question, because I just had pushed my button because I wanted to explain that point. One of my concerns is, is that if we find out that there's only 2 or 3 percent that's going out of the state, that's not a big deal, but maybe it's 35 or 40 percent of that money that's going out. Is that-- does that mean, is there a more efficient way for us to-- to fund our schools, because that is what we keep saying that we are shifting money to Property Tax Relief Fund because of having problems of paying for our schools in rural Nebraska. And much as we have done a study on the Nebraska Advantage Act to see the efficiency and effectiveness of it, I think it's important that we at least look and try to find out where is our money going. I think that makes us good stewards of this rather substantial amount of money that we're now talking about, \$275 million at this point.

CHAMBERS: OK. But here's what I'm asking you. What would you propose to do if you got this information and the watermark you set were reached? Would you say that a law should be put in place where not more than a certain percentage could go to people who lived outside the state but owned property within the state? Just what is the ultimate aim?

HILKEMANN: You know, Senator, that's another good question. The ultimate aim of it is that this will give-- this will give us some data that we've not had. And once we get the data we say, OK, that's the data, then we know that-- I'll have to tell you, if I find out that it's-- there's only a few percentage going to it, I know personally I will feel better about the Property Tax Relief Fund.

CHAMBERS: But excuse me, because my time will run, well, I'll turn my light on if we run out and go on. So go ahead and finish your answer.

HILKEMANN: Well, and it would also help the Education Committee, it will help the Revenue Committee, it will help the Appropriation Committee in making further decisions as we go forward with the Property Tax Relief Fund.

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

Floor Debate  
May 14, 2019

---

CHAMBERS: Is any part of your idea to restrict the amount of money by way of property tax relief that could go out of the state to people who own property within the state?

HILKEMANN: There is no--

CHAMBERS: If that's not your purpose, there's no point to this. It's a waste of time and a waste of effort, and speculation is as good as concrete information because nothing is to be done with it.

HILKEMANN: Well, Senator, I would answer that at this point on this bill, it's simply a reporting. And possibly from the reporting we can have-- we can then-- once we have the data, then maybe we can decide that we do want to study this further, and maybe we need to take some other actions. That's what I'm asking for, Senator.

CHAMBERS: And I'll make any comments I want to make when I'm recognized. That's all for now. Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers and Hilkemann. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. Speaker; good afternoon. Senator Chambers, you're on the exact same wavelength that I was on. What does this do? All right. When you get that information and you gather it up and you find out it's 6 percent or it's 8, then what do you do? All right. Call up your treasurer, their numbers are listed in the book, call your treasurer and ask them how much of this goes to out-of-state people. So we have the Nebraska Advantage Act, and we have all these other tax incentives, so if you want to start talking about where does our tax incentives go, let's talk about those. We give millions to Conagra to keep them here, and they're gone. And we give tax incentives to people all the time that don't live in the state. That money goes out of the state, but Senator Hilkemann's not talking about that one. No, it's because Senator Hilkemann hates the property tax credit program. And if Senator Hilkemann had his way, he would eliminate it. And so he says that the Revenue Committee, the Appropriations Committee and those can use his information. The Appropriations Committee doesn't use any information except for how do you feel? That's how we spend money in there. And I know some people will disagree with that. I've been there this session. We don't make priorities in Appropriations Committee, it's whose got the best argument or best defense of what they want to do; how do you make me feel? So I think this bill is absolutely irrelevant. And I would assume that Senator Hilkemann understands that other tax incentive dollars goes out of the state as well. But if your AM1748 is to waste time, so be it. But once you get the information, what are you going to do with it? The answer is, I don't know. Well, if you don't know what you're going to do with the information, why gather it? Perhaps the real reason for gathering that information is he wants to

Floor Debate  
May 14, 2019

---

restrict that money from leaving the state. But Senator Clements made a pretty good argument when he said, and he ought to know, he prepares tax returns, those people do pay income tax in the state of Nebraska, if they earned income here. And so maybe they do have an entitlement to get some of that relief if they pay taxes other than just property tax. So not sure exactly why we have AM1748, but so be it. I will not be voting for AM1748. I may vote for LB298. Thank you.

SCHEER: Thank you, Senator Erdman. Senator Hilkemann, you're recognized.

HILKEMANN: Thank you, Mr. Speaker. Let me just-- number one, there is no-- I have no hidden agenda with this. This truly is a fact-finding effort on my part. And I think it should be a fact-finding effort on the part of this entire legislative body. Let me just remind you that in 2015 we added 45 percent dollars to the Property Tax Relief Fund, followed the next year by another 10 percent, and with our actions last week we added 22 percent to the property tax. There is not one thing on our budget item that is growing at a faster rate than the Property Tax Relief Fund, and as I say, when I first came here there were people saying, 40 percent of this went out of state. I said, wow, wouldn't it be better if we just put this directly toward our schools? And I guess, you know, there's a scientist in me, since I spent over four years practicing medicine and teaching science that you have to have the data sometimes to know what you're dealing with. And so this is strictly a data-gathering effort. And apparently according to NACO, it's not a difficult thing for them to provide. And I got no-- I went to them with this idea. They didn't give me any feedback. We've modified this bill just a little-- this amendment. And so let's find out the data. We're making decisions now about the Nebraska Advantage Act now that we've had some data on the effectiveness of it, how that money goes for it. And so just maybe, just maybe if we get some data in here we'll say, oh, maybe we would be better just to direct this directly to our TEEOSA formula or to the schools directly. And, Senator Erdman, I'd like just to correct one thing that you said, and you said that I hate the Property Tax Relief Fund. No, I'm all for reducing property taxes any way that we can. But I'm also-- I'd like us to get down to why the property taxes are as high as they are, and let's address the issue of the property tax. And I'm-- that's why I'm hopeful that the Revenue Committee and with the work of the Education Committee that they can come up with some solutions to the high property tax and so we can work with it. I'll just share just one thing that-- it comes from my background as a podiatrist when I served on the National Podiatry Society. One of the last conferences that I attended, we had one of the speakers from the U.S. Congress was there. We were talking about the Affordable Care Act. We were talking about the Medicare and running out of dollars and so forth. And as this Congress, you know, Congress really isn't concerned about the cost of Medicare, they're only concerned about having enough money come in to pay for the Medicare. Well, I think that's what we need to do here. In other words, when we put more money in the Property Tax Relief Fund, we're helping pay for those property taxes. But maybe there's things that we could do to keep those property taxes down. And this is just giving us one tool. And so that's the purpose of it. I thought about maybe we do an interim study, let's follow it that way. But what's an interim study do? They're going to get to

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

Floor Debate  
May 14, 2019

---

say, well, we don't know exactly what's going to happen. So I said I'll do my own interim study. Let's start off with this particular amendment.

SCHEER: One minute.

HILKEMANN: If we find out that the data is of some value but not a whole lot, maybe it could be modified. And I also would say that if-- if this-- if we get this data and we find out it's pretty much worthless, then this is certainly something that we can drop out of this very easily as we're going forward. So, no ulterior-- anything of that sort. Simply, I think, we need to do our due diligence as members of this body, let's find out how this money is being spent. Thank you, Mr. Speaker.

SCHEER: Thank you, Senator Hilkemann. Senator Hughes, you're recognized.

HUGHES: Thank you, Mr. President; good afternoon, colleagues. I was wondering if Senator Hilkemann would yield to some questions.

SCHEER: Senator Hilkemann, would you yield, please?

HILKEMANN: Yes, I will.

HUGHES: Thank you, Senator Hilkemann. So, you have not made any secret of your heartburn for the Property Tax Credit Relief Fund in the past, so if the amount of money that we were spending for economic development through the Nebraska Advantage Act, if that were a line item in the budget, would that also cause you as much heartburn?

HILKEMANN: It does create some heartburn for me, I'll have to tell you that, yes, it does.

HUGHES: OK. Do you have any idea how many out-of-state corporations are taking advantage of the Nebraska Advantage Act?

HILKEMANN: I do not.

HUGHES: How much of that money is flowing out of state?

HILKEMANN: Right. I was not on that committee that studied that.

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

Floor Debate  
May 14, 2019

---

HUGHES: OK, very good. The Property Tax Credit Relief Fund is economic development for everybody in Nebraska. I think we are looking at this as a freebie, if you will, but the Property Tax Credit Relief Fund is giving property owners part of their money back for their own pockets for them to create economic development across the state. Because it is a line item in the budget, it does show up, and it has been growing, fortunately, but the incentive act, the Nebraska Advantage Act, LB775, the ImagiNE Act that we're going to be talking about shortly here are all pretax or prerecorded dollars; where these, the Property Tax Credit Relief Fund are post-collected dollars. But they are the same thing. They are economic development for the state. The more dollars that our citizens can have in their pocket, the more economic activity that is generated. And by spreading the Property Tax Credit Relief Fund dollars across the state does generate economic activity across the state. It is not nearly as heavily concentrated in the more urban areas as what the Nebraska Advantage Act is, what LB775 was, and probably what the Nebraska ImagiNE Act will be. But just a couple of points that I wanted to make about the difference of we're looking at a line in the budget with the Property Tax Credit Relief Fund. We do not see that line in the budget with the billions, and I do mean with a b, billions of incentive that are given to corporations that legally meet those requirements. You know, that's something that a previous Legislature has passed, and that's fine. We want to bring business, but we need to have a better accounting and picking on one type of economic development to the detriment of another type of economic development or not being able to compare apples to apples is not-- is somewhat "disingenuous," I think, so. Those are kind of my points. I thank Senator Hilkemann for answering my questions. Thank you, Mr. President.

SCHEER: Thank you, Senator Hughes and Senator Hilkemann. Senator Chambers, you're recognized.

CHAMBERS: Thank you. Mr. President, members of the Legislature, I want to deliver on my promise to commemorate a woman who is suffering the throes and the agony of being in labor for a total of seven hours. I want to punish you all, if you want to call it that, by taking seven hours out of your day. You won't think about what I'm thinking about, but you will remember when I call it to your recollection of why I did it. The only thing I regret right now is that a bill came up in which I have a genuine interest and will ask questions for that purpose and not just to take time, but I don't want anybody to forget what my ultimate aim is. Nobody apparently knows in one collected spot how much of this tax-- Property Tax Relief Fund goes out to people who live outside this state, but who own property in this state. Would they check to see if those people who live outside the state also have children who attend school within Nebraska, whether those children buy things and pay sales tax or whatever. But if you have a general law that applies to everybody who is in that class, and in this case it would be a property taxpayer, can you constitutionally say that everybody so situated is going to be burdened by that law, meaning they have to pay property tax on the land itself, and they have to pay income tax if the land is rented and it produces income, and they have to bear all of those burdens, even though they live outside

Floor Debate  
May 14, 2019

---

the state, the land is what we're looking at, the property. So, that person is out of all of those taxes that are being derived from that land, including income tax from the income. But the individual will not get the benefit that every other property taxpayer gets. And the only reason the person does not get that benefit is because he or she has a residence someplace else. The question would be, can we have a general law that affects a person outside of this state the way it affects everybody situated that way within the state? But that person could be deprived of the benefits that others are given who are similarly situated, but they live in the state. It's not worth all of the aggravation that can be produced, the constitutional issues that would be raised; the money may be so infinitesimally small by comparison, it's not worth it. If any individual, and I won't limit it to Senator Hilkemann, any individual who wants that information could probably call around and ask these assessors or treasurers or whoever, how many people own property outside the state and what kind of tax break, whatever you want to call it, do they get? But to do something like this by way of an amendment to this bill; this language I'm using doesn't apply to Senator Hilkemann, I want to make that clear. It's a trifling effort that should not be done to the budget bill. If I wanted to take time, I could debase the bill itself by offering nonsensical amendments. I'm not saying this is nonsensical. That's what I could do. But I don't want to affect--

SCHEER: One minute.

CHAMBERS: --the integrity of any of these bills. If I disagree with something in it, I will take some time talking about that disagreement. At this particular point, I'm suggesting that for the integrity of our legislating process, this bill should not carry that amendment. There is no valid purpose for it. If Senator Hilkemann has curiosity, there's a way to solve it. This does not affect what anybody gets or pays as far as taxes. It doesn't do anything. I don't know if it will cost something. Maybe the people who would have to gather this information would gather it anyway, but since we have conservatives who want to reduce the size of government, putting on these people a burden to do something that has no value is something conservatives should not want to see. And I hate that property tax, whatever it is called,--

SCHEER: Time, Senator.

CHAMBERS: Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. Senator Groene, you're recognized.

GROENE: Thank you, Mr. President. I stand in support of AM1748. Yes, hope that everybody is sitting down. It's the first time in three years I've disagreed with Senator Erdman. But it's on the record now. This is just common sense. I mean, we should know as much information as we can

Floor Debate  
May 14, 2019

---

get. I'm for the Property Tax Credit Fund as the best thing we have, but I also think if we're going to make good policy decisions we should know all the facts. And if a lot of money is leaving the state, the credit, because that credit also does-- goes against county taxes, city taxes, cemetery boards, you name it, every local entity, NRDs, and it's tax dollars. It's income and sales taxes. If we're going give property tax relief, a better use of that is to direct it directly to the one entity that our state constitution says this body has to fund, and that's public education. So if we can take \$275 million, maybe down the road, and direct that directly to education, we get bigger bangs for our buck on the budget down here in Lincoln because that is something we need to fund. We shouldn't be giving money to the counties and the NRDs. We can do better. In order to do better, we need accurate information and the more information the better. I mean, everything I do in the Education Committee when it comes to funding, it comes from information that is dictated by this body to the local county assessor that they differentiate ag land from industrial from residential. It dictates we give to every tax entity that they differentiate certain information for us as they return it back to the revenue department. Without that ability, a lot of the research I do I couldn't do. So I applaud Senator Hilkemann for asking for this, because really it's not just an absentee landowner. There's corporations that own branches here in the state of Nebraska, McDonald's, you name it; franchises, that their headquarters isn't here. That property tax they pay is a bottom line to the corporate cost, and it's out of Chicago. Well, Conagra, headquarters in Chicago now, but they got facilities here. They're getting property tax relief, and wouldn't that tax dollars be better spent given it directly so we can track it to a duty of this state, and that's public education. That's the long-term goal that I have never ever denied that I want to do since I've been here, that's how to give property tax relief, that's what LB289 does. But we need accurate information. We need accurate information to make those major policy changes. And Senator Hilkemann's AM1748 is just a small sliver of that pie. So thank you, Senator Hilkemann, for bringing it, and I support AM1748 and LB298. Thank you.

SCHEER: Thank you, Senator Groene. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. Speaker. Senator Groene, I understand that you and I are in disagreement, and this will be an opportunity for you to be wrong. But just thought I'd mention that. Senator Hilkemann, would you yield to a question?

SCHEER: Senator Hilkemann, would you please yield?

HILKEMANN: Yes.

ERDMAN: Senator Hilkemann, in Appropriations, you tell me if I'm right on this comment, in Appropriations you had shared that you wish we could take all of the property tax credit program and put it in the rainy day fund, is that a correct statement?

Floor Debate  
May 14, 2019

---

HILKEMANN: No, I said the \$51 million I wish we could.

ERDMAN: OK. All right, well, thank you for clarifying that. But I'm still of the opinion that this information, if you need to get it that bad, call the county treasurer, they'll tell you what it is. And so if you have a corporation and you have residents that live outside the state and they mail this rebate to the Nebraska address, how are you going to track, how will you track where that money goes to those other members who, in the corporation, live outside the state? You won't be able to. So we're trying to catch the wind here, or whatever you want to call it, sleight of hand, smoke and mirrors, you name it. I don't think this bill has-- this amendment has any information gathered that will be helpful to anyone, because once we get the information, if it's 17 percent or 12 percent whatever the number is, so be it, that's what it is. So what are you going to do with the information? No one has said that. Well, we think the Revenue Committee can use it; the Appropriations Committee can use it, or whomever can use it. We do this all the time. We pass statutes and change laws because that's the way we feel, we think it's a good idea. But in the end, what does it do? Not much. And so I would hope that you could vote with Senator Chambers and I on this one and be red. Thank you.

SCHEER: Thank you, Senator Erdman. (Visitors introduced.) Returning to the queue, Senator Moser, you're recognized.

MOSER: Good afternoon, colleagues. This particular amendment, I think, is more information than we should be requiring. I think it's going to be more difficult than you would think. I don't think we're going to be able to do anything useful with the information other than that it may support some prejudices that some of us have about out-of-state landowners in Nebraska. Properties can be held as just a single owner. You can have joint tenancy, you can have trusts, you can have corporations that can own land. It would be difficult to accurately reflect how many owners live outside the state of Nebraska. What if there are some family members that live in Nebraska and some family members that live outside Nebraska and they own property as joint tenants? How are you going to decide then whether that landowner lives in the state or out of the state? I think it's information we don't need, and even if we knew it, we don't know what we're going to do with it. Senator Chambers is suggesting that it's not constitutional to treat out-of-state landowners differently in taxation than in-state landowners. And Senator Chambers on things like this is usually right. Maybe he'll object to that, maybe he think he's always right, I'm not sure. But I just think it's information that we don't need to gather. Just to take this and flip it the other way, what if I were to get up and say I think that-- or make an amendment that would suggest that we figure out how many farmers who pay taxes, property taxes, actually have kids in school. And what would we do with that information? I think that would be just as prejudicial of information as what landowners are in or out of Nebraska. I think this particular amendment is a requirement that creates more work. It does no good, and I think all it does is confuse the situation. Thank you.

Floor Debate  
May 14, 2019

---

SCHEER: Thank you, Senator Moser. Senator Chambers, you're recognized, and this is your third time at the mike.

CHAMBERS: Thank you. Mr. President, members of the Legislature, I just had it confirmed to me, which I wasn't aware had been done in an Attorney General's Opinion, you cannot treat out-of-state property owners when it comes to taxation differently from the way you treat those in state. It is unconstitutional. That was in an Attorney General's Opinion. I was just going by what seems logical and reasonable to me based on the meager legal training I had in getting my law degree from Creighton, from reading an occasional case by the Supreme Court, and then just using logic. I tell you all, and you don't pay attention, but I'm saying it for the record, I am concerned about the dignity and integrity of this Legislature and how we legislate. If you're going to be like Senator Groene and you have an obsession with the term, property tax, that's just shibboleth, everything property tax, property tax, property tax. Go on and follow him, hear, follow him. But think how silly that is, every issue that comes up. Now, there are places in this state, in Omaha, where the average value of a house may be \$50,000 and some lower. Not everybody has much money. You know how much they get from that fund, \$17. I looked up the menu at McDonald's today, and they have one of those dinners where you get a chicken-- a fish sandwich and a french fry and a smoothie, or something like that, and a Big Mac, that would be \$15.37. So you take this property tax relief, as it's called, and you go to McDonald's, and if you get two orders of french fries, your property tax relief won't buy you a McDonald's dinner. And that's what these people are yakking about, like Senator Groene. It is a rural-urban split. The value in that fund goes to the farmers in out-state Nebraska, and you city people are silly enough to give it to them. Then if something pertains to the city, you're going to let them talk you out of it and frighten you away from it. It is a rural-urban split. Who do you think you're making friends with when you send all that money out there? The \$17 that I would get, let me put it toward money, which when collected from all the people who get \$17, will create enough money to fund maybe some assistance in a program for the mentally disabled or any of those other groups who are entitled to, and we have an obligation to do something for as a legislative body concerned about the common good. This property tax relief is a boondoggle, and I was shocked when as many urban senators voted for it and rural senators that I thought had some integrity voted for it. That is for one category of property owner. And you know where they're located. But you're going to do what you want to do anyway. And I'll do what I want to do. What I do takes time. You say it wastes time. I don't take anybody's money. I don't take from Peter to pay Paul which was what you all do for these rural people. They always got their hands stuck out, always putting up a pitiful mouth. Don't like big government until they have a flood then they want big government to bail them out. In Plattsmouth, where they don't like big government, they want the National Guard and the federal government to do something about that water treatment plant that's surrounded by water. Big government is all right then. You all listen to these slogans that come from Donald Trump and Washington and the National "Repelican" Party, and you act like fools. And you won't listen to anybody who tries to tell you--

Floor Debate  
May 14, 2019

---

SCHEER: One minute.

CHAMBERS: --don't go by what I say, apply the so-called principles you have when you brag about being a conservative, one who's against big government, overreach by government until you need it: price supports for the farmer; flood insurance, if they want to get that; crop insurance subsidies; all of that. They love big government then. But talk about expanding Medicare-- Medicaid for poor people who work, but they can't make enough money, and they can't get insurance for their family, and you're against that. Talk about hypocrisy with a capital H and all uppercase letters throughout and 16 exclamation points behind it. That's why I get upset. You all don't. You'll whisper behind your hand about how unfair things are, but you won't do anything with your vote, which we all have. Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. Senator Hilkemann, you're recognized and this is your last time at the mike, other than your close.

HILKEMANN: Thank you, Mr. Speaker. Just a couple of comments that have come up. Let me tell you, about six weeks ago, I asked former Senator Brasch, who is now with the Revenue Department, I said, Senator, do we have any idea; we've heard these rumors that, you know, it could be as little as 3 or 4 percent, it could be 40 percent, I said, do we have any idea. And she said, well, let me get back to you on that. And after about four or five days, she came back and she said, you know, we don't have any idea on that. And if you're going to-- the only way you could really get the idea is to contact each county. And so she said, because they've got the records and each-- it's the parcel by parcel. And so, OK, we need to get that data from the county. I understood that. So we don't-- so even the department-- the Revenue Department doesn't know exactly how this money-- where this money is going. Folks, is that transparency? If you'll remember two years ago, when the Governor brought forth his plan for property tax relief, remember, he actually had in his budget that we would not be-- we would-- to separate it. And that's when we found out that the constitutionality. I would totally agree with what has been said here that if we were doing this data so that we won't give any money to the Property Tax Relief Fund to people who are out of state, that would be unconstitutional, and that is not what this bill is about. This bill, and I will be the first to admit, it is not going to give us exacting type of data. I would-- if I were doing it, I would partial it down to a lot more. That's probably going too far in the weeds and the question why would we do it? I've been understood that this is not a huge issue for the counties to produce this report. But if we don't have accurate information or some information, how do we make better and improved decisions? I know the people in my district that come to my coffee and conversations they want transparency in government. They appreciate the fact that I'm available in my district and come every second or third Saturday of the month and they can talk and ask me questions. They want to know what's going on. And you know, I guess there's this whole thing to me that I love Nebraska and it's been my-- I've lived here all my life, other than my years going to podiatry school and residency training. I want to

Floor Debate  
May 14, 2019

---

put Nebraskans first. And so maybe if we find out some of this data, and we'll say, how do we modify the Property Tax Relief Fund? Or how do we modify our education, our school funding that we can be even more efficient with these tax dollars? This is all about being more efficient with the dollars that we're using. This fund has grown, it is growing, and it will continue to grow, I'm absolutely convinced. As I mentioned last week, one of my colleagues said he hopes it gets to a billion dollars. And maybe it will get to a billion dollars.

SCHEER: One minute.

HILKEMANN: So that's what this is about. I have no secret hidden agenda. This is collecting data. I don't think it's that-- it's not cumbersome-type data. I think it's data that could be valuable to the Revenue Department. And it will certainly be available, I think, valuable information to us as we go forward in continuing to work with the Property Tax Relief Fund and making it the most efficient way to provide property tax relief; plus, we need to continue to fund our public education. And so no hidden agenda. Let's just put Nebraskans first; let's be transparent. Let's find out indeed where this money is going if we can find out with this amendment. Thank you.

SCHEER: Thank you, Senator Hilkemann. Senator Briese, you're recognized.

BRIESE: Thank you, Mr. President; good afternoon, colleagues. I rise today to comment on AM1748. I heard someone suggest a little bit ago-- or kind of belittle the effectiveness and the significance of the property tax credit. I guess that's why I'm arguing that we need to put more dollars into it. We need to increase the Property Tax Credit Fund to make it more meaningful and substantial relief. Property Tax Credit Fund, in my view, it's fair, effective, it's easy to understand. Its been working to deliver property tax relief to Nebraskans for over a decade. And it delivers that property tax relief to all Nebraskans. Really, I believe it's one of our best tools for property tax relief. And there is some concern here, obviously, from this amendment-- or from Senator Hilkemann here, about the amount of the credits are going to out-of-state recipients, going to non-residents. And we have to remember that any tax relief goes to non-residents. Any sales tax relief, you lower the sales tax rate, give sales tax relief, a bunch of that's going to non-residents. I think Open Sky suggests 20 percent of sales taxes are paid by non-residents. So, you give sales tax relief, perhaps 20 percent of that's going to non-residents. Any property tax relief you give, regardless of how you do it, is going to go to some-- some of it is going to go to non-residents. Again, my assessor told me a year or two ago that 4 percent of the statements up in Boone County go to non-residents, go out of state, excuse me, go out of state. And so, could make the argument there, perhaps 4 percent of the Property Tax Credit Relief Fund goes to non-residents. I think it's probably more than that. But it's somewhat higher than that, but who knows, we're really speculating about that. And I think we always owe it to the taxpayers to know what we're talking about, know what we're doing here, and to have good data, especially when we're

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

Floor Debate  
May 14, 2019

---

talking about tax dollars. And so I told Senator Hilkemann here last week that, yes, I do support this idea; I do support this concept. Because I indicated my support, I'm going to go ahead and vote for this. However, I do think it's perhaps better suited to an interim study to look into it and bring some legislation next year. With that said, I will support it, but would prefer to have it addressed in other means. Thank you, Mr. President.

SCHEER: Thank you, Senator Briese. Seeing no one wishing to speak, Senator Hilkemann, you're welcome to close on AM1748.

HILKEMANN: Thank you, Senator Briese, for your comments; and Senator Groene, and those who spoke on this. Once again, this is a-- it's a simple bill. The counties believe that they can do this relatively simply, that they've got that data, particularly using just zip codes from which they're going to be working from. It's transparency, folks. Let's find out. And maybe this will open up new ideas for us. But we won't know what we don't know until we ask the question. And I will refer-- I just thought of the comment, one of my favorite professors in podiatry school was Dr. Juan Cayaffa, a neurologist at Northwestern University. He used to talk about-- he was a Frenchman, he said, what we know, and he was talking about medicine, what we know is but a small island in the sea of ignorance and what we choose to ignore is immense. Let's not ignore. Let's find this out. Let's do-- let's-- this is transparency, folks. And I would appreciate your support on AM1748. Thank you.

SCHEER: Thank you, Senator Hilkemann. The question before us is adoption of AM1748. All those in favor please vote aye; all those opposed vote nay. There's been a request for a call of the house. All those in favor please vote aye; all those opposed vote nay. Please record.

CLERK: 17 ayes, 6 nays to place the house under call.

SCHEER: The house is under call. All senators please record your presence. Those unexcused senators outside please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Vargas, could you check in, please. Senator Ben Hansen, would you check in, please. Senator Groene, would you check in, please. Senator Kolowski, would you check in. We're all here and accounted for. Senator Hilkemann.

HILKEMANN: Standard vote. Machine vote is fine.

SCHEER: OK. Senator, we've already done machine vote. You can either accept call-ins or you can do roll call.

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

Floor Debate  
May 14, 2019

---

HILKEMANN: Roll call vote.

SCHEER: Roll call, regular order. Mr. Clerk.

CLERK: (Roll call vote taken.) 25 ayes, 17 nays, Mr. President.

SCHEER: AM1748 is adopted. Mr. Clerk. Raise the call.

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

SCHEER: Senator Chambers, you're recognized.

CHAMBERS: Thank you. Mr. President, there's something going on here other than the quality of legislating we're doing. I'm going to deal the way I think we're dealing this afternoon. These bills are not being taken seriously. When I was taking my time this morning just to take time, I didn't throw amendments up to the bill, I used motions so that I could take the time. That last vote, and some of the people I ordinarily vote with, was silly. It was silly, and it demeaned what we're doing with these bills. You're asking for information that you're not going to do anything with. If all you were was curious, don't deal with a budget bill, why not put up a resolution for a study. That doesn't hurt anything. And whoever is the staff member for the committee, if you want to do it that way, let that person call around to these counties and get the information. This, when I said demeans our process, it's not going to take away the Legislature's authority. It does not mean the Legislature cannot be as stupid as it wants to be. Supreme Courts have said when they rule on certain bills we cannot talk about the reasonableness of it, the wisdom of it, we just look at the what the Legislature did. And if it falls within what the Legislature can do, then it will pass constitutional muster if there's no other constitutional involved that would nullify it. And they try to give signals to the Legislature that you've got something in this law that you have the power to do, but it is not wise. We've had those kind of statements made in Supreme Court opinions, and senators have used that to bring amendments to the particular law that was under discussion, and they would argue that the court was trying to give us direction as a Legislature because the change has to be by a Legislature, it cannot be done by the court. The court cannot strike down a piece of legislation just because it's stupid. Legislatures are expected to be stupid. Look at the kind of people who sit here. Look what it takes to get them to vote a certain way. There's no thought. There's no consideration. What is being transparent about this, telling you what I told you? You cannot constitutionally treat taxpayers out of the state differently from the way you do taxpayers in this state when it comes to that taxpayer relief tax-- property tax relief. You already know that. If the information comes, who that casts a vote for that is going to read it? Not one of you. Not one of you. There are many bills we vote for. I've done it. And we don't read every word in the bill. But at least it is a bill of substance. This information has no purpose,

Floor Debate  
May 14, 2019

---

and you were told that by the one who brought it. There's nothing to be done with the information, nothing. There's to be no legislation, then why does the Legislature do it? I know why you did it, because I don't like it, and you've decided to declare war on me because I'm going to take time this afternoon. Well, I'm going to accept your challenge--

SCHEER: One minute.

CHAMBERS: --and I'm going to take time this afternoon. Are you happy now? You're going to make me work. You know I don't like to work. You know the thing I hate more than anything else is standing up on this floor and arguing this legislation; taking time, time, time, sometimes in a sort of runic rhyme just to get even. And I know how to do that because I listened to old man Joe Kennedy. And let me tell you something else about old man Joe Kennedy; when the Nazis were killing Jews, little Jews, baby Jews, and somebody said, you give us some trucks and we will trade you Jews for trucks. And Joseph Kennedy, who was an ambassador said, no deal. No deal. Kill 'em, but you won't get our trucks.

SCHEER: Time, Senator.

CHAMBERS: Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. Senator Moser, you're recognized.

MOSER: Good afternoon, colleagues. I think part of what Senator Chambers said is-- I agree with. I think it was below the standards of what the Legislature should be legislating. It's information based on a zip code. It's not going to tell you who really owns the property or not. It's not going to be accurate. We don't know what we're going to do with it. It was an amendment made to make a point by someone who's against, I think, the Property Tax Relief Fund. I mean, you can say you're for the Property Tax Relief Fund, but then you do something that calls into question where those property relief funds go. I think if it looks like a duck, it quacks like a duck, it walks like a duck, it's a duck. And I do object to one thing Senator Chambers said, I don't think it was because he was against it. I think this is where I agree with Senator Chambers in that this was a frivolous amendment. It's not something that should be in state statute. Some day they'll be correcting this, and laughing about what silly things we were talking about. And so to Senator Chambers I apologize for the hurt that you feel that I don't think was intended, and you do what you're going to do anyway, but-- thank you, colleagues.

SCHEER: Thank you, Senator Moser. Mr. Clerk.

Floor Debate  
May 14, 2019

---

CLERK: Senator Chambers would move to indefinitely postpone the bill.

SCHEER: Senator Chambers, you're welcome to open on your amendment.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, unlike Alexander Hamilton, I know what my opponent is. And if this is a dual, I will survive it. And I'm going to show you all how I don't have to work. If those of you who are interested, look at the amended version of LB298, and see how many sections there are in that bill. And I assure Senator Moser, whereas he was trying to console me, I don't feel hurt by what happened, I just feel we did something that a legislature should not do. You know what I can do with this bill if I want to? I can move to strike individual sections; count up the number of sections, and that's the number of amendments I can make-- I can offer to this bill. And each one I can discuss. Then when you vote down my amendment, my motion to amend, I will simply offer to reconsider. On this amendment, the white copy, AM1482, which I guess became the bill, on page 15 of that, I see Section 38. So that's at least 38. Oh, and then here's Section 39 on page 16. And I suppose-- oh, and then Section 40 on 17. If there are 40 amendments that I can offer, how long do you think I can talk on 40 motions? And you all think you found a way to whip me. Maybe you have. Maybe if you're lucky, Jesus will come back. But if Jesus came, he'd only come to take those who were worthy of going back, and I don't want that to happen because I would leave you all. I'd be the only one gone, and you all would still be here with nobody to ride herd on you. So if ever I uttered a prayer, it would be that Jesus not come back before we adjourn today. And if he does come back, let me remain on the earth with my worthless colleagues because that's where I should be to carry out my duty. Now, I have a motion up there. I can open, I can do my times of speaking, then I can close. If I had a heart, I could say, whether I meant it or not, maybe I'll have a change of heart. But I might change my mind. I can tell you all what I was anticipating doing this afternoon because that's out the window. I wasn't going to tell you, I would just do it. I did not have a motion on LB298, not one. Senator Hilkemann offered his amendment. I thought it was for the purpose of discussion. And if that was the only purpose, then I wanted to say some things to express the concerns I had about what the amendment would have been for. Then he said that it was not for the purpose of bringing any legislation. Therefore, there was no reason for it. I would like to ask Senator Hilkemann a question if he will answer.

SCHEER: Senator Hilkemann, would you please yield?

HILKEMANN: Yes.

CHAMBERS: Senator Hilkemann, does a library have a section labeled "science" where they have scientific material?

Floor Debate  
May 14, 2019

---

HILKEMANN: Every one that I've been in does.

CHAMBERS: Does the University of Nebraska have a library?

HILKEMANN: Yes.

CHAMBERS: Do you know how many science books they have in that library, the science section?

HILKEMANN: I have not a clue.

CHAMBERS: Thank you. Members of the Legislature, in the interest of transparency, shouldn't we amend this bill to say that we will authorize the Clerk to get from the University of Nebraska the number of bills in the science section of the university library? Should we-- would you vote for that amendment? I'll make a deal with you. All of those who would vote for that amendment, raise your hand, and I will not-- if there are enough people who would vote for that amendment, I will not make another motion or comment on any of the budget bills. But LB300 that deals with the judge's salary, I'll have a few comments to make on that. But Senator Lathrop knows I'm not trying to kill it, not trying to carry it all the way to the point of, what do you call it, cloture. And if it approaches that and I have not been attentive, it can be called to my attention with five minutes left and I'll stop in mid-sentence if necessary. I see only one hand. So you want me to go ahead and do my work on the budget bills and I will do it. I'm going to tell you all something else, and it might make you feel good about this. Right now I'm tired. I'm so tired and I'm weary. I don't know if I can go on, but what I'm going to have to do is suck it up like I've seen some of these boxers do. In the eighth round of a 15-round fight, they're both stumbling around, barely able to stand up. They struggle back to their corner. When the bell rings they come out and they hug each other to try to get their strength back, but they want to make it to the end of the fight. That's what I'm going to have to do this afternoon. You're going to see the true miracle, the true miracle that is manifested by the resilience of the spirit of a strong man who happens at a moment to be very weak. Right now I'm that strong man who is weak. I don't feel that strength or vitality coursing through this old 82-year-plus-some-months body. I feel like what I've been told an 82-year-old man feels like. Drawing the next breath takes almost more energy than the breath is going to do me good when I take it in. But I don't want to let you all down. Having made a promise, I must keep it. Who else do you know in your life who makes promises and will keep them even at the cost of perhaps ruining his own health? Now, if you all respected old people, you would respect this old man and vote for an amendment that would require the Clerk of the Legislature to obtain from the University of Nebraska the actual number of science books in the science section of the University of Nebraska. Now, that could have some value because that would be not speculative. Concrete data, which Senator Hilkemann said he dealt with as a

Floor Debate  
May 14, 2019

---

scientist. Not estimating, we would know precisely. But you won't vote for that. Well, where is the transparency? We found out that Senator Hilkemann doesn't know how many books on science are in the science section of the University of Nebraska. When you have things in your head, in your brain, you can literally talk about nothing for five minutes very easily. All you have to do is think of a word and then go where that word will carry you. Rhymes, lyrics to a song, naturally the "Bible" is already-- always there. I can lie about Shakespeare, all I have to do is put the "th" on a word that ends in "s" and you think it's either from Shakespeare or the Bible, because Shakespeare sayeth it, and the Bible sayeth it too. So if I say "sayeth" which am I quoting? Shakespeare or the "Bible?" But I'm going to show you where the lord can take liberties with the King's English. When David spun that slingshot around his head and let loose that stone, the Bible said he slang it. Slang it, slang it is not a form of sling. He slang the ball to third base. No, he slung the ball. But David slanged the stone. But since he's carrying out the will of the Lord,--

SCHEER: One minute.

CHAMBERS: --the Lord can do what he wants to with that language. So, see I can take a word like "slang" and not meaning slang in the sense of how you treat language less than formally. We know what that is, but that is not a verb. You slang as a verb. Now you know that you are quoting scripture. And if you are ever in another English class and the word is sling, then you say slang, not sling, slung, slung. He slung it. He had slung it. You say slang. He slang it. And if it's good enough for the Lord, it ought to be good for any teacher. And if any teacher is so godless, that teacher should not have a job in a university in a Christian country such as America. After all, we don't only speak for democracy, we speak for the good; we speak for the wholesome. We speak for religion. We speak for all of these things that are worthwhile, but we don't do anything about them. And that's a wonderful thing--

SCHEER: Time, Senator.

CHAMBERS: You said time?

SCHEER: Yes, Senator.

CHAMBERS: Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. Senator Wayne, you're recognized.

Floor Debate  
May 14, 2019

---

WAYNE: Thank you, Mr. President. I didn't ask for the gavel, just so you guys know. Because I figured you guys were going to stop talking and listen anyway. Ladies and gentlemen, Nebraska is at a crossroads. The fact of the matter is, in 10-15 years we will have not enough people to fill the jobs that are currently in Nebraska. Minus immigration, we are losing people. We are a net loss of population growth. And while the first year I did not vote for the budget, I struggle with this budget too. But I struggle with it not because of the budget process or the budget itself, I struggle with the lack of courage we have as a body to figure out how to generate revenue and solve the issues in our community. If property tax is the issue for most of the senators I keep talking to, then we got to stop going to these little cliques and figuring out, or as Senator Chambers calls them, claques, and all coming up with different solutions. Maybe when we're sitting here stalling, let's pick a bill and let's talk about it. And maybe we might come to an agreement. But when we get up and we continue just to talk and have conversations off the mike, but nobody else is in the room and understands what's going on, we're not moving Nebraska forward. LB289, maybe it's dead, maybe it's not, but if all you guys feel like, and people feel like property tax is the issue, there's a bill that requires 33. Figure out how to get in a room and get it done. Yesterday I read late at night and this morning in the headlines: Iowa just passed sports betting. You know how that's going to affect my community? Well, I have a casino literally in my backyard. You don't have to cross the river anymore to go to Carter Lake, if you didn't know that. Sports betting. What's going to happen on Husker game day? Creighton basketball game? Now my downtown is competing with Council Bluffs, because just for an extra five minutes they can go across the street and levy \$5 at their local BB-- I won't even say it. They use Quakers over there is a good place that I go over to Council Bluffs. But Buffalo Wild Wings in Omaha is now competing against Council Bluffs. And it isn't just Omaha. Sioux City is now competing against South Sioux City. Bellevue is also competing against Council Bluffs. And if I just want to get together with some friends, have a drink, have some food, and maybe wager \$2 or \$3, I leave the state of Nebraska. What does that do to our sales tax in Omaha and areas that are around the river or next to a casino? I hear a lot about personal choices, but when it comes to gambling, you're making that choice for them. We aren't generating enough revenue because we don't have enough people. And the areas we can generate revenue, we want to have a moral compass for everybody else, but when it comes to SNAP benefits and everything else, you know what's better than everybody else. At some point we have to be consistent or Nebraska is truly going to be an urban versus rural state. At some point if I can't help Senator Brewer's district out with the ranchers and property taxes, it affects Omaha. It affects Omaha maybe in a different way. But people who are saying, well, we're against taxes on food, which I am, that means we have to be against taxes on food through the entire food supply chain,--

SCHEER: One minute.

WAYNE: --starting as a seed all the way to the end product. Because if you tax the seed or you tax the equipment, it comes back to the end product. But where are we having that big

Floor Debate  
May 14, 2019

---

conversation? Where are we having that on the floor? We're not. So, if we're going to filibuster a bill, what I'm going to do the rest of this session, I'm not going to talk about necessarily the bill. I'm going to talk about the bigger issues, and I guess I'm asking the rest of my colleagues to let's start that. Let's start a debate on bigger issues. So if we know a bill's going three hours, we all know what's going to happen, people talk. Then let's say, OK, let's talk about LB289. Let's talk about mass transit. Let's talk about whatever bill we know is stuck that is a big issue for this community and this state and let's have a conversation, and let's engage. So at least a three-hour debate is actually fruitful. At least a two-hour debate--

SCHEER: Time, Senator.

WAYNE: Thank you, Mr. President.

SCHEER: Thank you, Senator Wayne. Senator Chambers, you're recognized.

CHAMBERS: Mr. President. Others may should do as Senator Wayne just did. The time is going to be spent. Maybe you can spend it wisely by talking about things that are of significance. If that were what we were doing, some of these things that I'm doing now, I wouldn't have to do. But when I saw you adopt that amendment, that nonsensical amendment, then I felt that that is setting the tone for the rest of the evening. There's no need for anything here. Now, with these little asterisks, and I emphasize that because some people put the "k" before the "s," they say "askerisk." Asterisks. No, it's not "aksterisk." It's as-ter-isk. At--not at, it's a-s-t, aster, a-s-t-e-r. There's an actress named Lady Astor. Or if you don't speak city language, you might say "astor" where you mean "ask her", a-s-k h-e-r. But you're careless, so you say, well, aster, a-s-t-e-r. But in any case, it's asterisk. The asterisked bills are Speaker priority bills. Maybe they'll say that--well, I'm not going to say what he could say. He might have ideas and he may not. But while time is being taken and you have the opportunity to discuss anything you want to, and you'll be in the order in which you put your motion up there, do it. Signal to the body what's important to you or what you think is important to the body. Right now, I don't have a stake in anything on this agenda. I don't have a stake in anything that will come up during the next 14 days. Nothing. The only thing that restrains me, that constrains me is the Legislature as an institution and what things are there on this agenda that we really ought to enact into law. Maybe not everything that people want, but everything that's needed should be enacted into law. Sometimes a bill may contain something that is not wanted. But if the rest of the bill outweighs that part that is not wanted, then the part that's not wanted is the bad that has to be taken with the good. And I'm willing to look at that, but people are not. And when you do silly things like you did in adopting Senator Hilkemann's amendment, then I think silliness is the order of the day. But I will talk about things. And maybe some people would describe my tactic as silly, but there are many things I'll say that are far from silly. And when I go into some of them, like the raping, the sex

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

Floor Debate  
May 14, 2019

---

trafficking of some of your presidents, you might would rather I was telling silly Groucho Marx jokes. But the reality will be what the reality will be. There was somebody who wrote a sentence and they wanted it punctuated. And if I say it, then you would be able to punctuate it. That that is, is. That that is not, is not. That that is not is not that that is, and that that is is not that that is not. But if I just wrote all those words just as they come up, you couldn't punctuate the sentence. So inflection, our pauses, are often what gives us the opportunity to let people know what it is we mean when we say words--

SCHEER: One minute.

CHAMBERS: --that could have more than one meaning without inflection or those necessary pauses. That's why the spoken word often can do what the written word cannot. A fellow named Bacon, not this person who's in the House, he'd never be able to do this; but there's a man named Bacon who wrote essays, and one of his statements was: writing, makes an exact man. It would make an exact person. But in those days, everything surrounded the man. So we can decide how we're going to spend this time together, but we're going to spend it somehow. Will we waste it? Or will we, indeed, spend it? Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. (Visitors introduced.) Going back to the queue, waiting to speak: Senator Erdman, Groene, McCollister, and others. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. Speaker; good afternoon again. Senator Chambers, I heard your comments about how many science books there is in the library at the university. I may agree that that information may be just as valuable as the information that Senator Hilke mann is trying to get. This may come as a surprise to somebody, but I think we're on the same page there. I listened to Senator Wayne, his comments and what he said. I think it's appropriate. We've talked about for years, and the Governor talks about this, about lowering taxes. I don't just want to talk in property tax, I'm talking about all taxes, because we have the Nebraska Advantage Act, and we have TIF, and we have all these other incentives, because their taxes are too high. So, we need to cut spending. So here's a suggestion. Let's adopt a budget with a 2 percent cut in spending straight across the board. Two percent. It's about \$100 million. And then the forecasting board always forecasts that we have an increase in revenue. Some years are greater than others, but the 30-year average is about 4.8. I think we're into a new era now, I don't think that's going to be possible, but let's assume that it's 3 percent. So we take the 2 percent that we cut in the budget. We add to that any increase in revenue over what we got the year prior, 3 percent. So now 3 percent, that's \$150 million; \$100 million from the 2 percent; so it's \$250 million and we do tax relief with \$250 million. Then we move to the next biannual budget and we cut another 2 percent, and we do the same. We take the revenue that's in excess of what we

Floor Debate  
May 14, 2019

---

forecast, say it's another 3 percent. All of a sudden we're 6, \$700 million in tax relief. That's how you lower taxes, you cut spending. So when we increase the budget, as we have this year, 3.2 percent, and we say we decrease the amount of increase, people should feel good about that. The only way Nebraska taxpayers are safe is when we're not meeting, because when we are, we're spending your money. Now, there are some of us on the Appropriations Committee that understand that cutting taxes can only happen by reducing spending. Some of us get it. Others do not. And you'll see coming up in LB294 we have increase in spending. But we have to have increase in spending because somewhere it's written you always have to have an increase. So Senator Wayne, I believe a 2 percent reduction in spending plus whatever revenues we collect, greater than the year prior, would be a great start in lowering taxes. Now, there may be one of us in this Chamber that agree with that, maybe two, but if we want to have a real discussion about how to lower taxes, we have to start with cutting spending. We have to fund those things that need to be funded. We have to set priorities: what do we fund and what we don't fund. But we don't do that here. We do poorly at that. And so when we get to the place that we finally realize what we want to fund and what we don't, we then can make the cuts necessary to cut spending to lower taxes. The state of Arizona does not have TIF. Why is that? And the answer is, their property taxes are cheap, they're reasonable. Their taxes are cheap. So we need to learn from other states how they did it.

SCHEER: One minute.

ERDMAN: These incentives that we put together to get organizations or companies to come here, as we will discuss later on with ImagiNE Act, it will be very similar to the Nebraska Advantage Act. We'll give a lot money to organizations or groups to come here and hire people and we will spend more tax dollars than it's worth to create jobs. But we're OK to do that. It's OK for us to give tax incentives to do that, but we can't give \$10 million to a fund to help put scholarships in place for poor children. But we can give \$400 million in the Nebraska Advantage Act. Amazing how we prioritize things. Thank you for your time.

SCHEER: Thank you, Senator Erdman. Senator Groene, you're recognized.

GROENE: Thank you, Mr. President. I'm going to take Senator Wayne up on his invitation. LB289, that's good policy, folks. It's one of the rare times you could look at a bill and say we've addressed issues directly that are facing our state, funding for our schools, property tax relief, correcting our tax-- rebalancing our taxation between income, sales, and property. It deserves more debate. It deserves debate. It has no feelings, but the public does, the taxpayers do, and they are watching, and they are saying, where's the vote? How do I know where my senator stands on property tax relief? Where's the vote? We didn't get elected to hide, and I'm not saying anybody is. We're not-- we did not get elected to fear another political-elected official. We got

Floor Debate  
May 14, 2019

---

elected to make the big decisions. Apparently our forefathers knew that that wasn't always going to happen, so they gave the citizens the right to the initiative process. Is that where we're going to leave this matter? The biggest issue in the state of Nebraska. It's the biggest issue, Senator Wayne, why people tell me they leave North Platte. The biggest issue why retirees, the lucky ones who have done well enough in life that they can afford to move, move. They move where the property taxes are lower. They can put another three, four thousand dollars into their pocket and they pack up and go. And, yes, our population is stagnant. All of the promises of growth we've heard through budget processes and economic development programs, it is stagnant. It's been stagnant for years. And in rural Nebraska, it is declining at a major rate. And the biggest problem is property taxes, as far as an economic issue. We have a duty to fund our schools, LB289 does it. We ought to discuss that. We ought to have everybody in the room and have a discussion, as Senator Wayne said. But we're having a hard time getting 33 people who say they want to have that discussion. So I would appreciate if some-- if some would step forward. Let's extend that debate. Let's find out what we do like and don't like about the legislation, so that if you do-- if it does fails, we know where to start next time. But we're not having any discussion, because somebody is afraid somebody might have a victory and somebody might lose, or some administrator, one individual at a school tells him something and they jump, instead of the 30,000 voters they have in their district that are struggling. The ones that aren't listening today because they're working and they're working hard to pay the property taxes and to survive and to live in Nebraska. But we're dragging our feet. We don't want to have a debate. Quite frankly, my friend the Governor, all the people are hearing is it's the highest tax increase in the state history, which is completely a fabrication, completely a fabrication. It's a rebalancing of a three-legged stool, it's the funding of our schools, it's equity. Takes away the urban-rural debate. Takes away the animosity.

SCHEER: One minute.

GROENE: And we got some folks who don't want to vote for it because they want to go home early, get out of here four or five days early because they don't want to extend debate. Study to death, throw more money at it, and some kind of gimmicky thing that doesn't fit good policy about a property tax credit fund where we tax one people and give it to another. That makes no sense. Doesn't control spending. Doesn't balance anything. Just messes up the equation. So anyway, I thank you for the invitation, Senator Wayne, but we could sure use some votes, some yeses that we will revisit LB289 for another couple three hours, and then you can vote on facts, stay in the room, get involved in the debate. But first we need your assurance that we can get there. Thank you.

SCHEER: Thank you, Senator Groene. Senator Chambers, for what purpose?

Floor Debate  
May 14, 2019

---

CHAMBERS: Mr. President, I would like to withdraw that indefinitely postpone motion.

SCHEER: So ordered. Mr. Clerk.

CLERK: Mr. President, Senator Moser would move to amend with FA77.

SCHEER: Senator Moser, you're welcome to open on your floor amendment.

MOSER: In simple form, my amendment would strike the language that was added with AM1748. I didn't speak very long or as many times as I probably should have when we were considering that. Some of the senators I talked to voted for it because they didn't think it was going to pass anyway. I don't think some of them thought it was important, just from the discussions I had with them. But I think that that amendment asks for information that we don't know what we're going to do with when we get it. It asks for information that we probably can't change anything about anyway. Basing that information on zip code is really not meaningful, because the addresses that those tax statements go to might be the attorney for a trust, it could be the attorney for a landowner, it could be one member of a family. Say a family owns 320 acres, and it's shared between four siblings of the father and mother who originally owned the farm, the tax bill is going to go to one of those four kids, and the other three are going to be-- could be listed as joint tenants. In other words, they own that property as though they own one-fourth of every clod of dirt, or however you want to look at it on that farm. So the information is not going to be specific; it's not going to be accurate. It's not information we need. I think this makes us look silly to put that into state law that we have to require that report. We have a lot bigger fish to fry than to put an amendment like that on a budget bill. If you've got something to say about property tax, whether you're-- you think property taxes should be higher or lower, those are valid points, you know, make those points. But I think this is information that's not necessary. And I talked to Senator Chambers just a little bit between discussions, and I think this is one case where he's right. I think it's-- it's beneath the, I say, dignity of the Legislature-- it's beyond serious consideration. We have so many things that are so important and so many things we do make a difference. Let's get data that we can actually do something when we get it, do something with it when we get it, and get data that's going to be accurate, and not just zip codes of where tax statements go. That's not going to tell us anything. So, colleagues, I encourage you to support this motion. I think once we get this dispensed with, I think we can move on with the budget. I think this will settle down some of the discontent among some senators about how serious we are about what we're doing here also. Thank you for your consideration.

SCHEER: Thank you, Senator Moser. Senator McCollister, you're recognized.

Floor Debate  
May 14, 2019

---

McCOLLISTER: Thank you, Mr. President; good afternoon, colleagues. Since Senator Chambers has declared this to be open-mike afternoon, I want to get on my soapbox as well. This morning was Senator Hunt, but this afternoon it's Senator Wayne that got me going. And one of my favorite topics is immigration. Contrary to the opinion of a few, the United States is not full, is not full. As a matter of fact, if the United States hadn't had any immigration, right now the population of this country would be about 90 million, about the same as Japan. And that has big implications for the size of our markets, the size of our labor force, and everything else. As a matter of fact, it's got a big implication for Nebraska. If we hadn't had the immigration influx of people into this state, Nebraska at some point, maybe in 10 or 20 years, is actually going to lose one of its Congresspeople. We won't have the threshold enough to support three Congresspersons in the U.S. House. We should also know that the birth rate in the United States is below replacement level. So immigration is an important thing for our country and something we need to continue to support. The fact that we don't have a viable immigration policy in this country is an indictment of Congress. They just are not doing the job. They're obfuscating their responsibility. And that's something we cannot continue to allow. Yeah, maybe term limits for Congresspeople is something we need to look at. But they just are not doing the job in so many areas. The U.S. deficit, they're not doing anything to control that. And we're shifting all these debts to my children and their grandkids. It's just not right. Entitlement reform, another one; Medicaid, Social Security. What is it, 17 years, we're going to run out of money. That's not right, either. So we need to reform Congress and be a better-- able to, you know, control the outcomes for this country, and they're simply not doing it. One other topic that's been on my mind, too, is Medicaid expansion. Here we have our Governor and the A.G. continuing to sue the federal government to overturn the ACA. And here the voters of Nebraska just last year voted to expand Medicaid. How is that-- how is that possible? It just makes no sense. And we need to recognize also that in Nebraska by waiting until October of 2021, a good number of people, 90,000 people in Nebraska won't have received Medicaid benefits for a good six months if we just simply expanded Medicaid on a regular basis. So we need to move forward on that account as well. Lastly, SNAP, when I brought that bill to the HHS Committee, we indicated that, with an expansion of 10 percent, 10 percent of eligibility, about 1,600 families would receive benefits. And that would bring in-- that would bring in \$3.8 million, entirely paid for by the federal government. Yes, we do pay for half of the administration. That's just bad management. My good friend Senator Groene talked about the fact of a dollar that rolls in from the federal government rolls around six or eight times. And so that \$3.8 million that we bring into Nebraska--

SCHEER: One minute.

McCOLLISTER: --for Medicaid expansion has perhaps as much as a \$10 million effect. And that's something we need to consider. I'd ask that these senators on HHS to permit the SNAP-- my SNAP program to come out on the floor so we could debate it. Just like LB289, Senator

Floor Debate  
May 14, 2019

---

Groene wants some help for that, and I gave him a cloture vote for first round. But we need to debate some of these other issues as well. Thank you, Mr. President.

SCHEER: Thank you, Senator McCollister. Senator Wayne, you're recognized.

WAYNE: Thank you. So in the spirit of debate and conversation and-- all right, let me just back up and say why did I get up and say something. Because I have two options, I can sit over underneath the balcony or I can go down to my office and do work, or I could be down here trying to do something productive. And so I did work this morning. And I decided this afternoon let's try to have a little productive conversation for an hour, hour and a half. Now, I know when we get to the judge's salary, Senator Chambers has a lot he wants to say, and I respect that, because some of the items he's going to talk about I agree with 110 percent, if I could go 150 percent, I would. I'm just saying today, we're here. Everybody is talking about a whole bunch of different things. Why don't we talk about taxes? So I'm going to throw out an idea, and it wasn't my idea, but another senator came up with the idea, who will remain no-name until he or she decides they want to say something, but I thought it was a good idea. What if we just close all exemptions, except for food, and then reduce property tax by a third, sales tax by a third, and income tax by a third. Money-wise it should all work out the same and probably have a little bit of money left over. Don't like that idea? Anybody want to talk about it? Nobody's looking to talk about it? Well, push your button, and let's engage on it. OK, nobody wants to do that either I see. What's the point of us being down here talking about property taxes if we're not going to have a conversation about property taxes? So let's have a conversation about property taxes. If that's not a good idea, well then help me figure out a way to put \$100 million or \$200 million in education funding to go to unequalized school districts. Because right now I have a problem in Omaha with unequalized and equalized school districts. There is a funny little thing that happens in Omaha when you go from OPS, which is equalized, to Westside, which is unequalized. So a kid in my district goes to Springfield, the school that was here today. They get-- the state will give them, roughly, \$5,000 per kid, let's just say. But if that same kid from my district decides to go to Westside, that kid is now worth \$10,000 to the school district. Now tell me, in what world does that make sense? In what world does a kid coming from my district, who goes to his neighborhood school, versus a kid from my district who drives 15 minutes, they're worth twice if not three times more in our state funding? Tell me what's equitable about that. Let's have that conversation, because that goes into property tax relief. That goes with funding our schools in an equitable and equal manner. So I'm going to sit down and see if anybody really wants to engage in a conversation about property tax for school funding. If not, I'll get up and raise another issue that's important to Nebraskans, like building lakes and beaches, we'll have that conversation, talk a little bit about Ashland, Senator Bostelman; we'll talk a little bit about Kennard into Washington, Senator Albrecht. We'll talk about plans that where they decided they wanted to build some lakes for recreation and bring people back. Maybe we'll have that conversation. But we are going to, every day that I see a filibuster going on, if it's not a substantive filibuster about

Floor Debate  
May 14, 2019

---

the issue, but if it's a time filibuster to kill time, I'm going to stand up and spend two or three times trying to engage people on something important, so I can go back to my community and I can look myself in the mirror and say at least we're trying to solve some of the big issues that are before my community. So I would like anybody on the Education Committee, I would like anybody who represents Westside, I would like anybody who represents any school that has option enrollment--

SCHEER: One minute.

WAYNE: --to get on the mike and tell me why a kid from north Omaha means less in our education formula if they stay in their district versus go to Westside and tell me how that's right. And tell me how we're going to pass a bill this year that continues to allow that to happen. We can start there, if we don't want to have a big conversation about property taxes. But we need to have a conversation about something substantive. Thank you, Mr. President.

SCHEER: Thank you, Senator Wayne. Those waiting in the queue: Senator Hunt, Chambers, Erdman, and others. Senator Hunt, you're recognized.

HUNT: Thank you, Mr. Speaker. Senator Wayne brought up one of my favorite topics, which is growing population in Nebraska. And I think that if I had to boil down my passion as a lawmaker, it would be what can we do to grow population in Nebraska. And that means attracting people here and that means making sure that people don't want to move out. And I also believe that most of the conversations we have in this body are basically around that theme, because there's folks saying do we grow population by reducing property taxes, by reducing the tax burden, is that something that people want to move here for? And there's people talking about more far left ideas like LGBTQ equality, which is actually like an extremely moderate thing that most states are already doing and we're behind. And that's important to a lot of people, and that's also something that costs zero dollars and zero cents. So if we want to talk about reducing costs in Nebraska, taking costs out of our budget, finding ways to attract people here at a way that's not expensive for us to do, that would be the first thing that I always point to. Yesterday Governor Ricketts was congratulating people who aced the ACT, who got a perfect score on the ACT. And I am so impressed by those students, and that's something to be really proud of. Criticisms of standardized testing aside, that is a huge accomplishment, and it just speaks to the-- the-- how hard-working and how diligent those kids are, and how driven they are for success and excellence, and I think that's amazing. But one thing he said was, he remarked that he hopes that the people who leave and go to school out of state decide to come back to Nebraska. And speaking to young people about that, I felt that, and I heard that, because when I was growing up, I grew up in a smaller town, although a lot of people here would probably not agree that Blair is a small town, but I thought it kind of was when I was there, who could not

Floor Debate  
May 14, 2019

---

wait to get out of Nebraska. And in 2019 not a lot has changed. And what I want to do in this body with my colleagues of all political backgrounds and persuasions is work to ensure LGBTQ equality; work to do things like Senator Wayne started here, talking about real infrastructure for regional mass transit; investing in raising the tipped minimum wage, we know that that pays off; expanding Medicaid, which the voters have told us they want us to do; protecting students from gun violence, that's very important to families in the United States when they're looking for somewhere to live; legalizing cannabis. I am a big supporter of Senator Wishart's LB110, but I believe that we need to legalize full recreational, and I'm not under any auspices that that's going to happen in my time in this body, but to me that's the only way to have full equality with that issue. Defending reproductive rights; people don't want to move to states where women are seen as, you know, something that the state can legislate what happens to their body. What's happened in Georgia recently with the six-week ban, that is going to really impact their ability to attract and recruit talent to Georgia, and I don't want to see that to happen in Nebraska. Ending the death penalty, all of these are things that people reach out to me and say as an educated young professional, I want to live in a state that has these kinds of things. And I've been criticized for my presence on social media, in this body and outside of this body, but to me, I'm proud of it and that's important to me, because I believe in talking to voters and Nebraskans where they are. And sometimes that's in a coffee shop, sometimes that's at a parade, sometimes that's on the phone up in my office. But a lot of times that's on Twitter and Facebook, because it's 2019 and that's how a lot of people want to engage with their elected officials. And on those platforms, whether it's in the coffee shop or on-line or in my office on the phone--

SCHEER: One minute.

HUNT: -- via letter, educated young professionals are constantly telling us what they want our state to do for them, how they want our state to work for them, and the economic incentives that Nebraska needs are right in front of our faces, and most of them don't cost a lot to taxpayers. A lot of them don't cost anything. The people we serve say they want a higher quality of life, and I think we should listen to them. Some people engage with me about that. And one woman said about the students who are recognized for their perfect score on the ACT: My son is one of those students in that picture. I wish I could have told the Governor today that Nebraska Medicaid is the reason my son was born healthy and didn't send our young family into bankruptcy. I had a very difficult pregnancy and delivery with an extended hospital stay for preterm labor and countless tests. And being 20 at the time, I was on Medicaid. Considering he aced his ACT and is going to UNL, I think he was a good return on investment for Nebraska.

SCHEER: Time, Senator.

HUNT: And she's talking about Medicaid there. Thank you.

Floor Debate  
May 14, 2019

---

SCHEER: Thank you, Senator Hunt. Senator Chambers, you're recognized.

CHAMBERS: Thank you, Mr. President. As the oldest person here, I have had more experience than anybody on this floor, both in life and in the Legislature. And I know how to create an environment where people will talk about things which ordinarily they wouldn't. And because people are so turned off with me and hearing my voice, they will listen to what other people say. Senator Wayne got responses based on what he said today, which in a context of a bill discussing that, they would have spaced him off like they space everybody off when that particular subject is discussed. You have to create an environment, and you cannot tell people that's what you're doing. It just happens. Then they begin to speak. Senator McCollister brought up very critical comments about immigration. Senator Hunt about very important matters pertaining to some of those people who are considered "un-people." I may talk about all of them, but you're not going to listen, and it doesn't matter to me. I don't speak because I have people listening, I speak because there is something inside of me that compels me to speak. Your Pope, those of you who are Catholics, took the name after St. Francis of Assisi, and St. Francis used to preach to animals. He preached to animals. He said at one time, it may have been on his deathbed: I have wronged my brother, the ass; talking about an animal. You all know so little about so many things, and your world is so narrow, you cannot look beyond the walls of this place. But there are people outside this Chamber who are hungry for some of the things that are discussed. You all would be surprised if how many people in your districts, and they name you, but I don't shame you, written to you and won't get a response; called your office, can't get past an employee. Shocked when I answer the phone, then when I answer it, I'll talk to them. You all don't respond to the people in this state. You've always got your mind and your eye focused on what some reporter is going to write, what some editorial writer will say, what the next election is going to produce. I don't care about any of that. I'm very selfish. I care about what I think, I care about what I believe, I care about what it is that my conscience tells me that I have to do. And if you don't adopt Senator Moser's amendment, which I think is wise and it shouldn't have been necessary, this is the next amendment I'm going to offer, and I might offer it to every single bill that we have, even if you raise-- what is that word you all have learned now? Uh-- if it doesn't fit, they have that word, Senator Slama taught it to them. Not pertinent, but uh, not related, but uh, germane. She taught those old geezers over there that word, and you all have been misapplying it ever since, because you don't know what the word means. It's not the name of one of the Jackson 5 boys. [LAUGHTER] It's not the name of that country in Europe. But here's the next amendment, if you don't adopt Senator Moser's, and this is more practical: Add a new section to LB298: The Clerk of the Legislature shall obtain from the Chancellor of the University of Nebraska at Lincoln the number of books in the science section--

SCHEER: One minute.

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

Floor Debate  
May 14, 2019

---

CHAMBERS: --of the university library as of January 1, 2020, and notify the members of the Legislature of such number no later than January 5, 2020. And we won't have a new session in 2020 before the 5th. So if anybody sees the need to offer any legislation about the number of books in the science section of the library, we'll be able to do it. Why in the world does it take so much effort and somebody like me to have to try to bring you to your senses and not demean your Legislature? This is a white people's legislature. You know it's a white people's legislature. Look around here. What do you see? I see it, you see it, you are it. But you have no respect for that which is yours. I just happened to slip in here because of a Supreme Court ruling about one person, one vote. They used to say one man, one vote. But then somebody corrected them.

SCHEER: Time, Senator.

CHAMBERS: Well, you known a black male is not a man.

SCHEER: Time, Senator.

CHAMBERS: Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. Senator Hilkemann, you're recognized.

HILKEMANN: Thank you, Mr. Speaker. I rise in opposition to FA77. Folks, why are we scared of having information? Now, Senator Chambers, you asked me the question about how many science books were in the library at the university, and I said I don't know. But I'll betcha I can go to the librarian at the University of Nebraska and they could give me a very close approximation how many books relative to science. When I went to the Department of Revenue and asked where this money was going, they said, we have no idea, and that's something that you have to get from the counties. So if you look at the bill, it says one time we are asking the counties to give us this data. Is this asking too much? Well, I keep hearing around this body all the time is transparency, transparency, transparency. Well, this is transparency. I have had constituents at my coffee and conversations actually ask me this question: How much of that money is going out of state? And I say, we don't know. We've had estimates of a few percent to maybe as much as 40 percent. Who owns the land in the state? We don't know. So this is a way to do a very simple-- and I went to the counties and I asked, is there a simple way that this can be collected? And this was the idea that they came up with. Is this as extensive and exhaustive of information that I would like to have? Probably not, but it's a good way to begin. Now, we could set up an interim study here, I guess, and we could involve eight or nine senators and we could have them come together once or twice during the course of the summer. And I have a feeling if we could get there, well, we really don't know, this is the sort of data that we would like, but we really don't know until we ask the counties that data. So all this bill is doing is asking one time

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

Floor Debate  
May 14, 2019

---

the data from the counties, which they say they can provide-- they certainly did not-- I'm not sure any of them did any cartwheels on the thing.

SCHEER: One minute.

HILKEMANN: --but they did not-- so, at either rate, it will give us a snapshot of what this is all about. And it will make us more-- give us one more set of data, more information so that maybe we can make even better policy when it comes to property taxes and funding our public schools. That's it. That's really-- I would ask you not to vote for the motion to reconsider. I appreciated the support we have. Let's find out the data, and then we can go from there. Thank you very much, Mr. Speaker.

SCHEER: Thank you, Senator Hilkemann. Seeing no others wishing to speak, Senator Moser, you're welcome to close.

MOSER: Thank you, Mr. President. Well, back to why I think that this change to this bill was not a good decision, sending this information about what zip codes the tax bill goes to is not going to tell you specifically who owns the property. It's going to go to ag property owners, it's going to go to residential property owners, all property owners. So what is it going to tell you? This is something the Research Office could probably determine for you in an hour. You can ask the library and how many books are in the library, but why can't you just call the counties yourself and ask who owns the property. They can probably give you some estimate without having to do all that. It's a one-time request is one of the arguments. Why does a one-time request rise to the level of requiring a state statute just to get information they probably is readily available with a little bit of research. I don't know what the fiscal note on this is. I don't think that the counties are going to be able to do this without spending some time and effort at it. It's another unfunded mandate where we're requiring counties to give us information. I think it's information that's not going to be accurate. I don't think that it rises to the point of needing to be put into state statute. And I think it calls into question some of the other decisions we make, if this is the best use of our time, to put things like this into law. I talked to a number of senators who had committed to vote for this, and I asked why they committed to vote for it, and they said, well, I just didn't think at the time that it was a real big deal. One senator said he voted for it because he didn't think it had a possibility of passing. So you supported it because the person who made the original amendment asked you to, you voted for it because you told him you would. Now, use your common sense and vote the way that you should have voted in the first place. You shouldn't make commitments on bills without thinking through what you're doing. I ask you to support this amendment so we can move on from here and make us look like we're doing serious business, not just exercising some whim on wanting to know who owns what properties. Thank you for your consideration.

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

Floor Debate  
May 14, 2019

---

SCHEER: Thank you, Senator Moser. There has been a request to place the house under call. The question is, shall the house go under call. All those in favor please vote aye; all those opposed vote nay. Please record.

CLERK: 16 ayes, 3 nays, Mr. President, to place the house under call.

SCHEER: 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 Vargas, would you check in, please. Senator Wishart, Senator Pansing Brooks, please return to the floor. The house is under call. Senator Wishart, Senator Pansing Brooks, please return to the floor. The house is under call. We're all accounted for. The question before us is adoption of FA77. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: 25 ayes, 14 nays.

SCHEER: FA77 is adopted. Mr. Clerk.

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

SCHEER: Senator Stinner, you're welcome to close on LB298. He waives closing. Senator Slama for a motion.

SLAMA: Mr. President, I move that LB298 be advanced to E&R for engrossing.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed. LB298 is advanced. Mr. Clerk. Raise the call.

CLERK: Mr. President, before we proceed, if I might read a few items. Enrollment and Review reports LB538, LB538A, LB293, and LB297, correctly engrossed. Notice of hearing from the General Affairs Committee. And an appointment letter. Mr. President, LB294, a bill on Select File, I have E&Rs first of all, Senator.

SCHEER: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB294 be adopted.

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

Floor Debate  
May 14, 2019

---

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. Those opposed say nay. The E&R-- Enrollment and Review have been adopted.

CLERK: Senator, the Appropriations Committee would move to amend with AM1746.

SCHEER: Senator Stinner, you're welcome to open on your amendment.

STINNER: Thank you, Mr. President, members of the Legislature. AM1746 is the Appropriations Committee adjustment to the mainline budget bill. There are 22 items included, however, all but three of these are either technical changes or items that have been incorrectly omitted in the original committee amendment. At the time the budget was set, the insurance premium tax amounts for both 2019 and 2020, and fiscal year 2021 were estimates. Since then, the final insurance premium tax, No. 4, 2019 and '20 is available and is at \$2.6 million higher than the original estimate, and \$2.2 million higher than the 2022 fiscal year end. Additionally, the savings from LB675 related to the change in fiscal year 2019-2020 basic growth rate was \$402,000; \$7 higher than the original incorporated into the committee proposal. This amendment reduces the 2019-20 appropriations by that amount. LB675 actual savings were \$12,066,443 versus \$11,664,436 used in the committee proposal. The two-year General Fund savings amount to \$5,252,173. The committee's original proposal on the Secretary of State's ADA voting equipment was \$6.3 million in cash funds for replacing state-owned voting equipment our counties are using and are near the end of the equipment life cycle. Also included in the Secretary of State's original request was \$6 million to replace the existing equipment which complies with the Americans with Disabilities Act, or ADA. However, funding was not available for this item in the original committee proposal. With the savings derived from the insurance premium tax adjustment, this amendment to LB294 provides \$4 million of General Funds and a million dollars of federal Help America Vote Act funds, or HAVA funds, to let the Secretary of State replace the ADA equipment. The committee also originally recommended a \$500,000 per year decrease in General Funds to better reflect historical expenditure levels with the Attorney General. However, due to potential litigation the office may face in the upcoming biennium, the Attorney General came forward with the proposal to restore \$295,957 of this cut each year. And in order to make this net zero impact on General Funds, that amount of funding would be transferred from the State Settlement Cash Fund to the General Fund. With that, I would ask for a green vote on LB-- on AM1746. Thank you, Mr. President.

SCHEER: Thank you, Senator Stinner. Those waiting in the queue: Senator Bolz, Vargas, Wishart, and others. Senator Bolz, you're recognized.

BOLZ: Thank you, Mr. President. I wanted to talk a little bit about the substance of AM1746. It specifically includes the contents of LB181. And this was just a small oversight; it was adopted

Floor Debate  
May 14, 2019

---

by the Appropriations Committee and just didn't get incorporated into the underlying bill, so we're just fixing that up on Select File. But I want to talk to you about why it is so important and why it adds value to our Appropriations Committee work and to the state as a whole. LB181 requires a report from the Department of Health and Human Services to the Appropriations Committee regarding long-term care service sustainability. And as you recall from the headlines, from circumstances in your districts, and from previous conversations on the microphone, we have some challenges with our long-term care facilities' sustainability. In 2019, three skilled nursing facilities and one assisted living facility additional closure was announced. In 2018, we had 22 skilled nursing facilities and 11 assisted living facilities under state receivership. And from 2015 to 2018, 16 skilled nursing facilities and 7 assisted living facilities closed. A significant number of these were in rural locations. And so, some of the risk factors that we have of losing nursing facilities include their rural location, the fact that reimbursement rate is significantly less than the cost of care, work force scarcity, unreimbursed long-distance travel, and aging population, especially in rural areas; and some policy barriers that inhibit flexibility for communities who want to provide long-term services. So, LB181 directs the Department of Health and Human Services to work with an independent consultant-- or an independent contract with an independent entity to provide information on demographic, economic, and employment data and projections that would include opportunities and innovations for best practices in serving our rural population. Not only is this important because we have had some challenges in terms of nursing facility closures, but I would say it's also vitally important for our rural communities. It's not surprising to any of you that we have an aging rural population. And I think one of the things that's particularly concerning is that we not only have lost facilities in rural communities, we've lost the overall number of beds in rural communities. So we're losing facilities and we're losing spots for folks. Over the last decade, facilities have shifted to metropolitan areas. In 2008, there were 16,954 beds. Rural areas have suffered disproportionately since that time losing 1,125 beds and gaining only 372. So, I think we need to be thoughtful and strategic about how we're supporting our nursing facilities as our population ages. I think it is important that we pass this study because, as you all know, we are underfunding our nursing facilities, and we have some opportunities and ideas that will come from further research that are better than just simply funding those facilities more. If we understood work force data better, we could save money in terms of reducing recidivism and turnover. If we understood policy barriers better, we might have multiple funding streams that could help those nursing facilities stay afloat without the state subsidies. So, in 2015 alone, the combined Medicaid shortfall for Nebraska's long-term care facilities was \$58,000.

SCHEER: One minute.

BOLZ: So we have a problem in terms of nursing facility access and nursing facility reimbursement and sustainability. And I do think that this study will help to stop the closure of much-needed long-term-care facilities across the state, and specifically in our rural communities.

Floor Debate  
May 14, 2019

---

So that is a part of AM1746. It was missed in the underlying bill, but this AM on Select File gives me an opportunity to talk about why it matters, why it's so important, and ask for your support in supporting our statewide nursing facilities. Thank you, Mr. President.

SCHEER: Thank you, Senator Bolz. Colleagues, I would like to take this opportunity to let you know there's been some questions in relationship to the time that we will be spending this afternoon. It is my intention to get through the entire budget this afternoon. So we will be doing LB294 and LB299. We will not be breaking for dinner. So if you keep that in mind so that everyone's aware of what we're going to accomplish today. Moving on into the discussion, Senator Vargas, Wishart, and Blood. Senator Vargas, you're recognized.

VARGAS: Thank you very much, Mr. President. Colleagues, I rise in support of LB294. I just want to bring up a couple different points. I didn't get to speak on this the first time around, and I am particularly proud of the budget we put together. And for those of you that are new to the body, this is, again, it's a little bit of a negotiation on a lot of different points. We try to lead as pragmatically as we possibly can. There's a very iterative process. We do this intentionally so that we are weighing our options and prioritizing as best as we possibly can. And I think this helps us to get to a place where this specifically mainline budget bill is pragmatic and a right thing for the state of Nebraska. There's a couple points I want to try to make on the things that I'm particularly most proud about as we continue to move forward is some of the things that Senator Bolz mentioned that we are-- we're trying to address some concerns with nursing-home rates; we're trying to address concerns for provider rates. As the Chair of the Legislative Planning Committee, I am not the only one, the other members of the committee have seen the different changes we've seen in demographics. The data from the Planning Committee shows that the population of Nebraska is becoming increasingly more concentrated in the most populous counties, with two-thirds of counties showing dramatic and sustained population loss. The population that is growing is our older population. Nebraskans are aging. This is a very matter-of-fact thing. But what I don't think we evaluate too often is that it's so matter of fact that there are services that need to be provided to these individuals that we cannot continue to just keep up these services thinking that they're going to stay stagnant; we have to prepare in the long term for them. It's not something that we simply just say we need them and then we snap our fingers, it's something we plan for, it's something that we study. And so I'm proud that we're taking steps in the right direction with this budget to then support what we need to do for our aging population, but it won't be done yet. But we need to continue to make sure that we have access to adequate healthcare needs for our aging population all across both urban and rural Nebraska. Nebraska's population is also becoming more racially, ethnically diverse. And what we're seeing is there are pockets of poverty across the state. Those same individuals are the ones that tend to benefit from our Medicaid system and our behavioral health system, and development-- those with developmental disabilities that are going to benefit from the services that we provide, that we budget from the state services we are appropriating in this budget. If

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

Floor Debate  
May 14, 2019

---

there's ever a conversation or thought in your mind on is this what we need to do, can we cut costs? I just implore you that this is not a place that we should be cutting costs. We should be investing more heavily to make sure that there is access to adequate healthcare across our state, and that it's not confined to just our urban populations but it is in our rural populations as well. And so I'm particularly proud that we are trying to right-size our provider rates in this budget. In addition in some of the data that we're seeing, there's also a need for us to begin to invest more heavily in our higher-education system. It's very clear from the data that we have one of the highest-- we're in the top five in terms of the percentage of individuals that are working two or more jobs that are still working in poverty. I'll say that again. We have one of the highest percentages of people-- states where we have individuals working two or more jobs that are still in poverty. If the jobs that people have cannot sustain them to not be in poverty, we have a problem. We need jobs that pay better, or we need to figure out a way that the education that people that receive can then allow them, enable them to then be able to enter the work force in the jobs that we currently do have. I don't believe we have, necessarily, as big of a job problem, we have, obviously, a work force problem.

SCHEER: One minute.

VARGAS: And there are a lot of different avenues than developing and working with work force, but as an Appropriations member, what we're trying to focus on is that our budget is working to then supply the needs that we currently have. And what we're seeing is that our work force is not prepared for the jobs that we currently have. And so what we need to do is make sure we're continuing to invest in our higher education system, which includes University of Nebraska, state colleges, and our community college system. So I'm proud that we continue to then put a positive trend in supporting these systems and doing everything we can to make it-- to try to curb tuition rate increases. Colleagues, I hope you stand with me again with what the committee, not with me, just wanted to make sure that my voice was heard in this that LB294 is a step in the right direction.

SCHEER: Time, Senator.

VARGAS: Thank you very much.

SCHEER: Thank you, Senator Vargas. Senator Wishart, you're recognized.

WISHART: Thank you, Mr. President. I wanted to build off what Senator Vargas was talking to. The statistics that I heard this summer that sticks in my head more than any other is by 2030, we will have more people in our state who are 65 and older than we will have 18 and younger. And in some rural communities, they're already there in terms of their population census. So we will

Floor Debate  
May 14, 2019

---

have more people leaving our work force than we will have entering our work force. So if you think about that in terms of economic development, in terms of population, I would say our system is broken, and we're going to need to solve two problems that I believe this budget prioritizes. First, we have to figure out how we attract and retain young people. And one of the best ways we can do that is investing in a strong education system, and also especially investing in post-secondary education, which are the anchors for attracting and retaining young people in our state. And, secondly, we need to figure out how we can support seniors in our state aging gracefully. So those are both issues we need to prioritize as we see the population trends ahead of us in Nebraska. I wanted to touch base, additionally, we have talked a lot about taxes within the last few weeks of session. And the way I see it, there are three ways that we can address taxes. One, we can cut our budget and cut services to people. The second way is we can shift the tax burden, which is something that the Revenue Committee is working on, so we can shift from a reliance on property taxes at the local level to higher sales taxes. And then the third way, which I think is the best solution, is that we can work on growing our economy and expanding the base, in terms of economic development. I would say that our budget reflects the kind of public investments in infrastructure necessary to grow our economy. We have prioritized investments in education to grow and cultivate our future work force; roads funding to ensure the efficiency and flow of commerce. We have prioritized disaster relief to help rebuild communities devastated by the flooding; healthcare to ensure our businesses have a healthy work force; business incentive funds for start-up businesses to strengthen entrepreneurship in our state; problem-solving courts to divert people from our Correctional institutions so they can do the tough work of getting their lives back on track while remaining in the community working; and vocational training supports for people with disabilities so they too can participate in our work force and achieve independence. And I would add as well that we as a committee prioritized our rainy day fund, because I think it's very essential when businesses are looking at where they expand or-- and grow their business. They want to make sure that it is a state that has a strong fiscal future. I didn't get enough time in the last budget debate to talk about a study that was-- I had commissioned by Dr. Eric Thompson, Research Director for the UNL Bureau of Business. And he gave me a report that basically said, to summarize: as of March 2019, there were 66,037 job openings and 33,371 unemployed workers in Nebraska during that month, which means there are currently 32,666 more job openings than unemployed workers. So he took that research and said that it indicates that the addition of 32,666 workers to the Nebraska economy would generate an estimated, per year, \$1.8 billion in employee compensation, \$82.7 million in state income and sales tax revenue, and \$53.5 million in local sales tax and property tax revenue each year. And then you think about that, that's one employee, generally speaking, they may have a significant other, so that's-- that they bring to the state, so that adds an additional amount of revenue that comes into our state. So think about if we were able to grow and recruit additional businesses and work forces in our state and continue to expand our economy. Again, the investments we make in our budget prioritize the foundational elements of economic development, education,

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

Floor Debate  
May 14, 2019

---

infrastructure, healthcare, which are critical to the current and future vitality of our state. So I would encourage you to vote for AM1746 and LB294.

SCHEER: Thank you, Senator Wishart. Senator Blood, you're recognized.

BLOOD: Thank you, Mr. Speaker. Fellow senators, friends all, I want to put some smiles on everybody's face; everybody looks so serious. I stand in full support of Senator Bolz's amendment, as well as underlying bill. And I want to tell you why I'm so enthusiastic about this bill. In preparation of this bill, I started looking at UNMC's behavioral health work force dashboards where it clearly states that 88 out of 93 counties are reporting mental health shortages. And what I love about this bill is that they are addressing, or trying to help address behavioral health. Every time we talk about anything, be it guns, be it prisons, we talk about how we have to do more for mental health. So kudos to Senator Scheer and his group; well done. I love that they understand that the ACA and the Mental Health Parity Addiction Equity Act have really increased need also for those services. It is rare when we see truly forward-thinking bills where they understand what the future is going to look like and how we have to address this, instead of always trying to catch up on these things. I love that it is funding the Nebraska Information Technology Initiative; the court-appointed special advocate, the state aid for that; and that they're increase appropriations-- if anybody is listening, because a lot of people are chatting-- increase appropriations for the Office of Violence Prevention, important things for the state of Nebraska. I'm a little concerned, because I see a long slew of amendments, and I question if they're really to make the bill better or just to drag this out so we can't get this done. But these are good things for Nebraskans. I especially wish Senator Wayne were here, I'm very excited about the feasibility study of the Missouri River bridge. We're always talking about connectivity and moving traffic, and how do we improve economic development in eastern Nebraska and part of that is transportation. And so I am thrilled about this bill. And I think that everybody else should really take the time to look at it, if they haven't already, because there's a lot of good things for Nebraskans, things that are going to make our state safer, things that are forward thinking, things that are going to help people that are truly in need. And if you don't support this bill, when things come up and you speak out of both sides of your mouth and say, hey, we don't need to stop this, we need more mental health, remember that you didn't support this bill. So I ask you please, please look at this bill closely, look at what it really does for Nebraskans, look what it's going to do for your district. And I plead with the people who are in the wings for some reason trying to sink this bill, reconsider. With that, if I have any time, I would yield my time to Senator Wishart.

SCHEER: Senator Wishart, 2:00.

Floor Debate  
May 14, 2019

---

WISHART: Thank you, Mr. President. I was not prepared for that, but I will continue on. So I did want to kind of talk a little bit more about the work that we're doing with problem-solving courts. This is an issue-- I got the opportunity to visit a graduation ceremony for drug court. If any of you have the opportunity to do that, it is open to the public and I would definitely recommend you go. It was one of the most inspiring experiences of my life. I believe Senator Geist and I were in tears after. And so, this year when we were looking at our budget, one of the things that came up was that if we are going to be working on dealing with our prison overcrowding, while we can address trying to get people the programming they need to move through our correction system at the pace they need to go to get out and start their lives again, another thing we can do is just prevent people from entering Corrections. Because once somebody enters our Correctional institutions, in a lot of ways the way we set it up, it isn't rehabilitative at all. That will haunt somebody for the rest of their lives, the experiences they have had within the Correction system, and then having that record that haunts them for the rest of their lives as well. So it's amazing about problem solving courts is it's very tough work, usually people spend about 18 months, frequently working with judges to address some of the issues that got them into a place where they were dealing with drug charges, for example. What's amazing though is at the graduation ceremony, their record is wiped clean. And to see somebody who has put that much work into turning their lives around and we have given them the grace to do that work while they're still spending time with their children, they're still at home, they're still working, giving them the grace to do that--

SCHEER: Time, Senator.

WISHART: --and then at the end,--

SCHEER: Time, Senator.

WISHART: --record wiped clean. Thank you.

SCHEER: Thank you, Senator Wishart and Senator Blood. Those waiting to speak: Senator Kolterman, Clements, Stinner, La Grone, and others. Senator Kolterman, you are recognized.

KOLTERMAN: Thank you, Mr. President; good afternoon, colleagues. I was wondering if Senator Bolz would dialogue with me on a few questions that I have.

SCHEER: Senator Bolz, would you please yield?

BOLZ: Sure.

Floor Debate  
May 14, 2019

---

KOLTERMAN: Senator Bolz, I just want a little bit of clarification on the amendment and some of the dates and times. So, if you could help me answer some of these questions I would appreciate it. In the amendment on page 3, it talks about-- it deals with the study of long-term care and it indicates that the state is to apply for federal funding on or before December 31, 2020, to pay for the study. But later on in 15, item 15, it says: resulting report is due to the Appropriations Committee by December 1, 2020. Does that timing make sense to you; and how does the department share a study by December 1 if the funding isn't there until potentially after that date?

BOLZ: Sure, it's a fair question. And certainly we could have put different dates in there. The idea was that if the department is, in fact, working in good faith, and I think that they would, that we would give them the time that they needed to apply and negotiate with CMS in terms of getting that approval from CMS from the matching federal funds. So, we gave them the maximum amount of time. But I think that they would put a due-diligence, good faith effort in getting the proposal approved through CMS to execute. We just don't have a time certain for how quickly CMS would work.

KOLTERMAN: So you're convinced that they-- you think they can get that done-- and I agree with you that they're operating in good faith.

BOLZ: That's my hope. I have no reason to think that they would otherwise. I think they care about nursing facilities just as much as I do.

KOLTERMAN: OK. The second question I have, if you go to item number 15 on page-- I think it's on page 4 of the bill, it asks for a status update from the Department of Appropriations Committee by the end of year, December 31, 2019. When we talk about a status update, what does that look like; is it just a simple e-mail to the committee members clarifying-- what should we expect in seven months?

BOLZ: Sure. So this comes from my experience working with other contracted entities to do studies in the Health and Human Services field. And the two examples that come to mind, because they were related to legislative strategies are the Olmstead Plan and the developmental disabilities rate study. In both of those circumstances, there was a stakeholder committee, there was a contracted entity that had accountability to the Department of Health and Human Services, and they provided a formal written update both to the stakeholders and to the Legislature. So, I would assume, if we are investing the resources contemplated in the bill, to a contracted entity that has the expertise contemplated in the bill, we would get a formal update.

Floor Debate  
May 14, 2019

---

KOLTERMAN: OK, thank you. I think that answers that question. My third question deals with, it's 14(a) and it's: The department and its independent entity are supposed to review and summarize existing data sources. I know that there is a long-term care redesign committee that meets monthly, and they've been meeting for quite-- actually quite a few years. The state commission to long-term care redesign plan done by Mercer and the National Association of States Uniting for Age and Disabilities, NASUAD, back in 2017. Is this past work, which we have paid for, part of what you envision being used in this study, or do you know of other reports that might be relevant and used in the future?

SCHEER: One minute.

BOLZ: Yes.

KOLTERMAN: Thank you.

BOLZ: It's a great question and a wonk like me loves a question like that. So, the first is, yes, I think that this report could build on the long-term care redesign plan. The long-term care redesign plan is more comprehensive, so it says we should do standardized assessments and implement a no-wrong door strategy, we should have a fiscal agent for independent contractors. So, it's broader, so it can help us look at the whole home and community-based services context. Whereas, the study contemplated in AM1746 is a deep, deep dive into long-term care in nursing facilities specifically using quality data from those facilities, as well as Medicaid reimbursement data.

KOLTERMAN: All right, thank you. The last question I have, I'm about out of time, and it's going to take a little more discussion, so I'll bring that up on the mike next time I get on. I do want people to understand, I do support AM1746 and would encourage you to support it as well. Thank you, Senator Bolz.

BOLZ: Thank you.

SCHEER: Thank you, Senator Kolterman and Senator Bolz. Senator Clements, you are recognized.

CLEMENTS: Thank you, Mr. President. I rise in support of most of AM1746, except for Section 6. And I have an FA73 amendment that will propose to remove just Section 6. This was LB181, but it looks more like Health and Human Services bill than an Appropriations bill. And what's in here is different from LB181. I didn't know that the committee voted to amend it. If I was gone, I

Floor Debate  
May 14, 2019

---

wasn't given a copy until the technical amendment vote five days ago. So, I'm not sure why this bill wasn't just heard by HHS. Some of this amendment, Section 6 of the amendment says Health and Human Services is to report to the Appropriations Committee of the Legislature about long-term care for projections on future trends, community planning, innovative practices, best practices, and long-term care services, development of a sustainability plan. All those, I think, are not Appropriations items, but Health and Human Services items. It says the Appropriations Committee is to be given a detailed analysis of state regulations for nursing facilities, recommendations for increased regulatory flexibility, create a financially sustainable five-year plan for long-term care, and deliver a report to the Appropriations Committee. Health and Human Services Committee is not mentioned. And with that, I would like to ask Senator Bolz a question.

SCHEER: Senator Bolz, would you please yield?

BOLZ: Sure.

CLEMENTS: Senator Bolz, the language in here in Section 6 to me it looks like it's substantially changed and from what LB181 had. Did the committee vote separately on this amendment to LB181?

BOLZ: Yes, we did.

CLEMENTS: All right, I asked the committee clerk for the votes on LB181 and she was confused on where it had been.

BOLZ: May I say more?

CLEMENTS: Yes.

BOLZ: We voted LB181 into the budget and then we voted the budget out. And then we subsequently voted AM1746 out, which included the fix, because we didn't get it in the underlying bill. So, technically, Senator Clements, we voted on this language three times.

CLEMENTS: All right. Well, thank you. I also wanted to ask, I saw a fiscal note I thought was \$306,000 and this has \$87,500. What changed?

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

Floor Debate  
May 14, 2019

---

BOLZ: It is cash funded and it is eligible for a 50/15 Medicaid administration match. And so with the cash funds and the match, we should be able to cover the cost of the study.

CLEMENTS: Thank you.

BOLZ: Thank you.

CLEMENTS: That's all the questions I had at this time. Well, I believe this section should have been in an HHS bill. And also Health and Human Services is able to do this kind of a study without this amendment. I voted for all the nursing home funding in the budget and do support funding the nursing homes. But when we had LB181, the hearing, the Department of Health and Human Services testified in opposition to LB181 because it mandates requirements beyond what is necessary--

SCHEER: One minute.

CLEMENTS: One minute?

SCHEER: One minute, Senator.

CLEMENTS: Thank you. It's not necessary to make Appropriations to have all the mandates in here. And the department already completes a long-term care redesign study, so this amendment is unnecessary and places additional administrative mandates and requirements on the department, which I think are not necessary and when we get to my floor amendment, I would appreciate your vote there. And thank you, Mr. President.

SCHEER: Thank you, Senator Clements and Senator Bolz. Senator Stinner, you are recognized.

STINNER: Thank you, Mr. President. Members of the Legislature, I appreciate Senator Bolz's comments, but I also understand what Senator Clements was asking and his concerns. The problem is, folks, it was a referencing. I mean, the Referencing Committee looked at it and many times there are pieces of legislation that belong in one committee, another piece belongs in another committee, but this is an Appropriations and it was referenced by the Referencing Committee. We just had to process that accordingly. And I still believe it's an Appropriations bill because of the dollars associated with the cash fund. But I will say this, in defense of Fiscal Office and myself included, we did just omit this. It was a mistake. We deal with volumes of information. It should have been also in the orange book and referenced in the orange book, as well as certainly now in the amended copies. So, I do apologize for that oversight. Nursing

Floor Debate  
May 14, 2019

---

homes are something that I've been interested in, and actually the stability in what the nursing home represents to small towns before I ever got here into the Legislature. I continued, as a banker, to see nursing homes, individually owned, moved to cities, counties, hospitals, those types of things, taken over simply because they just weren't viable. And after looking at their financial statement, indeed, they needed propping up and they needed some help. That situation has only gotten worse. And based on the hearing that we had this summer, \$36 is the average lost per Medicaid person per day. That was not refuted. There was some other things that came up in the hearing like \$7.4 million of appropriations was never-- appropriations for provider rates was never sent out over a four-year period of time. So, we attacked that with two different pieces of legislation. The first piece of legislation was actually to take a look at breaking out in the budget in a separate program, Medicaid expansion, so we can, as legislators, as appropriators, follow what's happening with Medicaid expansion. That leaves the primary care part of Medicaid, and we're actually started with a baseline number that was equal to the expenditures, not the appropriated amount, the expenditures of what they were spending on nursing homes. So therefore, no nursing home was left under what they were normally going to get the year before. But then we added the \$7.4 million that should have gone out in the first place and then, of course, we added an inflation factor of 2 percent. And that happened in both years. But at least we can break it out, at least we can follow it as a sub-category. It's long-term care, it's an important piece of this. And if you followed anything, as Senator Bolz was talking about, we've had some major league failures, and we have people on the edge today, and we're trying to take care of that through the change of methodology was the other piece of that. How you-- the inflation factor that the Department of HHS was using was to really tieback appropriations and in essence gave most nursing homes a minus \$7, or 7 percent decrease, it was a deflator and it was a tieback. I can go through the logic of that, or the illogic of that, but I will just tell you that we've tried to amend that methodology. We'll follow it through, we'll have more hearings or briefings on this. We intend on, in the Appropriations, every month, to get a status report on Medicaid expansion. We intend on having briefings on a quarterly basis in joint session with Senator Howard and HHS. So, we're going to try to follow what's happening with Medicaid expansion, so when people ask, we're--

SCHEER: One minute.

STINNER: --at least informed about what's going on. And actually from a budgetary standpoint, we took a look very hard at the aid side of things; we took a hard look and had several briefings and a hearing on Medicaid expansion trying to attack what the real number should be, trying to leave enough in for contingencies, \$12 million, \$13 million. I think it was \$12 million we left in for contingencies on the aid side. I might need to correct myself later on that number. But on the operations, we had them come in on a briefing situation; it was very helpful, and they were very helpful. They broke down what were one-time expenditures within the operations side and what was ongoing expenses, and our ongoing expenses really correlated with what was being incurred

Floor Debate  
May 14, 2019

---

in the regular Medicaid program. So it's not an inflated number. I think HHS did a great job of trying, bending over backwards to help us understand just all of the complications and intricacies of this Medicaid expansion situation. We're going to try to follow-- we're going to try to be informed--

SCHEER: Time, Senator.

STINNER: We're going to try to be helpful--

SCHEER: Time, Senator.

STINNER: Thank you.

SCHEER: Thank you, Senator Stinner. Senator La Grone, you're recognized.

La GRONE: Thank you, Mr. President. I rise in support of AM1746, although I do share Senator Clements' concerns. But I want to talk about the two main reasons I support it, and Senator Clements can address the other portion. It has two really key points, I think, are vital. Number one, it restores funding for the Attorney General's Office. And I think this is necessary to ensure the Attorney General's Office can be competitive and function, to do the job right for Nebraskans. Second, and more extensively, it adds in funding for ADA voting machines for the Secretary of State Office. And back in-- just to give you a little bit of background, back in 2016, Senator Hansen introduced an election technology commission that essentially what that report concluded is that we have an election technology crisis in this state. Most states do across the country. Essentially, election technology that we are currently using has a 10-year life cycle. It is currently on, I think, I'd have to go look at the numbers for sure, but-- for sure, but I think it's about on year 17 at this point. Now, the Appropriations Committee, in the full budget, did add in funding for all of the machines. But this adds in funding for the new ADA equipment. And it's vitally important that that purchase happen at one time, because these are very expensive machines. And so if you buy it at one time, you have a lot higher buying power, can get a lot better price. And that was something that was a huge point of Senator Hansen's election technology commission is that the purchase needs to take place at one point in time, all at once. Otherwise, you get into this rolling basis where we have to continually fund very expensive machines every year that we do a budget, and we're paying a higher price for them over time than if we would just do it at once. Further, if we don't do it and a county has to go do it, they end up on the hook for that cost. And so, we've already-- we've heard a lot about how there's already a huge burden on things that are funded through property taxes. So, if we don't do this, it would be a burden on property taxes and we wouldn't be getting the best deal possible. So, I

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

Floor Debate  
May 14, 2019

---

stand in strong support of AM1746. I do have concerns about what Senator Clements spoke about, and with that-- how much time do I have left, Mr. President?

SCHEER: 2:40.

La GRONE: I'll yield the remainder of my time to Senator Arch.

SCHEER: Senator Arch, 2:35.

ARCH: Thank you, Senator La Grone. I just want to briefly respond to some of the concerns regarding HHS and the issue of long-term care, because this was an extensive discussion within HHS. We know that the industry is having some very difficult times here. We know that there are very specific long-term care facilities that are on the edge in various areas of our state, and funding has been an issue, and demographics, and the movement of how best to care for our aging population, and all of these things are coming together at one time to put a lot of stress on the industry, and to put a lot of stress on our communities as they try to care for the aging population there. So we spent some time talking about that. And in particular, one of the bills that really focused our attention was a bill that was introduced by Senator Walz, and it's LB468. And if that number rings a bell or long-term care rings a bell, it's because we've had this discussion on the floor and it passed General File. We have LB468 now in front of us and the language within LB468 reads: Until July 1, 2021, the department shall not add long-term care services and supports to the Medicaid Managed Care program for purposes of this section, long-term care services and supports include services of a skilled nursing facility, a nursing facility, and assisted-living facility, and home- and community-based services. So, in our discussion within HHS, it was our determination that we needed to hit a moratorium here, we needed to hit a pause on the issues that are facing long-term care before we roll into the implementation of managed care. We know that-- we know that we continue to wrestle with issues of quality, with issues of compliance, with issues of reimbursement, with all of those issues, we need to have a two-year moratorium here before managed care where some of the reimbursement issues will be discussed, some of the quality issues, which will be tied to reimbursement will be discussed by the department and the industry. My concern with the adding of LB181 into AM1746, and by the way, I will be supporting Senator Clements' floor amendment when it comes here, is that we have a response, HHS has LB486, it is on the floor, we are talking about long-term care. The prescriptive nature of the language in AM1746--

SCHEER: Time, Senator.

ARCH: Thank you.

Floor Debate  
May 14, 2019

---

SCHEER: Thank you, Senator Arch and Senator La Grone. Those waiting to speak: Senator Williams, Bolz, Hilkemann, and Howard. Senator Williams, you are recognized.

WILLIAMS: Thank you, Mr. President; and good afternoon colleagues. One year ago right now I was at a fund-raiser in Cozad, fund-raiser to help support the employees of the Cozad care facility that was owned by Skyline, employees that were not getting paid. What was interesting about that is that fund-raiser was being hosted and supplied by the hospital in Cozad and their employees were the ones that were there serving the hamburgers, cooking the hamburgers, and all of that, because they cared about their community. I got to see firsthand what it's like when people don't get paid and yet they still have people to take care of. Since that time, we have now had a former Skyline facility in Broken Bow, which is also in my district, announce their closure and the moving of all of their residents. And that has-- in the process of being completed right now as we speak. The situation that we have in all of our state, but in particular, in the rural areas when you look at the statistics that Senator Vargas talked about with the Planning Committee, and I'm fortunate to serve on that, that the population loss that we have, and yet the aging of the people that are remaining. It's almost the perfect storm because we also have, as you all know, a shortage of healthcare providers, be they RNs, CRNs, all of those, and everyone is competing for those same people whether it's the hospital in Gothenburg, Cozad, Broken Bow, Callaway, Lexington, in my district; or the nursing homes that are in those same communities; or the assisted-living facility that are in those same communities. So I applaud the efforts here of what we're doing with Senator Walz's bill, but also with AM1746 to be able to look at that and recognize that, again, we have a responsibility, and that's one of the things that I really appreciate about the budget that we're looking at, that even though it is not a large amount, there is a proposed increase in provider rates. Senator Bolz, in her opening, reminded us of the statistics that we have right now. And if Senator Bolz would yield, I would like to ask her a question.

SCHEER: Senator Bolz, would you please yield?

BOLZ: Sure, be happy to.

WILLIAMS: Thank you, Senator Bolz. In your opening, you talked about the number of facilities that we have in our state that are in receivership. Can you refresh me on those statistics?

BOLZ: Sure. From 2015 to 2018, we had 16 skilled-nursing facilities and 17 assisted-living facilities close. And in 2018, we had 22 skilled-nursing facilities, and 11 assisted-living facilities under state receivership. In 2019, we added an additional three nursing facilities and one assisted-living facility closure.

Floor Debate  
May 14, 2019

---

WILLIAMS: Thank you. I think again, colleagues, you recognize from that, that this is not just a bubble, this is a trend that we have established and a trend that we must address. Each one of the facilities in my legislative district is hanging on by a thread--

SCHEER: One minute.

WILLIAMS: Thank you, Mr. President. --and needs to have our continued support. Also, in the underlying bill, I sincerely appreciate the looking at the problem-solving court area. Again, this is an area that has been of significant interest to me. And in your budget book on page 49, it talks about the fact that with the increase in funding, problem-solving courts in Wilbur, Papillion, York, Norfolk, can all be expanded, and also expanding the veterans court in Omaha and adding a veterans court in Grand Island. Again, this part of our budget is addressing an issue, the prison overcrowding, and the fact that we're looking not only to cut cost, but secure better results for this population of people.

SCHEER: Time, Senator.

WILLIAMS: Thank you, Mr. President.

SCHEER: Thank you, Senator Williams and Senator Bolz. Senator Bolz, you're recognized.

BOLZ: Thank you, Mr. President. I wanted to spend just a minute talking about an issue that Senator La Grone brought up that I thought that is a change in AM1746 that I think is worth bringing to the floor, because it was a last-minute addition and we haven't had an opportunity to talk about it too much, and that is additional funding for Americans with Disabilities Act compliant voting technology. And this is important for a number of reasons. The underlying budget before this amendment does include some additional funding for election technology. But because it is very important for us to provide voter access and ADA compliant voter access, we-- in the last hours as we were finding the final balances of our budget this year, we were able to put one-time funding into the Secretary of State to purchase those ADA compliant technology and machinery. If we do not do this, if we don't put this funding in, what we will fall back to is what was proposed in the budget originally kicked out, which was funding for election technology and \$1 million in Help America Vote Act's contingency funds. Which meant that if something broke, we had some backup funds, but we weren't necessarily proactively putting forward that election technology that meets everybody's needs. The Secretary of State, I think, has done a dutiful job in terms of presenting this issue to us. And I think that their wisdom in terms of making shared purchases now, combined purchases now, will save us money in the long run, and I think doing it now helps us get ahead of the curve in terms of the 2020 election cycle. As someone who works in the disabilities field, I think it's helpful to articulate what exactly

Floor Debate  
May 14, 2019

---

some of the challenges to voting for individuals with disabilities might be. We might be talking about a screen that enlarges or makes it easier for someone with a visual impairment to see a voting machine. Some of the other challenges that were discussed in terms of the Secretary of State's overall request was making sure that the sites are compliant. So, is every place that we are asking people to vote in person accessible to individuals in wheelchairs or with mobility issues? So that's another component of AM1746 that we were able to work in at the last minute. There were several competing one-time proposals that could have been included in this amendment, lots of requests from competing priorities, but we did think that the fact that we wanted to make sure that we were prepared for the 2020 election cycle was a priority. And so that's something to highlight in the amendment. I think it's important also to articulate that the underlying bill puts the first part in. This puts the second part in. And it's significantly less than what was originally contemplated in the election technology report that Senator Hansen and Senator Murante were-- were-- had put together several years ago. So, we were able to find some efficiencies and cost savings. It did come in under what was projected in that report. But I do think will serve us well into the future and I do support that funding. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Bolz. Senator Hilkemann, you are recognized.

HILKEMANN: Thank you, Mr. President. I rise to support the AM1746, and of course, LB294. You know, I think we really do have to look at our responsibility that we have to our elderly Nebraskans. And we need to hear the data that we are losing nursing homes in our rural areas and in those communities. And the reason for it, is that people-- they're running out of their private funds and having to-- these nursing homes are having to be totally dependent upon Medicaid to help them budget those budgets. And it's one thing when you-- in my district for example, I can tell you that the care centers that I have in my district that they're wonderful, beautiful facilities and they have lots of private-pay patients. Makes a big difference. But to get away from some of the urban areas and these care centers have more of their patients who are on Medicaid than they have at private care, and if you're only receiving-- if it's costing you-- if your reimbursement is \$30 or \$40 less than what it costs you to care for that patient, it takes an awful lot of private-pay patients to make that up. So, I'm glad that we're able to help out with that. And we did need to constantly be mindful of that. And, you know, we all do our financial planning and we hope that when we get to those years when we need to depend upon our reserves that our reserves don't run out. Unfortunately, I have to say that what's happened to our senior citizens over the last 10-year period of time with interest rates at our-- in my opinion, being held down substantially lower than what they could be, these poor people who have been told all their lives when you get in your 80s and 90s, that you need to be on fixed income-type of investments are having a hard time making enough money or having what reserves that they have; and I would also say one of the things that we talk about extremely low inflation. Well, I'm sorry, they didn't get that message in the deliverance of healthcare. Healthcare is still very expensive and it's getting more expensive. And so, you have people living on less and less as far as your-- with

Floor Debate  
May 14, 2019

---

the-- those resources run out, they're on Medicaid. We have a lot of our nursing homes, will take a patient in that is on private care and if over the term of their lives that they run out of resources, they'll continue with them. But fewer and fewer nursing homes are just taking patients that have to go in with Medicaid to begin with because it's a losing proposition for them. And how can we blame them for it? So we need to do everything we can to help our elderly Nebraskans in their final years of life. I think I have shared from this floor, I'm very, very fortunate--

WILLIAMS: One minute.

HILKEMANN: Before I conclude here, Mr. Speaker, I'm going to just share, I sent out-- you just got it from-- I read it, it came on-line today, the U.S. News and World Report showing Nebraska number ninth best state in the union. Sometimes we get-- we get all these reports in here about what Nebraska isn't. It sure is nice to read that somewhere down the line, some of these reports, that they say, you know, Nebraska really is. Because this is my state, my home state, I have been here all my life except for the years I was in podiatry school and residency. And we need to do everything we can to continue to keep this state warm and open to all people and to help people, even in their-- as they get to their latter years of their lives. And so, thank you, Mr. Speaker.

WILLIAMS: Thank you, Senator Hilkemann. Senator Howard, you are recognized.

HOWARD: Thank you, Mr. President; good afternoon, colleagues. I am also going to talk about nursing homes today and make a few clarifications around LB468, LB181, long-term services and supports. But first, I'll start with, sort of, my personal experience with nursing homes because in October we actually moved my father-in-law into an assisted living facility. And it was a great facility, Via Christe, right by Duchesne's, so Doug could actually visit his dad almost every day. But it was one of those facilities, and most of the facilities now, if you call them, because when we knew that Ernie wasn't doing very well, that his dementia was getting worse and worse, that I started calling all of the nursing homes in Omaha. And you have to ask very specific questions. You have to say things like do you accept Medicaid? Are you exclusively private pay? Do you have to be private pay for a portion of time and then you can go on Medicaid and you can stay. Do you have levels? So are you assisted living? Do you have memory care in a locked unit? Are you skilled nursing? And what type of payment are you looking for from us? And so, Via Christe actually said if you come in and you're private pay for 18 months, then you can go on Medicaid and you can stay. So we, sort of, got together as a family and figured out that we thought we had 18 months before he would have to go on Medicaid. That's one way that nursing homes sort of manage their payer mix is by making sure that when you come in, you've got to be private pay for a little bit of time, or a lot of time, before you can ever go on Medicaid. There were some places that were just private pay. And the minute you went on Medicaid, you actually would have to relocate, which for somebody who is older or

Floor Debate  
May 14, 2019

---

maybe has a disease like dementia or Alzheimer's, there's a lot of transfer trauma. And so when you move someone into a home, you really want them to stay there for as long as possible without any transfers. So Senator Arch was right. He brought up LB468 and he really explained the committee's, sort of, reasoning around Senator Walz's bill. Essentially what Senator Walz's bill says: we have managed care managing most of our Medicaid population. Right now, we have a few, sort of, leftover services in populations in a fee-for-service that are being paid directly through the state, and one of them is long-term care. What we wanted to, sort of, send the message to the department was to say, you're taking on a very big task with Medicaid expansion. We don't want you to try to move long-term care into managed care at the same time. We could, sort of, sense disaster looming if we tried to do it at the same time. And there's a real difference when you consider long-term care and managed care. Because managed care right now is essentially it's primary care, it's predominantly primary care. So for instance, your doctor can wait to get paid when they see you for a sinus infection or when they see you for a broken arm, they can wait to be paid. But in a long-term care setting when somebody is living in that facility, that facility cannot wait to be paid. Essentially, it's like rent. And so if that facility is not paid, then it's highly likely that they will either not let you stay, they'll stop accepting Medicaid patients all together, or that facility will close; which is what we're seeing a lot across the state in terms of the facilities who are going into receivership. The real difference though is that the department has been working on what we call LTSS, or the long-term services and supports redesign. They have been working on it for several years, since Calder Lynch was here. And really, that was sort of like how do we get ready to move into managed care on the administrative side. So really understanding what the department needs to do to then--

WILLIAMS: One minute.

HOWARD: Thank you. --to move into long-term services and support. What's different, and the reason why I support Senator Bolz's amendment, is because LB181 is taking it not from the administrative side, which is what the LTSS redesign does, but it really looks at our demographic challenges, our access challenges, our work force challenges in a different way. And it does it utilizing the Nursing Facilities Penalties Cash Fund which is intended for quality improvement purposes within the long-term care space. And so it's an appropriate use of funds that have been set aside for this purpose and it is markedly different than what we're looking at on the LTSS DHHS side, which really focuses on the administration and how you could administratively move long-term care into managed care, as opposed to, sort of, the impacts on the populations themselves, which is, I believe, what LB181 is really focused on. So there is a discrete difference between the two and that's why I absolutely support AM1746.

WILLIAMS: Time, Senator.

Floor Debate  
May 14, 2019

---

HOWARD: Thank you, Mr. President.

WILLIAMS: Thank you, Senator Howard. Senator Vargas, you are recognized.

VARGAS: Thank you very much, Mr. President. I just want to echo a lot of what has been said earlier today. You know, we do have a crisis on our hands. And the hard part about this is, the Appropriations Committee, we deal-- first of all, we are a bit of a hodge-podge committee. I actually really love our committee. We represent a lot of different thoughts, perspectives, identities, ideologies, and it's good, it provides for some level of the rights of a discourse. What's interesting is, we don't deal so much in policy. So it is helpful to hear Senator Arch and Senator Howard talk about what's happening in HHS. Right now, I think what we're really dealing with in the appropriations process is how we make sure there's some policy that helps support, making sure the funding is going to the right things, the things we're appropriating. And Senator Williams said this, and it's just-- it's spot-on, we have seen the data, we have seen that there's a need to continue to invest into our healthcare system, specifically looking at our most marginalized populations, that is our elderly and that is growing and then our lower income individuals. I'm not going to read them, I have a litany of e-mails sent to me from individuals from out west that are either working at nursing home facilities or are somehow connected and are just expressing so much distrust, concern with the system; they're like how can we continue to operate when we're being forced to make decisions that are not meeting the needs of our community. And that is painful and it hurts when we're hearing that people are not getting the access that they need, because at the end of the day, we do operate in a biennium cycle of budgeting which is a little bit of an Achilles heel. It doesn't mean we're thinking what needs to happen in the next 10 years to make sure we are prepared for the population 10 years from now. We don't often think that way. I wish we did. If that was the case, I'd guarantee you, we would be funding very heavily in our healthcare system for our aging population. It would have happened yesterday. Instead, you know, and part of this is a result of term limits, part of it is a result of just the changing nature of none of our seats are secure, as they shouldn't be. We still have to fight for what we're doing and we need to make sure we win the will of the people. But at the end of the day, some of us may only be here for four years and then we're done. Institutional analysis is kind of thrown out the window. And so as a result of that, we think what can we get done in two years. Even the people, members of the committee, we spend hours and hours and days and days focusing on trying to educate ourselves to even get a modicum of percentage close to what the fiscal analysts know, and we're not even that close. And then we come here and we defend the work that we have been working on for hours and hours and hours on end. And then what we're debating is whether or not this amount of money is the right amount of money. When in reality, we should be looking at what is the population that we're expecting that we need to address. This is the one place where I'm going to say, when we talk about property tax relief, I don't think we're wrong in that there's something that does need to get done. Because the data supports that. In the same way that the data is supporting that there is certain populations that we need to be

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

Floor Debate  
May 14, 2019

---

prepared as a system to then fund publicly, not privately, publicly. And if we're not preparing for that system in advance, we're going to have to wait until another Legislature that comes in, or a Legislature comes in--

WILLIAMS: One minute.

VARGAS: --that prioritizes more of what we need to do. That's very, very dangerous. One good step we took, and we passed the bill, LB713, to look at long-term planning and budgeting so that we can then get ahead of some of these issues. We're going to continue to look in the Legislative Planning Committee; I know many committees, many individuals here are looking beyond what is happening in the two-year cycle. But if we don't do that and begin to prepare, we're going to leave the next Legislature with a very, very difficult time. And as Senator Williams eluded to this, it is sort of the writing is on the wall. We have to begin to prepare for the system. We need to begin to fund it more so, make sure there's even more access because the population is just going to age more and more. And if you think it's going to get easier, when we see what is going to happen over the next several years, and what we've seen, not necessarily in the recession, but in the way that funding is happening and revenue receipts, we're going to likely see some levels of dips continuing. And if that happens--

WILLIAMS: Time, Senator.

VARGAS: Thank you very much.

WILLIAMS: Thank you, Senator Vargas. Senator Wishart, you are recognized.

WISHART: Thank you, Mr. President. I wanted to pick up on some of the conversation that we've had around investing in equipment for the Secretary of State in order to ensure that in 2020 we are prepared to run our elections well. I wanted to-- when we had agencies come before us and we hear with the agency directors, I was probably the most impressed this year with Secretary Evnen. He came and presented in front of us, and the first thing he said was that he-- the way he looks at whether someone as a leader is successful in terms of running their operations is how little turnover they have in terms of staff. And he saw success in the fact that in his transition into the role of Secretary of State that he had had 100 percent retention in terms of the staff that continued to stay and work with him. And I was very impressed with that. He supported his staff so much so that he came in and asked-- he did a staff survey and asked to make sure that we as an Appropriations Committee were paying his staff at competitive rates. And you know, it's not often that we hear department heads come in and advocate for their staff the way that he did. So kudos to him. I also had an opportunity to sit down and talk with him and was delighted to hear that one of his priorities as Secretary of State is to make sure that voting is

Floor Debate  
May 14, 2019

---

inclusive of people with disabilities. And I thought that was-- I wouldn't say I was surprised, because I have known him, I went to school with his son, but I was really excited to hear that that was a community that he was going to ensure were going to be able to have access at the polls. And that is why he came and pushed hard to be able to get the equipment for people with disabilities to be able to come and have access to the polls. And so, that is why I'm thrilled that we were able to include that in AM1746. I wanted to then go back and talk a little bit more about Corrections. I happen to represent, in District 27, four Correctional facilities. I represent 51 percent of the inmate population in the state. And so this is an issue that I prioritize as a senator, not only for the state, but for my district, because I have a lot of Correctional officers as well that because they work there also live nearby. And so when I was campaigning, I heard from many Correctional officers that there was a bleed at Corrections because of low wages and high amounts of overtime and little merit raises or longevity raises. In fact, there are Corrections officers who, before we have moved forward on actually investing in them this year, would have worked 20 years as a Correctional officer and be getting the same pay, sometimes less, than a new hire. Can you imagine that? How degrading that would feel as a staff member to have put 20 years of your life into protecting public safety, and someone is newly hired and because of a new hire staff bonus they're making more than you have?

WILLIAMS: One minute.

WISHART: So, I am thrilled that with LB294 we are able to finally put money into raises for Correction officers in some form of longevity pay. It's not enough, and I'm glad that Senator Bolz has another bill to continue to address this issue. Thank you.

WILLIAMS: Thank you, Senator Wishart. Senator Dorn, you're recognized.

DORN: Thank you, Mr. President, and thank you colleagues. I just wanted to get up and say a few things also on our budget, on LB294, and the amendment that's been offered here, AM1746. I do stand in full support of both of those. I think a lot of reasons have been given so far as to why, but I just wanted to talk a little bit. I know when we talked first round on the budget, a lot of people got up and thanked the Fiscal Office, we still have quite a few of them sitting over here underneath the balcony, and I just wanted to also thank them for all the work they did, and for all of the, I call it the questions they had to put up with from the Appropriations Committee, and did a very, very good job of working with us. This budget, some people have commented on the fact that it's a good budget that we maybe have spent too much. Part of what Appropriations did was we came up with a budget that is going to have an average two-year growth rate of about 3 percent. I know we have talked several times that if you remove the expanded Medicaid part out of this, then this is a two-year budget that has an average growth rate of just 2.5 percent. That does come in line and it definitely does fall in line with where our revenue growth is for these

Floor Debate  
May 14, 2019

---

two years. That is something that I know many of the people of Appropriations Committee have talked about that, that has been an issue in the last few years and we were very, very thankful for having that capability this year. You know, some other highlights of the budget, we did the other day put back the full \$51 million that the Governor proposed in Property Tax Credit Fund for each year. We put that back into there. We also did some funding for TEEOSA. We increased that the first year, 64, almost \$65 million, and you add in another \$5.7 million the second year. That increases the two years for TEEOSA a little bit over \$70 million. I think an important part that we did with the budget this year was in one of the things that was a priority of many members of the Appropriation Committee was working to increase the provider rate, something that hadn't been done in a while. We increased that 2 percent a year for each of the years. And then in behavioral health, we increased that at 4 percent the first year. I know many of the Appropriations and many of the Judiciary Committee members we talked about, we had multiple meetings with Judiciary in having discussions about funding and what to do and how to appropriate funds for our Corrections systems and some of the issues we have there. This budget does include and starts to address some things with the prison overcrowding. It has-- we increased funding for the problem-solving courts. We did incorporate funds in here for a new 384-bed facility here in Lincoln. And then we also, late in the budget process, they did strike a deal with the work force out there and we did incorporate another \$5-plus million in this budget for some programs that they're going to do in the work force part of this. Is this a perfect budget? No. Does this include, I feel, a lot of the important things that we need to accomplish as a state? A lot of the things that we need to fund and make sure we have a good position for those providers and those issues going forward? We'll talk a little about AM1746 and some of the issues that is dealing with with the nursing homes. I know quite a few people have got up and talked on that. In the last two years, we've had over four nursing homes close. That is an issue that's something like prison overcrowding. That's not going to go away. That is an issue that's facing us. I am thankful that this budget and some of these bills start to work on that a little bit. That is something that we definitely need to address going forward--

WILLIAMS: One minute.

DORN: --so that we do have programs in place, and we do have nursing homes, and we do have a lot of facilities in place that help the citizens of the state of Nebraska. Thank you very much. And I just want to thank everybody on Appropriations Committee for putting up with a first-time senator sitting on there and asking some questions that took quite a bit to answer. Sometimes that took more time, I think, than some of the issues we were talking about. So, I appreciate everybody answering my questions and being a part of this. Thank you.

WILLIAMS: Thank you, Senator Dorn. Senator Matt Hansen, you are recognized.

Floor Debate  
May 14, 2019

---

M. HANSEN: Thank you, Mr. President; and good afternoon, colleagues. I rise in support of the Bolz amendment and the budget bill. I don't believe I had a chance to talk much on the budget when it was on General File, so I decided to rise now. And first off, I just want to thank the Appropriations Committee and Fiscal Office for all of their hard work on this budget. Over my years here, it has been impressive to see and fully realize the amount of work that they do that's often behind the scenes. And I wanted to thank Senator Stinner and the members for their hard work in putting together a budget. I think in terms of a budget bill, this does hit a lot of the priorities. And I thank Senator Dorn for his speech; touched upon a few of the ones that were important to me, including provider rates that we are looking at, catching up this year after, maybe, a few tough years. I did want to talk a little bit briefly, I know election technology has been one of the ones we talked about. I thank some of the folks who have mentioned the election technology special committee report. Earlier, it was referenced as my report, and I was just the person who introduced the resolution which then Senator Murante cosponsored. Senator Murante ended up being the Chair of the committee, along with Senator Morfeld as the Vice Chair. And it was a good group of us who looked at a lot of the issues related to election technology. And I'm happy to see that, kind of, some issues that we identified, including making sure voting machines are accessible to persons in Nebraska who experience disabilities are following through. That was an issue that really had grabbed my attention as a freshman member of the Government, Military and Veterans Affairs Committee way back when, when actually one of the election commissioners at the time referenced a lot of the voting machines running on zip disks and having the difficulty in buying those because those were an antiquated technology. But when we invest in all of our technology in 2001, 2002, 2003, they were up to date at the time. And so it was just kind of seeing some of those things and seeing some of the practicalities of government, of a choice that we made at that time having some impacts later down the line in terms of keeping up and keeping ahead of technology curves and making sure we make wise investments to state funds. So I'm thankful for all those members who served on that committee as well, and glad the Appropriations Committee is including some of those recommendations in this most recent budget. With that, Mr. President, I would yield the balance of my time to Senator Stinner if he could use it.

WILLIAMS: Thank you, Senator Hansen. Senator Stinner, you are yielded 2:40.

STINNER: Thank you, Senator Hansen. Where to begin? Well, page 32 is significant increases and reductions in the General Fund and I would like to bring your attention to the fact that TEEOSA, aid to schools, is the largest increase, once again, just like last year. It's \$135 million. But interestingly, the number two priority and the number two expenditure is \$102 million for property tax relief. I wanted to bring that to your attention because apparently we don't set priorities, even though the committee looked at Medicaid expansion, obviously, was one thing-- one priority that we had that was actually legislated to us-- or voted by the voters. But we also had different themes within the budget. And I think you have to take those themes apart. There is

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

Floor Debate  
May 14, 2019

---

certainly education, 45 percent, as I said before on education. Inside education, of course, you got higher education, you got work force attached to higher education. That's a priority. It has been a priority, will be a priority; certainly we cut it 8.5 percent. We're trying to restore about 3 percent; which is wages, health insurance, and a little bit of utilities to both of those, both of those categories. TEEOSA-- certainly fully funded by the Governor. We asked for a little bit of money so that we could possibly use that to balance our budget. Think \$30 million less in revenue that we had to deal with. Think about \$18 million more in expenses--

WILLIAMS: One minute.

STINNER: --relative to salaries. Think about the flood at \$7 million, think about specialty courts at \$5 million. There was a lot of things that went on in Appropriations that wasn't replicated within the Governor's budget that came after his budget. Although I will say, the budget director, Gerry Oligmueller, always lays out in a comprehensive fashion his budget, so it is somewhat of a template that we refer to from time-to-time. But once the hearings are over, once we've gone through that process, we're really kind of trying to perfect our own numbers. So, other challenges that we faced, obviously, a reduced revenue flow; 2.8 percent revenue flow versus 4.7 historically. That compares and contrasts to a five year average of 3.3 percent. Three point three percent is still well below the historical averages. One has to ask what happened to revenue? One has to understand what--

WILLIAMS: Time Senator.

STINNER: Thank you.

WILLIAMS: Thank you, Senator Matt Hansen and Senator Stinner. Senator Kolterman, you are recognized.

KOLTERMAN: Thank you, again. Good afternoon, again, colleagues. I was wondering if Senator Bolz would finish the discussion I started quite a while ago.

WILLIAMS: Senator Bolz, would you yield?

BOLZ: I'd be happy to.

KOLTERMAN: Thank you, Senator Bolz. The last question that I really had that deals with this bill and with the issues surrounding long-term care is this, in your study report that's due in December 2020, and Senator Walz's LB468, the moratorium prohibiting the carve in of LTSS to

Floor Debate  
May 14, 2019

---

managed care, it says that LTSS can't be carved in until after July of 2021. These seem to line up on the calendar, but nothing in your study or in Senator Walz's bill says the department and the managed care organizations can't continue their work around planning for the carve in. Do you agree with that? Is that good policy? And also, as they are first work in implement Medicaid expansion that they will also be moving forward working to implement LTSS under the managed care, is that what you envision by the program that we have developed?

BOLZ: Yeah, I think those are great questions and I appreciate the opportunity to talk about these issues. I do think they're very important. So in reference to how LB181 now wrapped into LB294 works with LB468, LB468, as you referenced, would say we should just hold off in terms of managed care-- in adding additional population. This report being due in December of 2020 should help inform future decisions about carving long-term care into managed care. So as you know from serving on the Health and Human Services Committee, in order to successfully implement managed care, you need to meet certain criteria. One of the most important is something called network adequacy. So, you need to make that sure everyone all across the state can access the services equally and fairly and that that quality is there. And so, if we have more data about where our gaps are in terms of nursing facilities and what the purpose or the reason behind those gaps might be, it will better inform our decisions about whether or not we're ready for carving in long-term care into managed care; if we are not, what we could do to help stabilize the system. Does that answer your first question?

KOLTERMAN: Yes, it does. So, you think they can work simultaneously going-- working together even though the studies are going on?

BOLZ: I think they're pretty complimentary. And I think your second question was whether or not the administration could continue their planning work. I see nothing prohibiting any continued planning in either bill. It does change the way in which we might think about the time frame for actually flipping the switch to managed care. But I see no reason why we couldn't do preparation and analysis.

KOLTERMAN: Senator Bolz, the other-- the last question that I would ask you, and I don't-- you work in this arena. I served on that committee and the network adequacy is very important to me. We watched Heritage Health be rolled out and they weren't really ready for that. My question to you is, you know, obviously if we do managed care for long-term care, we're going to have to have some good strong networks. Do you know, are the same companies that handle our Heritage Health or are there companies involved in managed care, long-term care? Or are there other companies out there that are looking to partner with us?

Floor Debate  
May 14, 2019

---

BOLZ: What I know about this field, is that it is a very competitive environment and that there are multiple managed--

WILLIAMS: One minute.

BOLZ: --care companies who are interested in trying to provide the service to the state. So it's my understanding that the existing managed care companies have an interest, but it's also my understanding that multiple other companies all across the country may have an interest as well. And I think that's part of the vision for managed care and having multiple companies so they can compete and show us the different innovations that each different company has to offer.

KOLTERMAN: All right. Well, thank you very much.

BOLZ: Thank you.

KOLTERMAN: And finally, I would like to echo again, I think this is important legislation. I have three nursing homes in my district that are in trouble. They deal a lot with Medicaid, high Medicaid and census. They need the help. I think we need to do all we can to strengthen that. We talked about it several years ago. My position has not changed. We need to keep these people solid as we can financially. And so I would encourage a green vote on AM1746 and LB294. Thank you very much.

WILLIAMS: Thank you, Senator Kolterman and Senator Bolz. Senator Erdman, you are recognized.

ERDMAN: Thank you, Mr. President. Good afternoon again. Here we are on the budget. I have an amendment on my desk here. I haven't submitted it. But it has June 6 on it. Guess what that one is? That's a very similar amendment I put in two years ago in '17, when we were talking about the budget. This LB181 that's been placed into this AM1746, and Senator Stinner said he would support that, it should be part of the budget, that bill should have gone to HHS. I didn't vote for bringing that bill out. It should have went to HHS. But when you are as astute to how to put bills and write them to get them to go to the committee you want them to go to, that's what happens. And then when we get down the road here to talk about AM1746, and Senator Clements has an amendment to strike Section 6, which is LB181, then we load up the queue and we get people in there so that we can't vote on this and so we run the clock on the time and then AM1746 passes with Section 6 in it. Some people are so far ahead of me when it comes to figuring out how to do slight of hand, or whatever Senator Blood called it, I'll never catch up with them. I don't intend to, because my intention is government is most always the problem, not

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

Floor Debate  
May 14, 2019

---

the solution. That's not their idea. Government is the answer. That bill, LB181 had a fiscal note of \$613,000. And now they want to use federal funds to match federal funds. That's what Section 6 does. So let's be straight up about it. This is an opportunity for us to run the clock out and get a vote on LB294, because LB294 is the main budget and it has to pass. This is amazing, and the most amazing part is how did we forget that. How did that get left out? Isn't that amazing. There's a lot of questions here. But I'm red on Section 6. So if we ever get to pass AM1746, because it has all those things in we need to do for the Secretary of State and others, and then we get an opportunity to work on Senator Clements' motion, that would be good. I don't know if we'll get that far. I'll yield the rest of my time to Senator Clements.

WILLIAMS: Thank you, Senator Erdman. Senator Clements, you're yielded 2:09.

CLEMENTS: Thank you, Mr. President. I'm not sure we're ever going to get to my floor amendment. I think it's unfortunate that this separate bill, LB181, got put in with the current amendment. I am also, regarding the budget, there's a number of people that had items they wanted to talk about in the budget that the committee was not unanimous on all the items in the orange book. And I think we need some discussion on some items that could move some money around and use it in different places, prioritize it differently. The University of Nebraska, I think, could get by without the salary and utilities increase at \$7.3 million. If we just pass the budget the way it is, it looks like retired military personnel will not get a 50 percent reduction in their pensions for income tax purposes in Nebraska, which will continue to make us--

WILLIAMS: One minute.

CLEMENTS: --noncompetitive with our surrounding states. That takes about \$16 million to fund that and I was interested in trying to find a way to fund LB153 for military retirees. There's one thing, another item, therapeutic foster care services being funded, \$4.5 million. The Department of HHS is planning to do that, but it's not ready yet. They testified that they're working on the business plan, even if we give them this \$4.5 million, I'm not sure it's going to be spent at this time. They're saying they're not really ready to do it. I know it's a requirement, they should be doing it but--

WILLIAMS: Time, Senator.

CLEMENTS: OK, thank you.

WILLIAMS: Thank you, Senator Clements and Senator Erdman. Senator Stinner, you are recognized.

Floor Debate  
May 14, 2019

---

STINNER: Thank you, Mr. President. Just talking a little bit more where I left off on the revenue side of things. We had the first challenge, 2.8 percent average rate in this biennium for revenue growth. That compares and contrasts to 4.7 in the historical basis, but also gives us a five-year average, a lookback of about 3.3 percent average. And many people ask me, you know, what is happening? Other than the ag situation, what is happening? Well, when you go back and you look at our state from an inflation basis and you look at the graph, it is pretty flat, maybe up just a tick. That affects revenue; that affects sales tax; that affects how we pay our employees. And then we got wage growth, that's another driver for the revenue side of things. And of course job growth. All of those have been relatively flat. And, obviously, we need a stimulative effect to either create some more jobs, certainly pay more, and certainly maybe a little bit of inflation, and then some help, obviously, on the tariff situation and the ag situation. And we might get up to 4.7 percent revenue growth. Then we won't have this big discussion about how much we need to put into property tax relief. I would love to be able to put in another \$100 million and make everything work. That's just not in the cards with 2.8 percent average growth. Now, some of the themes that we talk about within the budget, and I talked a little bit about this before, education, obviously is future. That's TEEOSA, that's special ed. We're taking care of that with the healthy 3.6 percent increase per year, much of that coming in the first year. If we understand the formula every time we don't fund-- we fund the formula full, then, obviously it accumulates in the next biennium. So, we're pretty close to full funding of TEEOSA; \$135 million, the biggest number in the budget. Obviously, property tax number two, which is what I said before. But then we got higher education; higher education, I'm sorry, I'm aspirational. I want the University of Nebraska to be the best they can be. I want the state colleges to be the best they can be. We took 8.5 percent away from them; this year we added what? Two point two percent in terms of salary increases, health insurance, and gave them a bit for utilities, about 3 percent. Folks, you need to spend time, go to the Med Center, talk to Dr. Gold, Chancellor Gold, see what they're doing; 11th in the country is where we were rated the last time I looked. I haven't seen any re-ratings. But by virtue of the fact of who Chancellor Gold is recruiting, what he's doing there in terms of cancer and research and people that he's hiring, my goodness, this is one of the best in the country. Then we talk about the University of Nebraska, and you can go back and you can look at their strategic plan. They talk about food, water, and fiber. Just had a water conference, 400 people show up to a water conference. You know what? Nebraska takes the lead in water. International conference, people from different countries show up here to talk about water. Why? Because I think Senator Groene said it the best, we got a diverse geography. When you start in Wyoming, where I live, and you work your way to Omaha, every 30 miles is one more inch. We can do a lot of research, we can do a lot of development. And, you know, the University of Nebraska is not only a regional name, as it relates to water, it's an international word as it relates to water. And of course, then you go to Kearney and they just put in an early childhood center. Early childhood center is not the new thing, but it is the thing--

WILLIAMS: One minute.

Floor Debate  
May 14, 2019

---

STINNER: --that if you look at the demographics, you look at the fact that we got more single parents, you look at the fact that we have more parents working. We need to have a little bit of extra effort into the early childhood. And if you understood brain development, you would understand the importance of early childhood. But the other challenges we obviously had was to bring the budget from a 3-- 2.5 percent minimum to a 3 percent, that was \$45 million. Forecasting board took \$30 million worth of revenue; \$75 million, we had to fit that into the puzzle of appropriations. Medicaid expansion, obviously that was delivered by the taxpayers to our door. Sixty-two million, originally, we cut it back to \$50 million, had tons and tons of briefings and hearings and joint sessions. Actually, they were-- HHS was very patient and very helpful in terms of trying to get us to understand the intricacies of what they had in front of them, how they implement the program, what the challenges were.

WILLIAMS: Time, Senator.

STINNER: Thank you.

WILLIAMS: Thank you, Senator Stinner, and that was your third time. Senator McDonnell, you are recognized.

McDONNELL: Thank you, Mr. President. We all get calls from different people in our districts and then they ask questions and some of these people are extremely scared because of things going on in their lives. And more of our senior population calls and asks about our budget and what we're doing and looking at how this is going to impact their lives. If you look at this amendment, and I support AM1746, and Senator Erdman and Senator Clements did not agree with the number of things that we had discussed as an Appropriations Committee. But as I mentioned before, that's disagreeing, that's not agreeing is our strength. But also we have to-- it only becomes a weakness if we don't look at compromising. So, for Senator Erdman and Senator Clements if they want some more time to discuss things in some of their amendments, I'm willing to have that discussion, just like we had for four months in Appropriations. But also, we have to concentrate on what this budget does and how many people it impacts and helps in our state. And for some of those more senior members out there, if you look at AM1746 and page 3 and a third of our budget comes from the federal government: if the federal funding is approved under this section on or before December 31, 2020, the department shall study and report to the Appropriations Committee on the Legislature on statewide access to long-term care. The department shall contract with an independent entity that has proven expertise on data analysis, projections of future trends, community planning. It initiates practices and best practices in the long-term care services in the development of the long-term care sustainability plan. The department and contracted identity shall study the needs of the Nebraska's aging population for facility-based and home, and community-based, long-term care services in close proximity to the

Floor Debate  
May 14, 2019

---

family and social support systems and shall make reasonable recommendations supported by data on any changes to the policy and funding of the long-term care services under the Medical Assistance Act. We are talking about studying, we're talking about access to long-term care, future trends, community, sustainability. This budget affects a lot of people's lives in the state of Nebraska. These people that are calling and asking these questions that are concerned, they need this information; and of course, we should have this discussion and disagree and place amendments that are possibly going to change this budget. But at the same time, I want to look in my district, and we talk about the university. Seems like the university is constantly under attack, and I don't quite understand that. If this university of ours, and we just looked at it as just a football team and all of a sudden we're not winning any football games or we're tying every football game, we would be saying, what's going on? We got to get a new coach, we got to change things here. But if we look at it academically and all the things it's doing that's great for this state and this country, and then we just boil it down to our legislative districts, and I start looking at the numbers, and here I'm just a small little district in Legislative District 5 in south Omaha. But if we look at, I have 536 Nebraska students there; 1,954 alumni; employees at the university right now, 159. And that breaks down with UNK, 55 alumni, 13 current students live in Legislative District 5 going to UNK. UNO, we've got 440 alumni, with 30 students. We've got the Med Center, I've got 47 students with 93 alumni, and 113 employees; 445 students, 1,382 alumni, and 41 at UNO. I mean, it's staggering what that university is doing for our state and it seems like we're not giving them credit. I am not saying that we don't look at them and be extremely critical on how they're spending the money and how they're looking at improving. But at the same time, we have to give credit where credit is due. And the university is doing a great job for our young people and for the future of the state of Nebraska. I would go ahead and, Senator Stinner, I'd yield the rest of my time to you.

WILLIAMS: Thank you, Senator. Senator Stinner, you're yielded :40.

STINNER: Thank you, Mr. President. But anyhow, we talk about themes in the budget, we talk about safety. Safety has to do with the courts. They have to deal with Corrections and State Patrol. Interestingly, State Patrol, we actually put a moratorium on them selling cars or rotating their cars. So that kind of backed up and we had a little bit of extra. We had to add to their budget so that they have an up-to-date police force and cars. So, that was a little bit of an allocation that we weren't expecting. Certainly on the court side of things, we still have several pieces of legislation that we're working on to help the court situation. Specialty courts, obviously, we've talked about those--

WILLIAMS: Time, Senator.

STINNER: It's \$5 million increase.

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

Floor Debate  
May 14, 2019

---

WILLIAMS: Time, Senator.

STINNER: Thank you.

WILLIAMS: Thank you, Senator Stinner and Senator McDonnell. Senator Bolz, you are recognized.

BOLZ: Thank you, Mr. President. I wanted to clarify two things that have come up today. And the first is, I think there were some questions about whether or not the Nursing Facility Penalty Cash Fund is at an appropriate source of funding for this. And I hope folks are listening, because one of the reasons that this is an appropriate funding stream is because this body and the Governor passed LB22 which broadened the purposes for the fund. So, we have already agreed by voting for LB22 that this is an appropriate use for these funds and that opened the door for us to actually use these funds for that purpose. So I thought that that was worth clarifying that LB22 is what gives us the authority to use the Nursing Facility Penalty Cash Funds for the purpose of quality studies. The second thing that I wanted to talk about is, there's been some conversation about whether or not this bill was appropriately referenced to the Appropriations Committee. And colleagues, I wrote this bill intending to try to get information to try to address our nursing facility closures problem. I care very deeply about our nursing facilities and was really trying to solve a problem with information. And so we wrote the bill in good faith. And I wondered if Senator Hilgers, as the Exec Board Chair, might yield to a question or two.

WILLIAMS: Senator Hilgers, would you yield?

HILGERS: Absolutely.

BOLZ: Senator Hilgers, this bill came to the Exec Board, which is also the Referencing Board, do you think it was appropriately referenced?

HILGERS: Well, can I talk about the process, Senator Bolz, would that be OK?

BOLZ: Sure.

HILGERS: So the Executive Board, when it acts as the Referencing Committee, the bills come in, we have the opportunity to look at a referencing recommendation from the Revisors. This bill came through with the recommendation to go to where it ultimately went, and I do not recall any objection; and the board moved it as recommended and I would stand by that recommendation.

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

Floor Debate  
May 14, 2019

---

BOLZ: Very good, I would too. I think the logic there was that because it was about the use of the cash fund, that it appropriately went to the Appropriations Committee. I do not recall any opposition votes to that reference in the Executive Board. Do you recall, and I understand you may not remember every single bill that was referenced?

HILGERS: I don't recall having a conversation about this particular one.

BOLZ: And I do think that both of us would recall if someone had made a motion or brought to our attention an effort to rereference this bill. I don't recall that, do you?

HILGERS: I don't recall that. And I agree, I think I would remember if they did, but it certainly could slip my memory.

BOLZ: I would think so too. So I appreciate that. Thank you very much, Senator Hilgers. I guess I wanted to rise and say that I do think this bill was appropriately referenced. I do think the Appropriations Committee handled it to the best of their abilities. Sometimes there are things that cross over different issues, but because this bill will not just study things like work force adequacy, but will also study reimbursement rates for transportation, reimbursement adequacy for facilities as a whole, and the adequacy of reimbursement rates for different kinds of facilities. I do think that this information is appropriately referred to the Appropriations Committee. I do think that we will use it. There was a question about what happens when the information gets provided. I will talk to Senator Stinner, I'll talk to the Fiscal Office. I think the information will come at the end of my term. So I'll do my due diligence to make sure that that information gets provided to the Legislature as a whole, but also work with Senator Stinner and the Legislative Fiscal Office to make sure that the information is provided as appropriate.

WILLIAMS: One minute.

BOLZ: So I wanted to just spend some time making those two clarifications. The first clarification is that the Nursing Facility Penalty Cash Fund is an appropriate funding source for this due to the changes made in LB22. And the second is that I think that it was appropriately referenced. And I don't think that there were any-- there was any opposition to the referencing, and there certainly wasn't a motion to rereference. So that's what I know about LB181, and I continue stand in support of AM1746. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Bolz and Senator Hilgers. Senator Hilkemann, you are recognized.

Floor Debate  
May 14, 2019

---

HILKEMANN: Thank you, Mr. President. I appreciate the opportunity. You know, we've talked about this budget bill and so forth, I just wanted to-- overall, I think that our committee did a good job. I think we got it right. Not everybody got everything that they want. I sometimes I describe our budget process like putting a jigsaw puzzle together where we know the frame is going to be bigger than the last year. We know what goes into the frame. And how the picture ends up coming, we don't know until the very last, we won't know until we finally take the final vote on this budget right now. But, I've been on it five years now. The first two years we were very-- we were able to award more money, particularly to the floor to work with and I'm disappointed we don't have a lot of appropriations available to the floor. I'm disappointed in that we didn't have enough funds that-- we had a wonderful opportunity with the-- to develop the pancreatic center at the University of Nebraska Cancer Center, Buffett. Senator Kolterman brought that bill. He asked us for \$30 million; it's a huge ask. But if we had been able to help that, I know that the university, and it may still happen, they may have-- but public-private partnerships are always wonderful to put together. I know that they've got money waiting to be given to help out with that. But a lot of these donators like to know that the state is behind them. And so I'm sorry that we weren't able to get that-- find a place for-- to support the pancreatic center so that we could be the best in the world when it comes to pancreatic cancer. The other thing I think that we need to do, I just was referring to a number of articles, today's World-Herald talks about the number of SAT kids who had perfect scores. And our Governor has invited-- said if you go out of state, come back. Well, I would like to change that in the sense that let's hope that our University of Nebraska can entice them to stay here. You know, we think we give a regent scholarship and we think that's a big deal. And it is a big deal. But you know that most universities don't just give a regent scholarship, they give a regent scholarship plus a stipend. And I'm hopeful that we can get to the point where we can fund-- we find the funds for our university that we're talking about not only granting regent scholarships, but we're also backing that up with stipends so that we can keep our best and brightest here for their education and keep them in Nebraska and not a matter of asking them to come back, but let's keep them here. One of the things that I also disappointed about is that we weren't able to restore-- we met the Patrols' request, they came in with a very modest 2 percent increase and we met that, but our Patrol is not at the level that it one time was, as is the Patrols across most of the country. They were cut back in 2009 and '10 when we had the recessions, and we've never completely rebuilt those troops back into place.

WILLIAMS: One minute.

HILKEMANN: There's nothing better for public safety than a Patrolman on the highway. And I hope that we can get to that. I've got other dreams for us. I would love to see us at some point have a satellite UNMC at Kearney. And I've talked with the Chancellor about that possibility. But we need to have-- I hope we get to the point we had the-- And then I would start saying to you as members of this body, you know, I don't know what your dreams are or aspirations to

Floor Debate  
May 14, 2019

---

make Nebraska better. But one of the things is, you have a dream, you think we have a program, but the first thing you're told is that if it has an A bill, don't bring it. Well, sometimes in order to have things grow, you need to have that investment, you need to have that idea with some weight behind it. And so I'm really hopeful that our budget situation settles out so that we're able to have some money available on the floor so that your ideas can be brought forth and that we can continue--

WILLIAMS: Time, Senator.

HILKEMANN: Thank you very much, Mr. President.

WILLIAMS: Thank you, Senator Hilkemann. Senator Cavanaugh, you are recognized.

CAVANAUGH: Thank you, Mr. President. I'm going to go back to conversation we were having this morning, just a moment. First of all, I absolutely support Senator Bolz's amendment and our nursing homes need all of our support. And so that is why I would like to go back to the conversation I started this morning about serving our most vulnerable populations in this state. Our nursing homes would fall under that category of vulnerable populations. And I have been looking over our budget today, our cosmic orange bible I might call it. And I have some real issues with how we're, again, using our resources, how we're using our revenue, our income in this state because we're not serving our most vulnerable. And we seem to be finding more and more ways to pick away at the revenue that we're getting and giving it back to our least vulnerable. And that's very, very concerning to me as a taxpayer, as a citizen, and as a senator. We've had several bills, several opportunities this session to make sure that everyone in our society is able to work and thrive and support their family in this state. We had Senator Hunt's bill to increase tipped-wage earners, something that completely flummoxes me that we have a separate tier for a certain industry for minimum wage and why we don't just have a standard of minimum wage in this state, because it should be a liveable wage; not a minimum wage, we should have livable wages in this state. And by not having a liveable wage for our tipped wage earners or our low income-- or our minimum wage earners, we are having to spend more money every year on some of our social programs, like CHIP-- not CHIP, I'm sorry, SNAP and child care subsidies. And the fact that we refuse to increase wages means that we as taxpayers are still paying for this. We're paying for companies that are paying less to their employees so that they can improve their profit margins. We're paying for it with our tax dollars. And when we're not paying for it in SNAP benefits and when we're not paying for it in child care subsidies, we're paying for it in our prison system. We're paying millions and millions of dollars to incarcerate people instead of to serve people. We're giving corporate tax cuts. We're subsidizing corporations and businesses across this state at the detriment of our citizens. And people keep talking about sending children to school, which I think is extremely important; it's one of the most important

Floor Debate  
May 14, 2019

---

things we as a state could ever possibly do. But it's not more important than actually caring for people. Property taxes are not more important than caring for people. It is our job to ensure that the citizens of this state have a healthy, thriving economy, and a happy life. It is our job to make sure that those tools are available to everyone in this state, not just people who have more money than everyone else. Currently, our tax bracket is, quite frankly, ludicrous. You can qualify for SNAP, you can qualify for food subsidies, you can qualify for childcare subsidies, you can qualify for all sorts of social service programs, and you pay the same tax rate--

WILLIAMS: One minute.

CAVANAUGH: Thank you. --you pay the same tax rate as our billionaire Governor. That is ludicrous. You should not be able to qualify for those programs and pay the same tax rate as the Governor. Senator Vargas had a bill, LB50, which didn't make it out of committee, I think it's still sitting there; so, Revenue, feel free to vote it out, that would change our tax brackets, that would add an additional tax bracket, and only to those making over \$200,000. \$200,000. I'd say hey, let's increase it to only those making over \$500,000. Anybody in here going to be impacted by that? If you are, I hope you don't have a problem with paying more than those that are on SNAP. We have an inequity in this state and we have an opportunity as a body to address that inequity. And Senator Bolz's AM1746 helps work toward supporting our vulnerable populations. And I hope we can all--

WILLIAMS: Time, Senator.

CAVANAUGH: Thank you.

WILLIAMS: Thank you, Senator Cavanaugh. Senator Vargas, you're recognized, and this is your third time.

VARGAS: Thank you very much, President. Colleagues, I want to pick up on talking about the budget a little bit. You know, I find historical knowledge about trends is very helpful. First is, I think we have a very common misconception, sometimes I hear that, let's say for example, the university system is growing at a rate that is untenable, it is-- and it shouldn't be, you know, supported; sometimes we say the same thing about HHS. Found really interesting, we were looking at 20-year average, you can look at this, it's on page 30 of the budget book, you look at a 20-year average and the average amount of spending growth over the 20-year period is about 3.5 percent. You see, university-colleges is about 2.4 percent, health and human services is at about 2.1 percent. Both of those General Fund expenditures average growth is below the average General Fund operations over the last 20 years of 3.2 percent. What this means is those big items, which are a bigger component of our budget, over the last 20 years on average, we've

Floor Debate  
May 14, 2019

---

actually been growing them slower than the rest of the other items. I think we also believe that at least state government, we're looking at agencies, when we look at the other 40 large agencies, on average, that's about 2.5 percent growth. Our other 40 agencies have actually grown at a larger percentage than university colleges, and state colleges, and our health and human services system. So if there's a conception that you believe that we are growing government too big, some of our biggest items that I actually think we should be looking at to make sure they're conceivably both efficient and they're meeting the need of the people that need them the most are growing at a very prudent, pragmatic rate. I am proud of this budget. I've heard a couple of other people reference a lot of different programs. A couple of the ones I also want to call out, I'm proud of our work on early education. We've continued to then provide and fund our services for early education. It's something that we need to do, especially if we expect people to be ready by the time they reach college. I also think that we have done a good job of supporting our Corrections system. And I say that openly because I think if you look at this 20-year average, the Corrections system has grown about 5 percent on average over the last 20 years. It is one of the highest systems. The question I have in front of us is whether or not it's the right thing-- the Appropriations Committee continues to fund the Corrections system, we want to make sure that there's some at level of public safety. But one very interesting fact about what we've done is we fund the Corrections system, and the system continually tells us its needs in terms of what we need to do to address the current overcrowding, and we appropriate it. We appropriate it so much that over the last ten years, we've seen a buildup of re-appropriations. So if many people don't know how this works, there is actually an amount that's left over that they have not spent. There's a lot of reasons behind that. What we're seeing is, this year we will see close to 18 to \$22 million of re-appropriations that will carry over that will not be spent. We still believe it's a priority, and so we still funded it. But we're essentially funding something that we're guaranteed will not spend about \$20 million. So if there is any illusion that we are not prioritizing a litany of things that are both important and we're trying to balance, and we're also looking at what the Governor's recommendations are, we do that. We start with that as a point of information, and then we work and we deliberate. That's what we did. And we can debate on whether or not you--

WILLIAMS: One minute.

VARGAS: --think Corrections is something that we need to support or not, but what I will say is, it is funded to meet the needs of its current system, and that's what they've requested, and that's what we're funding. We've also made sure that they have re-appropriations, so we've given them some of that. We also made sure to invest in problem-solving courts so that we can get ahead of the problem and make sure we're doing some very appropriate triaging for mental health services and a lot of different other problem-solving courts that are going to meet the needs of individuals that we can catch before they enter our system or get deeper in our system. All this is to say is, I think we are funding things, and if there's a conception that certain items are growing larger than they should, that is just not the case. This is a 3 percent on average budget. I think it is very

Floor Debate  
May 14, 2019

---

pragmatic, it is reasonable, and it's something that I'm asking the body to support because it is a labor of love that we have taken the time to work on as an Appropriations Committee, and I think it is in line with what we have done historically in this body.

WILLIAMS: Time, Senator.

VARGAS: Thank you.

WILLIAMS: Thank you, Senator Vargas. Senator Morfeld, you're recognized.

MORFELD: Thank you, Mr. President. Colleagues, I rise in support of LB294. And I just want to thank the Appropriations Committee for, number one-- excuse me-- number one-- getting over a cold,-- there we go-- for number one, all their hard work, not just this year, but the last few years. I remember when I came to this body with many of you in 2014, we had a much better fiscal picture where we were able to make investments. The bottom line is, the fiscal picture is not great anymore, but we still have to make investments in critical areas. We need to make investments in education, in healthcare, in our Corrections systems, even though I have hesitation with some of those investments, but I understand them to a certain extent. But then we also need to make investments in infrastructure. And we're going to need to make more investments, particularly once we get a full picture of the flooding and the resources necessary to be able to mitigate all of that damage after all of the federal relief has been exhausted. And that's going to be our job next year, I know, in particular, even though I think we should be thinking about that this year. That being said, I think that it's also important that we as a body also look at and take note of some of the investments that the administration, in particular, are making us and forcing us to make without our consultation. And, quite frankly, that's the 1115 waiver that the administration has filed that will require tens of millions of additional dollars that the Legislature never voted on, that the people will never vote on, tens of millions of dollars in additional administrative costs for unnecessary requirements to Medicaid expansion and Medicaid recipients as a whole. It's really kind of unbelievable to me, actually, the Department of Health and Human Services can require tens of millions of more dollars in administration without ever having a vote of the people or the Legislature, at the very least the Legislature. Right now, the department can file an 1115 waiver that requires a ton of additional requirements that have been proven in other states that have done this to cost tens of millions of more dollars. And by what the department themselves have requested for that administration and overhead cost, will cost tens of millions of more dollars. It's unbelievable to me that they can do that and that we're OK with that, particularly when we were just squabbling over about the same amount in property tax relief; actually, I think a lot less. I can't even remember how much we put, I think it was \$25 million. I didn't vote for it. But in any case, we have a battle that stops debate on that issue, but yet when the department comes in with a bunch of unnecessary government and administration--

Floor Debate  
May 14, 2019

---

nothing. And what do we say when a few of us stand up and say, wow, shouldn't we have a decision on this? You go, no, no, we're just trying to create pathways to success, swimming lanes, constructs, a bunch of stuff that nobody fully understands yet and hasn't been explained to us fully by the department because, quite frankly, they don't want to, because it doesn't look great, and it's not going to result in the quality-of-life outcomes that everybody wants. So, colleagues, I think that this is a budget that is thoughtful. I think it's one that is moderate. Would I like to see larger investments in some areas? Absolutely. Do we have the revenue for it? No. And I urge you to support LB294 and the overall budget package. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Morfeld. Senator Wishart, you're recognized.

WISHART: Thank you, Mr. President. I wanted to continue the discussion that we were having about Corrections, because I do think, as a budget committee, this is one of the priorities we have made this year, and it's something that into the future we're going to have to make as well. So, looking at what we've done this year in terms of the Department of Corrections, first and foremost, we have already passed in a previous bill the funding of our \$49 million, I believe, Correctional facility, which would be a new high-security facility for the Department of Corrections housed here in Lincoln. Originally, I was opposed to that, because my concern is we should not be building, we should be finding ways to address overcrowding by getting people the programming they need and looking at work release and far less expensive ways of addressing Corrections. But I have to say, Director Frakes, in his testimony to us during the public hearing, was compelling about the reason that he needed more high-security beds, which would allow for us to move Tecumseh to be more medium and minimum-security facilities, and we need more bed space for people. And especially it's important that we're not housing people who are low risk for violence with people who are high risk for violence. And so, in his testimony, it kind of changed my mind on that, which a shout-out to anybody who ever thinks whether they should come to a legislative public hearing, your testimony matters. We can come in and feel one way about a bill, and when we hear, kind of, the boots-on-the-ground experience of somebody who is working in that space, we can change our minds. So along with that, obviously I've talked about the problem-solving courts, which is another way for us to address Corrections, and then the staffing. We have also put in staffing raises for employees at Correctional facilities. But another thing that we've done, is we've increased money for programming. One of the issues that we have right now is we have people who are parole-eligible, but because of the lack of space within our Corrections facilities and because of the lack of program availability, they're actually not able to be-- they're ready in all other ways, they could be paroled if they have this certain amount of programming. And because of the jamming of not enough space and not enough dollars going toward programming, we are ending up with people who are not then-- who we cannot parole. And dealing with the impending emergency situation in 2020 where if we don't reduce our prison population to 440 percent, then we're going to end up having to jam people out without programming anyway. And that is not good public safety policy. I wanted to step back because--

Floor Debate  
May 14, 2019

---

and kind of talk broader about what I think we should be doing in a more bold way around Corrections. And obviously we're addressing some of that in this budget, but I think we need to come back next year far more aggressive about addressing Corrections reform. To me, it doesn't make sense-- or I'll say it this way, it makes far more sense that if somebody is non-violent that instead of us sticking them within a Correctional facility, we should utilize new technological advances and work-release systems so that that person can remain in the community while they are serving their time and can remain employed. The rest of us get up every day,--

WILLIAMS: One minute.

WISHART: --we pay our taxes, we pay our child support; if we have it, we pay for healthcare. And to me it makes no sense that somebody who has committed a crime is warehoused within a Correctional facility and doesn't have to maintain those same levels of responsibilities. Frankly, I think it makes better public policy sense for as many people as possible to be practicing being a community member in the community as soon as possible. Thank you.

WILLIAMS: Thank you, Senator Wishart, and that was your third time. Senator Lathrop, you're recognized.

LATHROP: Thank you, Mr. President, and colleagues. I stand in support of LB294 moving up to Select File with the Bolz amendment-- or the committee amendment. I just wanted to take a few moments to talk about this budget in the context of the Department of Corrections. And maybe this is a good opportunity to kind of warm you up on a bill that's coming up tomorrow, will be heard tomorrow, hopefully, from the Judiciary Committee. So the Department of Corrections has significant overcrowding problems. You've heard me talk about this in the past. This budget includes money for problem-solving courts. And if you think about the Department of Corrections, and I hope you'll forgive the metaphor, but it's a bit like a warehouse. Right? We have product coming in the front door, we have product coming out the back door. The difficulty is we have more people coming in the front door than we have going out the back door. And those trend lines, notwithstanding LB605, are concerning. In LB605, the-- pardon me, in 2015, LB605 was passed trying to implement some of the suggestions from the Council of State Governments that justice reinvestment approach. And many of the Class IV felonies developed, or we included, a presumption of probation, which was OK, because that was an awful lot of misdemeanors that had, kind of, been bumped up to a Class IV felony. So the Class IV felonies are-- fewer of them are ending up in the Department of Corrections. That's a good thing. We also-- we also developed these problem-solving courts. And this year the budget includes the expansion of four problem-solving courts. And what these do and why they're important to solving the overcrowding or assisting in resolving the overcrowding problem is the problem-solving courts grab people who would otherwise be going to the Department of Corrections and

Floor Debate  
May 14, 2019

---

put them on, basically, a very intensive supervision and probation. And when I say "very intensive", I mean these guys are coming before a district court judge regularly, every two weeks at the beginning, and accounting for what they've been doing. They have to take care of their family obligations, whatever programming, drug and alcohol treatment kinds of things that they need to be doing, they need to be current, you know, take care of their obligations like child support, pay their bills, get independent living, and they're accountable to a district court judge. If you haven't been to one of these graduations, the veterans court, maybe you got this invitation, veterans court here in Lancaster County, is going to have a graduation ceremony, I think this week, I believe it's the 18th. You ought to attend one of these, because they are a very uplifting thing to see. An awful lot of these folks and whether it's a veterans court or any one of the drug problem-solving courts, they take people who are primarily have addiction problems that have gotten into significant difficulties as a result, primarily of drug addictions, and they go through this-- they go through a process, and you see somebody come in the front door who is dealing with their addictions, and you see them complete this program, and it is somebody who has changed their lives. They have probably a 70 percent success rate. It's far cheaper than spending money on them at the Department of Corrections. And they have a better recidivism rate than do people who go through the Department of Corrections, so it's a win-win.

WILLIAMS: One minute.

LATHROP: This budget includes the expansion of four different problem-solving courts. I think it is an important part of this Legislature's response to the overcrowding, and important-- and we had joint hearings with the Appropriations Committee and took testimony from Corey Steel and some others about the efficacy of these problem-solving courts. And I think the decision, if I'm not mistaken, to pay for the expansion of four problem-solving courts was the unanimous decision by the Appropriations Committee. That says something. That says something about the efficacy. I appreciate the work of the Appropriations Committee, their commitment to trying to get to solutions on the overcrowding situation. They've also, as you may know, appropriated funds for 384 more high-security beds. Those won't come on line for another three years, but they're going to assist--

WILLIAMS: Time, Senator.

LATHROP: Thank you.

WILLIAMS: Thank you, Senator Lathrop. Senator Matt Hansen, you're recognized. Senator Hansen is not available. We'll move on in the queue. Senator Linehan, you're recognized.

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

Floor Debate  
May 14, 2019

---

LINEHAN: Good evening, Mr. President, and thank you. I just want to spend a little time, Chairman Stinner brought this up about TEEOSA funding. And since it's directly related to property taxes, I would like-- I don't know whether it was Senator Stinner's or Senator Bolz's, whichever one of them would like to have a discussion on the TEEOSA funding in the bill.

WILLIAMS: Senator Linehan, who would you like to yield?

LINEHAN: Senator Stinner, would you please yield?

WILLIAMS: Senator Stinner, would you yield?

STINNER: Yes, I will.

LINEHAN: So, you know, Senator Stinner, that we go through this every year, and the schools, one of the reasons they're not-- well, I should say not the schools, out of the 244, I think there's now 15 schools that are concerned about LB289, and their major concern is the state does not live up to what they say they will in aid. You are aware of that, right?

STINNER: Yes.

LINEHAN: So, this year the formula said we were going to increase-- and I know there is an increase for TEEOSA in the-- and as you said, but it's not what the formula called for is it?

STINNER: It's, what, 23 or \$24 million short of full funding.

LINEHAN: So then do I read this right? I'm on page 60 of the budget book. We went back and we increased several programs that are run through the Department of Ed. Special ed was increased. Aid to ESUs was increased. High-ability learners was increased. These were increases because of cuts we made in 2018, is this to get them-- those programs back up to where they were?

STINNER: Some were cut and some weren't. I would have to go back and analyze it. But, yes, in most cases under that we were restoring those back to where they were before we cut them.

LINEHAN: So we took-- so what the appropriators did is took money from the TEEOSA aid funding and made these programs whole.

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

Floor Debate  
May 14, 2019

---

STINNER: I wouldn't-- there is no direct linkage. We actually just-- as a committee, the request by the education-- Department of Education was for the-- for funding, and we granted that request. That was in their original request.

LINEHAN: Well, I haven't-- and I should, the fault's on me that I didn't add these all up, but they seem like a very similar amount of money. Can you explain why we have to have a 2,434.6 percent increase in vocational rehab? It's number 13 in that--

STINNER: Yeah. That was-- that was the federal government re-doing their formulation of how those funds were apportioned. So we lost, like, 15 percent went to another area of those funds, and then on the vocational side of things, there has always been a re-allocation of those funds back to the state. Well, because of the flooding and the hurricane in Texas, those funds actually went there, so we lost those funds. And so we're trying to replace a portion of those funds with state funding.

LINEHAN: On the early childhood programs there was, let's see, 1, 2, 3, 4, 5, and 6 down-- so early childhood grant program, where would those funds go to? It increased by 4.2 percent.

STINNER: Sorry, I'm trying to find that. On the grant program, they went from-- they were restoring those cuts in fiscal '18 and '19, so we brought those back up to the original level before we cut them.

LINEHAN: So how does that grant program work?

WILLIAMS: One minute.

STINNER: You know, I'm not a hundred percent sure, but if you're on Education, I would think you could probably tell me.

LINEHAN: Well, I think most of these happened before I was even in the Legislature, let alone on the Education Committee, so I'm sorry. But, so the early childhood endowment programs, you have a better idea of how those work? It's \$5 million.

STINNER: The endowment program was set up in partnership, private partnership and a public partnership, and that is the earnings off the endowment of the two sources. And then, obviously, people apply for those or--

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

Floor Debate  
May 14, 2019

---

LINEHAN: So is this a cash fund? I thought these were General Fund dollars.

STINNER: No, these are endowments. The earnings from the endowment come into the General Fund, and that's how we spend them.

LINEHAN: So is that part of-- that's not part of the land schools and lands and grants though, right?

STINNER: No, this is early childhood endowment.

LINEHAN: So it's a cash fund that goes into the General Fund?

STINNER: No, there is an endowment fund of about--

WILLIAMS: Time, Senator.

LINEHAN: Thank you.

WILLIAMS: Thank you, Senator Linehan and Senator Stinner. Senator Friesen, you're recognized.

FRIESEN: Thank you, Mr. President. I've been listening on and off all afternoon, and I know we've talked a lot about reimbursement rates for long-term assisted living facilities. And if Senator Howard would yield to a question. We've been talking a lot about rates.

WILLIAMS: Senator Howard, would you yield?

HOWARD: Oh, yes, I'd be happy to.

FRIESEN: In the past couple hours here, we've talked a lot about reimbursement rates for long-term assisted living facilities, nursing homes, those types of things, and all the problems we had with Skyline has come up numerous times. So did HHS recently change the methodology they use in reimbursing long-term assisted living facilities?

HOWARD: No, but they did make a change that you might have heard about, which was they stopped paying for over-- the managed care company stopped paying for over-the-counter

Floor Debate  
May 14, 2019

---

medications and they stopped paying the co-pay for medications. Is that what you were asking about?

FRIESEN: No, I thought there was-- the reimbursement rate-- the per day that they get for patients, for clients, they were going to change their methodology. So going back to the Skyline fiasco, I call it, do you recall, there were like 21 nursing homes, correct?

HOWARD: Yes.

FRIESEN: And so this happened over a very short period that they went into insolvency. And so I know we met with HHS officials over a year ago and we talked about the way that they reimbursed long-term assisted living facilities and things like that. And so the comment I had from an individual back home whom manages a long-term care facility was that they reward high-cost facilities and they punish low-cost facilities. And so they were going to look at changing how they reimburse these facilities. Did that happen or did that not happen?

HOWARD: So, to my knowledge, they haven't modified-- they haven't moved to what, essentially, you're asking about is value-based billing. Currently they remain on, what's called, fee-for-service billing. So you provide a service and then I pay you for it. They would like to move to value-based billing in the sense that if you provide me with value, if there is a better outcome for that person who is in the nursing home, then I will give you more money for it. And I don't believe they've done that yet.

FRIESEN: OK. Is that going to happen? Is that something that we have to approve? Or is that just an HHS rules and regs?

HOWARD: The administration can do it all on their own.

FRIESEN: OK. Thank you. Thank you, Senator Howard.

HOWARD: Thank you.

FRIESEN: So the Skyline thing, I had an individual in my district that manages a long-term assisted living facility, and he talked about reimbursement rates. And we've all heard that, you know, you can only operate with so many Medicaid patients, 30 percent, something like that. And I remember him, and he gave me a tour of the new assisted living facility they had. And I remember the comment he made that you can give him 80 percent Medicaid patients, 85, it didn't matter; it was all in management and how we operate those facilities. So he, at the time, told me

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

Floor Debate  
May 14, 2019

---

there was plenty of money in the system for reimbursing facilities, it was just that the way the system was set up, we reimbursed high-cost facilities and we punish anyone who is in a low-cost facility. And so an example was the Skyline incident. He would have been watching that because he had previously worked for them. And the example he gave, as they were running in the black and they were doing really good, in a very short period of time, they went to-- not a hundred percent of capacity but around 60 or in that neighborhood. And so they requested HHS change their reimbursement rate. And so what HHS did was they came in and looked, and, of course, they weren't full, they were-- their costs were higher so they went to a higher reimbursement rate. And what they did was reimbursed them, they went back three years--

WILLIAMS: One minute.

FRIESEN: --wrote them a lump-sum check, and there was an estimate of around \$8 million. And about two months later, they were in bankruptcy. And he said it was totally a setup and it was how our system works. And if they don't fix the system-- and I was-- when we met with them, they said they were going to change the system and it was going to look at those types of things that won't happen again. But I'm going to make sure that they keep on it and that they change how they reimburse those facilities. Because if they can game that system, somebody out there will do it. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Friesen and Senator Howard. Senator Crawford, you're recognized.

CRAWFORD: Thank you, Mr. President; good afternoon, colleagues, good evening, colleagues. I stand in support of LB294 and AM1746. I appreciate very much that we are in AM1746, that we are providing more funding for the voting machines. I think one of our sacred duties as the state Legislature is to try to make sure that elections are run free and fair in our state, and making sure that the counties have the machines that are necessary to do that well. The state has the machines necessary to do that well is an important part of that responsibility. I also appreciate attention to the long-term care facilities. I know this has been a critical issue across the state. And so making sure that we're taking that time and making sure that we're examining what needs to be done to make sure that we're able to provide that care is very important. Access to that care is critical. It's critical to our communities for them to have access to these facilities, critical to our communities that these facilities can thrive and sustain themselves. And so looking at our role in that is a critical piece of making sure that we're taking care of our responsibility as a state to those people who are vulnerable. So I, again, stand in support of LB294 and AM1746. And I'd yield the remainder of my time to Senator Stinner.

WILLIAMS: Thank you, Senator Crawford. Senator Stinner, you're yielded 3:30.

Floor Debate  
May 14, 2019

---

STINNER: Thank you, Mr. President. I just want to go back to, you know, just kind of focusing back on the budget so that we can talk about some of the priorities we had that are embedded into the three themes. And, of course, Corrections was one of the areas where we had joint-- joint meetings and had an actual meeting with Corey Steel to determine what is our way forward as it relates to trying to reduce the overcrowding situation. There doesn't appear to be too much of a strategy in place other than to build a \$49 million, high-security prison, but that goes online after our critical date of July 1, 2020. So at that meeting, we really kind of part and parceled out what was working and what wasn't working, what LB605 was about, what was working there, what wasn't working. And I know Senator Lathrop and Judiciary were working on trying to discover why LB605 did not work. And CSG may be invited back. I would hope that they would be invited back to take apart where we went wrong as it relates to that legislation. But that all said, \$4.9 million then was allocated. Corey Steel indicated that he could get these courts up and running within a very short period of time, within six months, and we would see, actually see some improvement in the flow of prisoners coming into the prisons. One of the things, too, that we talked a little bit about is, you know, deferred maintenance. And a number that stuck with me, and I wrote it down, and I need to re-verify it, because I'm not sure that it's particularly right-- it's about \$90 million of deferred maintenance. So when we look out into the future, when we look out at repairs and maintenance and buildings that we have to keep up, that is one of the numbers that sticks in my mind that could be critical as we move forward. That would be reflective, probably, of the rainy day fund once again. And I can't emphasize to this Legislature enough that the rainy day fund replicates not only a stabilizer for the economy but also for capital improvements, such as big, big deferred maintenances, new maximum security prisons, that's what it's intended. It's capital improvements, big projects.

WILLIAMS: One minute.

STINNER: Thank you, Mr. President. And really what that's all about is the fact that we can't borrow money in the state. So we have to set aside funds, and we should be setting aside funds. And, you know, from my side of things, long-term view of things, the responsible idea would have been to put that \$50 million in. I do understand, certainly, the concern about property tax relief and the urgency about property tax relief, and I will not stand in the way of people who believe that that-- the majority believes that that is the way to go for this Legislature in this budget period. The other big area that really was my area of emphasis, and certainly most of the committee's, was provider rates and restoring some funding relative to providers. Based on, if you look in your budget, you can add up about a \$58 million, 57.2, in cuts or reductions in providers--

WILLIAMS: Time, Senator.

Floor Debate  
May 14, 2019

---

STINNER: Thank you.

WILLIAMS: Thank you, Senator Stinner and Senator Crawford. Senator Halloran, you're recognized.

HALLORAN: Thank you, Mr. President. Call the question.

WILLIAMS: As the presiding officer, I rule that there has not been full and fair debate, as there are many in the queue that have not spoken yet. Moving on, Senator Howard, you're recognized.

HOWARD: Thank you, Mr. President. I wanted to take a minute and talk not about nursing homes, not about provider rates, not about Medicaid, but actually talk about child welfare, because I do think that this element of the budget has been sort of woefully overlooked. And instead of really focusing on what the budget is doing, in terms of child welfare, I want to highlight what we are paying for and why it's important. So, a couple of weeks ago, I let everybody know that, as of March 31 of this year, there were 4,240 kids who were in out-of-home placement in Nebraska. Almost 3,000 of them were state wards. And so, one, we are making funding allocations around our child welfare system, we're actually paying, specifically, for these kids who are in out-of-home placement. But that doesn't mean that we're going to have good outcomes for them. And so I want to make sure that we're fully funding our child welfare system and we're doing it in a thoughtful way. We've been having a lot of conversations about how we keep kids here and how we entice people to come back to our state. But what I didn't realize when I was looking at the stats for our state is that in the last year, in fiscal year '18-19, we are having a banner year for something terrible and that is that we have had the highest number of child deaths in history. So right now we're at 23. Our next highest year was 22. And we're not done with this fiscal year. So already there are 23 kids in the state of Nebraska who have died. And in looking at the causes of death, there's a lot of sudden infant death syndrome, but there's also a lot of suicide, there's a lot of shootings, there's a lot of abuse. And so the investments that we make in our child welfare system specifically prevent child deaths, but we've been consistently underfunding it. And so the result is 23 child deaths in the current fiscal year so far. I also want to highlight that when we don't fund our child welfare system, when we don't fund our Department of Health and Human Services, it actually almost always comes back to bite us. It usually comes back to bite us in the sense that we have to pay enormous fines. When we underfunded the Beatrice state developmental facility in 2008, they lost their medical facilities licensure. We had several deaths when we had to move people out of the medical facility. And we estimate that the cost back to the state for underfunding Beatrice for so long was about \$50 million. There goes your property tax relief, right? Our next biggest loss came in April of 2013, and that was when the state auditor, Mike Foley, questioned payments in the LIHEAP program, which is our energy assistance program. And that loss was \$17.6 million. So we

Floor Debate  
May 14, 2019

---

underfunded administration of this program, the department made more mistakes, and then we lost more money. When we privatized child welfare in January of 2014, we had to pay \$22 million back to the federal government, and a portion of which we also actually paid to one of the contractors to leave-- we paid them millions of dollars to leave. There goes your property taxes-- your property tax relief. I think about how we are funding Medicaid, child welfare, our provider rates. And when we don't fund them appropriately, then our department can't meet its federal requirements and the federal government comes back for their money.

WILLIAMS: One minute.

HOWARD: My next favorite one is another one in child welfare-- well, you know what, I'm just going to talk about December 2018, because the Department of Health and Human Services essentially spent \$60 million to replace a computer system and ended up firing their contractor. If you're looking for property tax relief, I highly recommend that you find it not by cutting the Department of Health and Human Services, but by making sure you fully fund it so that they can meet their federal obligations so that we don't keep just burning money in a barrel for all of these mistakes. And I talked about financial mistakes, but I really want us to focus on the human mistakes, because there are 23 kids who have already died this year because we didn't fund our child welfare system appropriately. So, I know that's taking us a little sideways on our conversation about nursing homes, but I felt that it was important to bring up during our budget discussion.

WILLIAMS: Time, Senator.

HOWARD: Thank you, Mr. President.

WILLIAMS: Thank you, Senator Howard. Senator Kolterman, you're recognized.

KOLTERMAN: Thank you, Mr. President. I'm going to take a little bit different approach to this. I'm going to talk about something that's near and dear to me, and something that did get put in the budget, but it was considered very strongly, and that's the funding of a pancreatic cancer research center of excellence in the Med Center. The rationale behind bringing that bill is, number 1, pancreatic cancer continues to be on the rise; 56,700 Americans were expected to be diagnosed with pancreatic cancer this year. And that's a 2 percent increase over 2018. And in an overall survival rate of 9 percent, it's on track to overtake colorectal cancer as the second leading cause of cancer related deaths in the United States. The Med Center is a center of excellence. This disease is killing people quickly. I don't need to tell anybody in this room, it's been near and dear to me for several years, but we just lost a colleague of ours, Kitty Kearns. Less than 30 days from the time she was diagnosed until the time she died. We were going to-- we asked for a \$15

Floor Debate  
May 14, 2019

---

million investment in the University of Nebraska Med Center. I want to tell you what that would have done. They would have had to match that with \$15 million. Then in addition to that, they had a study done, the economic impact of that research program will grow every year from \$75 million when fully operational to more than \$100 million in five years. So we make a \$15 million investment, and it grows to \$100 million within five years. The total employment related to that investment will grow to 500 jobs supported throughout the state; 180 direct jobs when operational to 630 jobs supported throughout the state in five years. It's expected, if we had that, it would generate approximately \$5 million in total state and local tax revenue in over five years. We would recoup our investment and we would have created many, many jobs, high-paying jobs. And what would happen if, by chance, they would find an early detection and that we could detect early, like we do breast cancer, or colorectal cancer, or using pap smears, and things of that nature, or PSA tests? Colleagues, we're on the cutting edge in this state. We have something to be proud of. We're-- we're considered one of the best in the nation next to the Mayo Clinic in Rochester, Minnesota, and Washington University in St. Louis. Those are the two others that have centers of excellence in pancreatic cancer research. We can get there. It's going to take an investment on the part of this state. I understand the rationale that we don't have that money right now. I'm not going to give up on this. This is just another example of what our University of Nebraska is doing to promote our state. And we are a leader in the nation when it comes to cancer research, we're a leader in the nation when it comes to Ebola, and all kinds of other things that are going on at the Med Center. We can't-- we can't hang our heads to anybody when it comes to what we have. It's a gem up there. The Buffett Cancer Research Center is phenomenal. You just need to go look at it and experience it. Not as a patient, I hope. Final thing I would say is, several years ago when I first got here, we invested \$25 million in the iEXCEL building and the iEXCEL program up at the Med Center. They are doing phenomenal things in that program.

WILLIAMS: One minute.

KOLTERMAN: And I would tell you that that \$25 million has turned into over \$100 million. So even though we're not getting it this year, I'm not giving up. I know I've got a lot of support to get something advanced over the next couple of years. I'm not going away, and many of you aren't, either. So we need to get this done. But, more importantly, we need to have a strong University of Nebraska, a Nebraska that we can be proud of, and we also need to promote them instead of trying to tear them down all the time and cut their funding. They don't ask for a lot. If you looked at their statistics, they're on the decline for the amount of money we've given them for quite a few years. So with that, I would encourage you to support this budget, I would encourage you to support AM1746, and hopefully some day we will find a cure for pancreatic cancer and we'll stop this ugly dying of our friends. Thank you very much.

WILLIAMS: Thank you, Senator Kolterman. Senator Dorn, you're recognized.

Floor Debate  
May 14, 2019

---

DORN: Thank you, Mr. President. I-- sitting there listening to Senator Kolterman talk, and I know tomorrow we're going to have some discussion on his-- or the LB720 bill. And just those numbers he talked about right there, I know we weren't able to fund that this year, but he talked about the amount of employment that would create and the amount of salaries and wages that those people would get. I mean, that, to me, is every bit or more impressive than the LB720, what it's trying to accomplish. And it's too bad we can't incorporate that somehow in there. I don't know if we can. I'm just throwing out a thought or whatever. But I will yield the rest of my time to Senator Stinner, if he would want it.

WILLIAMS: Thank you, Senator Dorn. Senator Stinner, you're yielded 4:15.

STINNER: Thank you, Senator Dorn, I appreciate it. Just working down through the budget, obviously, provider rates, as I said, restoring those was really a top priority, certainly for myself individually, but certainly members of the committee talked about provider rates. Also, one of the priorities was re-establishing the rainy day fund and trying to make that grow. Obviously, that went away and it is a moot question right now. But behavioral health, we had a cost study, and I actually sat in on the presentation by the behavioral health people, and they've accumulated data through numerous providers out there. They accumulated costs. We asked a lot of questions relative to that accumulation. Accountants and actuaries put together what the cost should be. Obviously, we were below those costs. So depending on what service we were between 5 percent and 35 percent. We made adjustments to that, 4 percent, and then zero of flat for the second year. That was changed actually to 4 percent and then 2 percent. So that brought us to about 56 percent of the total to make up between the cost study and where we're at today. Every five years we were supposed to have done this cost study. We were a year or two behind in terms of the CMS requirements. So we really needed to try to step up as much as we could relative to behavioral health. DD, same way, we needed to have that cost study; we got the cost study. We talked about a way forward. We thought 4 percent up front, get the base up up front, and then zero, that would be-- replicate the 2 and 2 that we were trying to do with the other providers. So I think we took a lot of different areas, we took a look at a lot of different areas. I think this is a straightforward budget. We addressed, certainly, key areas. As I walk through this once again, it's Medicaid expansion, it's Corrections, it's specialty courts, it's provider rates, it's behavioral health, it's DD. It's the flood for \$7 million is what we have in General Fund allocation so that we can bring the Governor's emergency fund up to that \$5 million. We actually left him \$6 million in the first part of the biennium in anticipation of future needs. And then, obviously, we'll add another 5 on the second year. Salaries obviously, 18.6 over the Governor. That had a lot to do with settling the contract. The Governor's budget had 2 percent in it. Our budget was settled-- or the salaries were settled at 2.3, there were some 2 percents in there, there were some 2.5, but basically averaged about 2.3 percent. If you look at the core budget, the core budget is 2.5 percent increase.

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

Floor Debate  
May 14, 2019

---

WILLIAMS: One minute.

STINNER: Obviously with Medicaid expansion, it takes us to 3 percent; and, frankly, I think it's an austere budget, it's a meager budget, there are just salaries and a couple other specialty items, which I've gone through, certainly with the Legislature here. So that kind of completes the analysis of the budget. Major items, we emphasized TEEOSA. Major items, we emphasized property tax relief. We took care of Medicaid expansion. We took care of some of the overcrowding situation. We took care of a flood. We took care of some of the behavioral and DD areas that needed to have some attention and some dollars. There's not extra dollars in here. I'm glad that we have this amendment up here. It takes care of the Secretary of State's wishes in terms of voting machines and complying with the ADA requirements. So we've taken care of that. We've also taken another look at the Attorney General's future request as it will--

WILLIAMS: Time, Senator.

STINNER: Thank you very much.

WILLIAMS: Thank you, Senator Stinner and Senator Dorn. Senator Clements, you're recognized.

CLEMENTS: I move to call the question.

WILLIAMS: As I have previously ruled, I will rule that there has not been full and fair debate. We have five senators still in the queue that have not spoken. Moving on, Senator La Grone, you're recognized.

La GRONE: Question.

WILLIAMS: And the Chair rules the same way. Moving on, Senator McDonnell, you're recognized.

McDONNELL: Thank you, Mr. President. So as I was mentioning earlier, talking about the great things the University of Nebraska does, and the idea of for every dollar we invest by the state Legislature, there's a \$7 return. There is also a \$4.5 billion in total economic impact generated by the university. We have \$400 million generated through the research supporting 2,600 jobs. We've got 38,000 jobs are supported by Nebraska University in total. One out of every 26 jobs in the entire state is directly or indirectly supported by the University of Nebraska. Trying to talk about some of these numbers to remind us what's in this budget and what this budget does for the

Floor Debate  
May 14, 2019

---

future of our state. And any state's not going to cut their way to greatness. States are going to grow to greatness and that's through education. And if we're talking about K-12 or if we're talking about at the university level or the community college level, the university is doing a great job with the money that we're investing. And, again, for every dollar we invest as this Legislature, we are getting a \$7 return. There's \$100 million generated by the university faculty staff and students annually in charitable donations and volunteer services. Nebraska graduates almost 11,000 students each year to fill Nebraska's work force. Nebraska works over 75 percent of Nebraska's 77,000 producers to boost productivity. Nebraska University trains over half of the Nebraska's 11,000 doctors, dentists, and health professionals in our state. NU has educated over 40 percent of Nebraska's 23,000 teachers. NU empowers 140,000 Nebraskans 4-H students with life skills every year. Again, we're talking about great things the university does. This is just one small part of our budget. And I would yield the remainder of my time to Senator Stinner.

WILLIAMS: Thank you, Senator McDonnell. Senator Stinner, you're yielded 2:30. Senator Stinner waives. Moving on in the queue, Senator Hilkemann, you're recognized.

HILKEMANN: Thank you, Mr. President. I want to talk about a couple of comments that were made earlier in the day, have been made previously about our budget. Comments were made that we should have cut at least 2 percent from everything. There was also a comment made last week that we should have taken 5 percent out of every agency. I was thinking about that. As you all know, I do a lot of biking and-- as I was doing my bike ride the other day, I was pondering, going through some of the thoughts that had been here, and I'm thinking, you know, why can't we just take 2 percent out? Why can't we just take 5 percent. Then the analogy it hit me that if-- if I were a farmer and I have farming interests, but I don't-- that-- I'm kind of remote from them, but I have a farm. But I know my father always had a good relationship with his banker when he was in the cattle feeding business. But what if my dad went in to the banker and he wants to set up his farming operation for next year. And the banker said, well, you've got to take 5 percent off of what you spent last year. My dad would say, but the seed corn is 14 percent higher this year than it was last year, and the fertilizer is 8 percent more than it was last year, and I'm paying more rent for one of the farms that I have. How can I-- how can I maintain my operation if I have to cut all of those things out of it? How am I going to be able to meet the loan that we have here if I have to cut that out of it? And he-- my dad was very practical. He said, well, why do I-- I've always-- I've been a good customer, been a good farmer. I've always met my loans. I've increased my net worth. I now own three farms. I own new equipment. I've increased my cattle herds by 200 or 300 head each year. I've met those payments. Why should I cut it back by--? Well, we're just cutting back our loans 5 percent. You see, there has to be-- it really just hit me that-- that as much as we would like to say we can cut, and we can cut, there has to be a reason, and when we-- two years ago when I was on the Appropriations Committee, we had to make those difficult cuts, we had to take 3 percent, and 3 percent from every agency-- every agency. But we just did not have the money to take care of it. And so I just think it's-- sometimes that it's-- we can--

Floor Debate  
May 14, 2019

---

idealistically we can think of-- it would be ideal to do this, but in practicality, it doesn't always work that way. And yes, we have to make some short time-- shortcuts sometimes. I'm one that's still pretty fastidious about my own personal budget.

WILLIAMS: One minute.

HILKEMANN: I account for every penny of my budget every month. And there are times when I say to Jules, we have to hold back, we can't do this. But we still continue to keep moving forward. We got our kids educated, but those are increased costs that we had to make up. So I just think sometimes we get into the idea that we ought just to be able to just cut, cut, cut, cut. And I just wanted to make those comments, and because I'm not sure that, that while there are times-- and we may have those times coming in May, and that's why we had that rainy day fund that I would like to see us be restored a little higher for those things. That's what I use personally and I would think that many of you here-- but there's a reason that we do the budgeting process. And I'm pleased that we have a Chairman who caught the vision of what those things I think we--

WILLIAMS: Time, Senator.

HILKEMANN: Thank you.

WILLIAMS: Thank you, Senator Hilkemann. Senator Cavanaugh, you're recognized.

CAVANAUGH: Thank you, Mr. President. I understand that there is some concern about additional amendments on this bill that we haven't had a chance to talk about. I think that we all could agree that this amendment is extremely important, and important to the people of Nebraska, and important to our constituents and our community-based long-care services. I was going to ask-- well, I was going to ask Senator Hilgers to yield to a question, but maybe I can ask Senator Stinner to yield to a question.

WILLIAMS: Senator Stinner, would you yield?

STINNER: Yes, I will.

CAVANAUGH: Senator Stinner, what is our one responsibility in this body?

STINNER: Pass the budget.

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

Floor Debate  
May 14, 2019

---

CAVANAUGH: Thank you, Senator Stinner. I hope everyone understands, and I'm speaking to this because I believe that I may be the last person to speak today, that this is our constitutional duty to approve the budget. And if we don't do it today, we continue to jeopardize our state budget. Senator Chambers talked about bills with an asterisk next to them, and this bill has an asterisk next to it. So if we don't vote on this today, we're going to have some real problems as a state. It is our job, is our constitutional job to vote on the budget. So I hope that that's something that we as a body can agree to do. If Senator Clements would like to speak about his amendment, I would be happy to have that conversation with him. Senator Clements, would you yield to a question?

WILLIAMS: Senator Clements, would you yield?

CLEMENTS: Yes.

CAVANAUGH: Senator Clements, I was looking at your amendment, FA73, and I saw that it says strike Section 6. And I tried to reference what that was. Could you inform us about what Section 6 would be doing?

CLEMENTS: Yes, it's a-- striking Section 6 of AM1746, that's the bottom on-- starts on the bottom of page 2. And it calls for Health and Human Services to do a long-term care study and report back to the Appropriations Committee about future trends and sustainability plan and analysis of regulations and-- it's for Health and Human Services to report back to the Appropriations Committee with these policy issues that are not just funding issues but they're policies that I thought Health and Human Services would be best suited to talk about.

CAVANAUGH: Thank you, Senator Clements. Is Senator Bolz available to yield for a question?

WILLIAMS: Senator Bolz, would you yield?

BOLZ: Sure, I would be happy to.

CAVANAUGH: Thank you, Senator Bolz. So Senator Bolz, I'm sure everyone here knows, but for those watching at home, Senator Bolz, I know you to be a very deliberate and thoughtful legislator--

BOLZ: Thank you.

Floor Debate  
May 14, 2019

---

CAVANAUGH: --who does not just put things into an amendment like this without a lot of thought and consideration. Could you tell me why you think that that section is important?

BOLZ: Sure, I'd be happy to. And it really goes back to my second year in the body, I established the Aging Nebraskans Task Force. And that is because the number of people who are over the age of 85 in Nebraska is going to skyrocket in the next few years and we really need to plan for that. I think it's-- one of the things that hasn't come up on the nursing facility study is that it will also look at access to home- and community-based services, which are both the preference of individuals who are aging in our communities, and less costly. So I think that this study could ensure adequacy, could address some of the challenges in our nursing facilities, and could, in the long run, help us save money as we meet increasing demands for an aging population.

CAVANAUGH: Thank you so much, Senator Bolz.

WILLIAMS: One minute.

CAVANAUGH: Thank you, Mr. President. I'd ask the President to yield to a question, but I don't think that I can. So I will speak to what I know about the President's experience with long-term care. And I've actually learned most of this from Senator Williams about the problems that we have with long-term care and incidents that he has already spoken to today that happened in his district and how crucially important it is that we make sure that we are taking care of our vulnerable populations. And our elderly are a very vulnerable population, and I think it's important to keep that in mind. I appreciate Senator Clements' concerns about whether or not this is our role. And I think that we can move forward with this bill, with this amendment, as it is, and continue to have that conversation. If it turns out to be something that isn't our role, I think it's something that we can fix later. But we shouldn't jeopardize the budget of this state for that. I'll just end with saying, again, this is our constitutional responsibility.

WILLIAMS: Time, Senator.

CAVANAUGH: Thank you.

WILLIAMS: Thank you, Senator Cavanaugh, Senator Clements, and Senator Bolz. Mr. Clerk, you have a motion on the desk?

CLERK: I do, Mr. President. Senator Stinner would move to invoke cloture pursuant to Rule 7, Section 10.

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

Floor Debate  
May 14, 2019

---

WILLIAMS: It is the ruling of the Chair that there has been fair and full debate on LB294. Senator Stinner, for what purpose do you rise?

STINNER: I want a call of the house and roll call in reverse order.

WILLIAMS: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk.

CLERK: 25 ayes, 13 nays, Mr. President, to place the house under call.

WILLIAMS: 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 Geist, please check in. Senator Hughes, please return to the Chamber. The house is under call. All members are here. There has been a request for a roll call vote in reverse order. This will take 33 votes. Mr. Clerk.

CLERK: (Roll call vote taken.) 31 ayes, 14 nays, Mr. President.

WILLIAMS: Thank you, Mr. Clerk. The motion fails for cloture. Moving on in the agenda. Mr. Clerk, for announcements. Raise the call. Next item on the agenda, LB299.

CLERK: Senator Slama, LB299, I have no amendments to the bill.

WILLIAMS: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB299 be advanced to E&R for engrossing.

WILLIAMS: Members, you've heard the motion. All in favor say aye. Opposed say nay. Motion carried. Mr. Clerk.

CLERK: Mr. President, LB464. I have some items, Mr. President, if I might. Enrollment and Review reports LB298 as correctly engrossed. Reference report referring gubernatorial appointees. Amendments to be printed: Senator Cavanaugh, LB720; Senator Clements, LB294; and Senator La Grone, LB294.

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

Floor Debate  
May 14, 2019

---

Mr. President, a priority motion: Senator Slama would move to adjourn the body until Wednesday, May 15.

WILLIAMS: Members you've heard the motion to adjourn. All those in favor say aye. Opposed nay. We are adjourned.