

MARCH 16, 2006

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March 16, 2006 LB 746A

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Good morning. Welcome to the George W. Norris Legislative Chamber. Our chaplain for the day is Father Paul Rutten from Madonna Rehabilitation Hospital, Lincoln, Nebraska, guest of Senator Foley. Father, please.

FATHER RUTTEN: (Prayer offered.)

SENATOR CUDABACK: Thank you, Father, for being with us this morning, appreciate you being here with us. We call the forty-fifth day, Ninety-Ninth Legislature, Second Session to order. Senators, please record your presence. Record please, Mr. Clerk.

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

SENATOR CUDABACK: Are there any corrections for the Journal?

CLERK: No corrections, Mr. President.

SENATOR CUDABACK: Messages, reports, or announcements?

CLERK: Mr. President, the report of registered lobbyists for this week to be inserted in the Legislative Journal, and received reports from the Geographic Information Systems Steering Committee, as well as Department of Revenue. Those will be on file in the Clerk's Office available for member review. That's all that I had, Mr. President. (Legislative Journal pages 1077-1078.)

SENATOR CUDABACK: Thank you, Mr. Clerk. First agenda item, we go to General File, appropriation bills, Mr. Clerk, LB 746A.

CLERK: LB 746A, Mr. President, by Senator Don Pederson. (Read title.)

SENATOR CUDABACK: Senator Pederson, you're recognized to open on LB 746A.

SENATOR D. PEDERSON: Thank you, Mr. President, members of the

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Legislature. You will recall last Tuesday I introduced LB 746 which was the bill that will provide funds for legal services for civil matters for the indigent. And, well, I shouldn't say indigent. It's just people without the sufficient level to pay for legal services for themselves and to extricate themselves from the problems that have evolved in their lives. And this is a bill, if you recall, that will give these people the opportunity to become productive again and get away from the millstone they have hanging around their neck. When the bill was initially proposed the other day, I had included within that an appropriation. And at the request of Senator Beutler, I have split that off and now this appropriation bill does provide that there will be appropriated \$200,000 from the General Funds for '06-07, and \$200,000 from the General Funds of '07-08 to the Supreme Court for Program 52, which is from the Court Administrator's Office, to distribute funds in accordance with the prioritization. I would ask your approval of LB 746A. Thank you.

SENATOR CUDABACK: Thank you, Senator Pederson. You've heard the opening on LB 746A. Open for discussion. Senator Pederson, there are no lights on. Senator Pederson waives closing. The question before the body is, shall LB 746A advance to E & R Initial? All in favor of the motion vote aye; those opposed, nay. The question before the body is advancement of LB 746A. Have you all voted on the question who care to? Please record, Mr. Clerk.

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB 746A.

SENATOR CUDABACK: LB 746A does advance. Next agenda item, LB 817A.

CLERK: LB 817A by Senator Chambers. (Read title.)

SENATOR CUDABACK: Senator Chambers, you're recognized to open on LB 817A.

SENATOR CHAMBERS: Mr. President, members of the Legislature, LB 817A is the bill that would fund LB 817, which raises the

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salaries for the constitutional officers. The amount was settled on by way of a Government Committee amendment. So I'm asking that you advance this bill. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the opening. Open for discussion. No discussion. Senator Chambers, you're recognized to close if you care to. Senator Chambers waives closing. The question before the body is, shall LB 817A advance to E & R Initial? All in favor vote aye; opposed vote nay. The question before the body is LB 817A. Please record, Mr. Clerk.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB 817A.

SENATOR CUDABACK: LB 817A does advance. Next agenda item is Final Reading. Members, please take your seats. (Visitors and doctor of the day introduced.) We are on Final Reading. Mr. Clerk, LB 32.

ASSISTANT CLERK: Mr. President, Senator Beutler would move to return LB 32 to Select File for a specific amendment, that being to strike the enacting clause. (FA614, Legislative Journal page 1078.)

SENATOR CUDABACK: Senator Beutler, to open on your motion.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I would beg your indulgence just for a couple of minutes so I can give you a little short update on water. I had intended to bring this up yesterday on LB 1060 when Senator Langemeier brought up the matter of water and was on page 94 of LB 1060, which is the budget bill. But at that point in time, I think you were too tired to listen and I was too tired to speak clearly. So I wanted to use this occasion, not to do any damage to LB 32, but to simply mention to you what it was with respect to Senator Langemeier's request that piqued my attention. As I indicated, on page 94 of the budget bill is where his suggestion for an increase in the cap on the water fund appeared. Right below that is the appropriation for Agency 29, the Department of Natural Resources. And in '05-06, you probably don't remember

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this, but we put in an additional \$4 million or \$5 million to match federal funds to take land temporarily out of irrigation. And you may remember that was the time when the discussion began about whether we're going to use General Funds to continually bail out this process in the Republican Valley or whether we were going to start to construct a long-term solution and some incentives to ensure responsibility in terms of how things...how the NRDs structure things down there. And that year, and I'm reading from the existing language in the appropriation...the Appropriations Committee put in, we had a discussion, you voted for it. It says: It is the intent of the Legislature that the Department of Natural Resources develop and propose a system of fees and charges to provide an ongoing source of funding for this program beginning in 2006-2007. Okay, that's the instruction that we gave to the Department of Water Resources more than a year ago. They have done nothing. The executive branch has done nothing in that regard. And so they apparently just ignore what we asked them to do. And the very next paragraph in this appropriation section is committing another \$2.7 million, the Bostwick buyout provision, of General Fund money to pay people not to irrigate. It's like we wrestle with the problem. We ask for a solution. They ignore the solution. They come back with the same problem. And every time they try to put us over a barrel and get more and more General Fund money to bail out the situation without proposing long-term solutions. So we put in more intent language when we did the Bostwick thing: It is the intent of the Legislature that this appropriation is of a one-time nature and shall not be a part of an ongoing budget. Well, are they going to pay any attention to that or are they going to ignore that one more time? Now you may have read in the paper we're buying out Frenchman Valley irrigation rights and we're buying out one other irrigation district irrigation rights, Riverside. I don't know how much we're paying for those. I haven't looked into them yet. But I'm simply taking time to bring this to your attention so that you are aware of the repetitive nature of the giving of General Funds, the statement that we don't want to do that, and the ignoring of the statement. And so I hope when the water bill comes up for discussion that this Legislature will have the backbone to do some things that mean we mean it. We don't want to continue to bury ourselves in General Fund appropriations to

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get a situation straightened out that factually...that in fact simply needs a bit of discipline to the system. So that's all I wanted to say and I recognize that people have different opinions on this. And so I would leave the board open if anybody else wants to speak. If nobody else wants to speak, then we can move on right away.

SENATOR CUDABACK: You've heard the opening. Senator Chambers, followed by Senator Smith and Senator Schrock. Senator Chambers waives the opportunity. Senator Smith.

SENATOR SMITH: Thank you, Mr. President and members. I know I'll be criticized for perhaps being perceived as posturing, but I've learned a lot in the last two years on Natural Resources Committee and certainly the last eight almost complete years--thank you, Senator Chambers--in the Legislature, on taxes. I never thought I would be so concerned about taxes as I am now. But it's been interesting when we look at the water issue and the proposals that have been basically an increase in ag property taxes, irrigated land property taxes, when already there's an increase in property tax or a margin of property tax that is paid on irrigated land because it's more valuable. And when you look at the inherent unfairness of property taxes that are being paid by agriculture, I find it appalling that there would be yet an additional effort to increase taxes on agriculture. And I believe that's what Senator Beutler has been attempting to do. We all need water. We all consume water. And it's a difficult issue. But to rather arbitrarily place greater fees on the users does not get at the root of the problem. When you look at the diversity of agriculture across the state, and the mere diversity in irrigation across the state, why would we impose a flat fee on all irrigated land when the soil types are different, the precipitation is different, the flows are different? We have different basins from which to obtain the irrigation water. Raising those fees on agriculture, and I know you're going to criticize me for posturing, that is not the answer. And I think it is particularly unfair to agriculture. Thank you, Senator Chambers, and thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Smith. Further

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discussion? Senator Schrock.

SENATOR SCHROCK: Mr. President, members of the Legislature, first of all I want to thank Senator Beutler for his interest in water. And I think your interest has had a positive impact on our water policy in this state. Senator Beutler, fees may be appropriate at some point in time. I'm not ready to go there. And one of the reasons I'm not ready to go there...and, of course, you refer to the Republican River Basin which is represented almost inclusively by Senator Baker and I, and Senator Pederson has a little strip down there in southern Lincoln County, but it doesn't amount to much of his constituency. The farmers in Nebraska, especially in that basin, would be glad to move their land into Kansas or Colorado because they would reduce their property tax bill by 30 to 40 percent and in some cases almost 50 percent. If we had a low property tax structure for the state of Nebraska for agriculture, I would be more inclined to agree with you. But we've had some tough issues down there, and we did not address the issue soon enough. And I think part of that goes back to the state policy on water and the attitude we had by the former Attorney General. Irrigated agriculture adds \$4.5 billion to the economy of this state, and yet we don't give them any tax incentives. We don't...I do appreciate the Revenue Committee willing to move ag land values from 80 percent of market value to 75 percent. But the tax burden on agriculture is rather large. And when we have some decent revenue times, it seems inappropriate to do this, to try and put a fee on irrigation water. Senator Beutler, I pledge to work with you to solve the issues. I think we've gone a long ways toward solving the issues. I think the CREP program that Congressman Osborne was able to get money for, that's idling 70,000 acres. That has an economic impact in that area of the state when you idle 70,000 acres. And I do think the river will flow better. I do think we'll get water in Harlan County, not only for irrigators but for recreation, and it will help the overall economy. So there's trade-offs here. But when you've had the kind of problems they've had in the last few years with the drought, and we wouldn't be talking about this now if it hadn't been for the drought. There would have been enough water to go around. We wouldn't have our water-short years with Kansas. But it's kind

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of like kicking somebody when they're down. You've gone through two dry years so we're going to put a fee on you; we're really going to fix you. I just can't go there yet. So, Senator Beutler, let's keep the dialogue open. I commend you for your thoughtfulness on this issue and we'll try to get to the bottom of some of these issues. But I, too, don't want to pay farmers not to irrigate. I don't think I would want to characterize in the buying of this Bostwick District. Because when you say that, you indicate that we're paying pump irrigators not to irrigate. We're buying surface water here to meet the compact, surface water that isn't there because of drought because of two tough years, especially '03 and '04, and we didn't quite catch up in '05. But even people who observe the river now are fairly encouraged by the flows in the river. It's not a lot, but it's some. And if we can get a normal year precipitationwise, I think we'll be in good shape, and these fees at that time would be inappropriate. And by the way, it does affect the attitude of the ag community when we do set policy like that because for all my life in the Legislature, I have said, yeah, Schrock, it isn't long before you'll be taxing water. That's the fear of a lot of irrigators. Yeah, it's not going to be long, you'll be taxing water. You tax everything else. You tax our sprinkler systems. You tax our irrigation equipment when other states don't. And I would be glad to shift some of that property tax revenue...

SENATOR CUDABACK: One minute.

SENATOR SCHROCK: ...over to water policy issues. I've even proposed that to the task force that we take the personal property tax on irrigation equipment and shift it to water issues. And remember, if you own a pivot in Kansas or Colorado, they're not taxing your pivot. So if the tax burden on agriculture wasn't so tough and if the fact that they haven't gone through some tough times down there weren't reality, then I could be more supportive. But I'm not ready to go there yet. If we want to battle on the floor, fine. Or if you want to work off the floor to find a solution, that's fine also. And I thank you for your time.

SENATOR CUDABACK: Thank you, Senator Schrock. Senator

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Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, since my name was invoked, not disrespectfully, I think I should make a comment or two. I do believe that my good friend and candidate for the U.S. House of Representatives, the right Honorable State Senator Adrian Smith from the Scottsbluff environs, was posturing. I see him speaking on issues now that he didn't. And he said he didn't know that he'd be as interested in taxation as he is now. Well, he wasn't running for a higher office until now. So when things are said on the floor, I'm going to deal with them. And later on I'm going to deal with the disingenuousness, the deceitfulness of Senator Foley; how the process was corrupted, how the integrity of the Legislature has been compromised, and how the man refused to be straightforward when I asked him question after question. But I'll get into that as we move forward. And as he stated the other day, I give heads up. I want him to know. I saw in today's paper where Senator Deb Fischer had said that the senators must be fiscally...focused on being fiscally responsible. And I don't know whether it's fiscally responsible to be paying these farmers because they chose a way to make a living which was based on a gamble, based on many vagaries, based on an inability to control the conditions and circumstances under which money will be made. If I make a bet on a football game and the bet includes my house and I lose, that's a gamble I chose to take. And I can't come to people and say, I was trying to make money in a hurry, I gambled and I lost my house, now I'm homeless and I want the state to buy me another house. Farmers chose to do what it is they're doing. When the times are flush, they talk about how great they are, their intelligence and their ability, and that doesn't bother me at all. That's a part of human nature. But when you gamble and you lose, you gamble and you lose again, that is a part of a choice that you made. I have supported many initiatives to help the farm sector, not necessarily because I agreed with everything they did, but they've had such poor representation in the Legislature. I have tried to get more money directly into the rural areas and the rural senators fought against it because they were afraid. They were cowards. Well, other senators won't like it, while they are running off, the other senators

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are running off with Fort Knox. That's where gold is supposed to be kept, I think. They're running off with Fort Knox and I say, look, I found a piggy bank over here and there is a penny in it and I think I ought to give it to the rurals. And the rurals say, well, I know they got Fort Knox in Omaha and Lincoln, but they don't want us to get anything. And since they said they don't want us to get anything, Senator Chambers, we're not going to ask for anything, we're not going to get anything, we're not going to push for it, but in the meantime, we're going to whine and gripe about how unfairly we're treated. Oh, we are going to deal with some of these things on the floor. And when the budget bill comes back, there are several items that I'm going to address, and we're going to be on that budget bill a long, long time unless you all can pray to that God you talk to every morning through your preachers to take me away from here.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: But as long as my tongue is not cleaving to the roof of my mouth and my right arm has not lost her cunning, I'm going to deal with these issues in the way that I think they should be dealt with. And, Senator Schrock, I am not in a merciful mood. I shall be Atropos for some remaining portion of the session. I had not intended to speak, as was evidenced by the fact that I turned off my light when I was called on. But having been invited into the discussion, I am not so rude and discourteous as to turn down an invitation properly extended. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Louden.

SENATOR LOUDEN: Thank you, Mr. President and members of the body. I think we're probably, with the water situations, we're probably getting there. When I first came down here, why, there was a big flurry of well drilling because they thought they were going to put a moratorium on it. Now there's a big flurry of not well drilling because they think they're going to either be a property tax or there will be a usage fee or something like that. So, to me, I think the proverbial two-by-four is probably being used that something has to be done. Since then, in the last three or four years, more districts, NRD districts, are

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putting a moratorium on well drilling until some of their research comes forward so they find out how much water is actually there. On some of these districts the research is out there, and until they find out what the recharge rate is, they won't know how much they can pump out. Anytime you're pumping out more than what the recharge rate is, consequently, you're mining water and something will have to be done. The question is now on some of these NRD districts where they've drilled too many wells, how are you going to change that? How are you going to make that work so that there can be water into the future? You can't continue to mine the water or else it will all be gone. So consequently, when they find out perhaps there's so many inches of water per well, you're going to have to divide that amount of recharge by the number of wells and that's the amount of wells that are going to be allowed to operate in an NRD district, whether you have that certain number of wells each year, whether you shut some of them down entirely, whether people that have irrigation wells, will the NRDs have to decree in the future that everybody has to shut down 10 percent of their wells or 20 percent of their wells. So there's some problems in the future to work on. And I think we're probably working towards that end. Right now most of our NRDs aren't fully to the full taxation. There is some room for...some wiggle room for another year or so. But I think this is something the NRDs are going to have to bring forward themselves on how they want to solve their problem. They helped get into the problem so I think they'll have to help get out of it. I don't think the state of Nebraska can categorically just break open the checkbook from time to time and bail everybody out and start over again. I agree with Senator Beutler, this has went on from time to time and something...it can't continue at that rate. So the question is, is what do we do to straighten it out? If the NRDs aren't satisfied with what we might do, then I would suggest that they come forward with their own plans on how they're going to bring themselves into line with the amount of recharge rate they have with the amount of pumping. Now some of this is going to help considerably for the surface water users in areas. Right now they're talking about the snowpack being over 100 percent in the Wyoming area for some of the surface water irrigators along the Platte River in western Nebraska. And that is what will...the tail waters from those irrigation

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districts is what will refill Lake McConaughy. There's no other way around it. That was a problem that wasn't addressed early on, that the amount of tail water that comes out of western irrigation districts was being cut down so consequently the irrigation below Lake McConaughy should have been...had restrictions also and it wasn't done.

SENATOR CUDABACK: One minute.

SENATOR LOUDEN: At the present time and for the last probably nearly 100 years, there's very little water that flows in the Platte River at the Wyoming/Nebraska line. For the most part, most of the water that comes in from Wyoming comes through the canal and irrigation systems in western Nebraska and works its way on down to Lake McConaughy. Whatever water is flowing in at Lewellen into the Platte River to form Lake McConaughy is usually water that comes from the springs and it's in Nebraska. So I think we're coming there. I think time will work out. But as I said before, I think the proverbial two-by-four has been used, so I feel that we will come up with some solutions in the future. Thank you.

SENATOR CUDABACK: Thank you, Senator Louden. (Visitors introduced.) Further discussion, Senator Baker.

SENATOR BAKER: Thank you, Senator Cudaback and members. And, Senator Beutler, I agree with what you're saying. Change, though, is difficult. I...was pointed out the other day, I'm the only senator that does actually live in the Republican River Basin and I think I know my constituents pretty well. Change is difficult. You have to realize that these canal systems were built in the forties, fifties out there. It's been going...they have been used pretty much annually up until the last few years. It's difficult to change. However, I agree with you. We're going to have to solve this from within the basin. We can't continually hope that someone outside the basin is going to provide us with water or cash in this case. I do commend, I applaud the Bostwick Irrigation District saying, we're going to step up, help out. And lo and behold, we have a couple more districts now saying we're willing to step up. I think one of them is Riverside. I believe that is in Harlan County. The

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other one is the Frenchman District which runs right past basically where I live, a few miles away. They're going to step up. Our local NRD in the Middle Republican has pledged some money, what they had available, to work with Frenchman, I believe, within the Middle Republican. But change is difficult. But my long-term solution...and I'm concerned. There's been so many of us in this Legislature work so many days, weeks, months on this issue, Senator Schrock and Senator Beutler. I can't name all of us, there's been a lot of us working. It seems like, looking around, a lot of us are term limited out. My pledge would be to go home, maybe it's good for term limits. I might not get reelected if I have such an unpopular stand on water, but we're going to have to retire some of these surface water irrigation districts. They haven't been used for a number of years, they're in disrepair, could be brought back into use if we had the water. But long term, with all the conservation measures we've taken, I don't see the runoff-fed reservoirs in western Nebraska filling again. I just, I don't see that happening. So my pledge would be to go back, work with the irrigation districts. We have some movement now. We have an example what Bostwick has done. We also have Riverside and Frenchman now talking. They don't have a lot of acre feet, but it's an indication to me that we are making progress. We're going to have to retire some of these surface water irrigation districts permanently. One of the other factors that enters in, and I don't know how many people realize this, but there are facility costs assessed to each one of those irrigated acres by the Bureau of Reclamation. And the bureau has been most helpful. They've reduced those annual fees because there was simply no water to deliver. They've reduced them. They have not eliminated them to the best of my knowledge, but they are working with us on this. So that, to me, is what we're going to have to do. Again, change is difficult. These have been passed down, these farms, through generations with surface water. Times have changed. Farming practices have changed and obviously climate, the condition of the rainfall has not helped. But I am going to try and go back and work with local irrigation districts that I know the directors on and so on and see what we can get done because I've always maintained we can't depend on someone else to bail us out of this. It's going to be done from within the basin. Thank you, Senator Cudaback.

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SENATOR CUDABACK: Thank you, Senator Baker. Senator Brown.

SENATOR BROWN: Mr. President, members, we have what we call the urban-ag luncheons. And some of us who are more urban senators have learned a lot, and I've learned a lot. And I thought I had been following a lot of the issues on the Republican Basin, learned a lot about how little impact in the Republican Basin there is from ground water irrigation and the significant impact that there is in surface water irrigation. And as Senator Baker just said, the answer in the Republican Basin is going to involve the purchase of surface water rights and change is going to be difficult. I think that long term we do need to look at some sort of a system that encourages people, even in basins that are not having the problems that the Republican Basin is having, at conservation and at some methodology. I would prefer to see it kept in the private sector of private sector individuals who have more limited availability and rights to be able to purchase rights from other places that there are...there is more water. Because I think that once it becomes us, the state, purchasing those rights, that individuals are going to expect it to continue, and I think that that's a particular problem. But there it is going...I think it's going to take a lot more thought and a lot more time because some of the things that Senator Smith said are exactly true. You cannot have a one size fits all. In the Republican Basin, you could practically shut down all of the ground water irrigation and not really impact the problem that we have right now. And the decimation that that would do to the economy of the basin is...I'm not willing to accept that kind of an answer to the compact issues that we have before us right now. So it needs to be a different kind of an approach than what we are talking about here. We need short-term solutions, medium-term solutions, and long-term solutions. And we've got to get the NRDs to be participating a lot more. And I will tell you that I am very impressed especially with Upper Republican NRD people that I have spoken to. These are the people that put a moratorium on and have done, I think, almost everything that they can do to address the problem they have which, right now, is totally caused by the lack of rainfall on the eastern slope and they have been very, very responsible. I think the NRDs have been very responsible

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in the Republican River to try to deal with the very pressing problem that they have right now. But we've got to get the NRDs to participate and we've got to sell it to people, and not only to the farmers, but also to the people in urban areas because I hear from people in my district...

SENATOR CUDABACK: One minute.

SENATOR BROWN: ...who say we should not be about buying water rights; the water rights belong to the state. Well, yes, but those people aren't going to be any happier if we lose a big chunk of our economy than they are if they have to come up with some of the money. So I don't think that we can adopt a one size fits all, and I particularly don't think that having the discussion on this bill is the best way to do it. We have an ongoing water task force that is trying to work on these issues. It's not going to be one way or the other. And so I just think that it's healthy that we talk about it so that people understand the complexity of it. But I don't think that we can propose any kind of one size fits all...

SENATOR CUDABACK: Time, Senator Brown.

SENATOR BROWN: ...and think that it's going to solve the problem. Thank you.

SENATOR CUDABACK: Thank you, Senator Brown. The rolls are being handed out in honor of our Speaker's birthday, Senator Brashear's birthday. So let's give him a nice congratulations or whatever. He made a quick exit. On with discussion. Senator Stuhr.

SENATOR STUHR: Thank you, Mr. President and members of the body. I appreciate the discussion that we've been having this morning. And I do thank Senator Beutler for his involvement in water issues through the years. He served as Chair when I first became a member of the Natural Resources Committee so I know that he has worked tirelessly, as a lot of other people, Senator Schrock, Senator Baker, as have been mentioned. I think that this is a statewide problem. We've talked about the impact of irrigation on the economy of our state generating over

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\$4.5 billion. It has a tremendous impact. When farmers have additional money, they buy machinery. But also those farmers that are involved in irrigation spend more on seed, they spend more on other costs related, energy costs, related to producing that crop. I would not support that...the fee at this time. As has been said, change is difficult. But when we look at our surrounding states and look at the property tax burden that is upon producers today compared to our surrounding states, it is by far the highest. And I just do not see that as a reality. But as I said, the water is the lifeblood of this state. I always say, other than our people, it is the most important resource that we have. So I believe...I do commend everyone that has been working together, particularly those people in the Republican River Basin. We are just going to have to all continue to work together, rural and urban, because water is a very precious commodity. Thank you.

SENATOR CUDABACK: Thank you, Senator Stuhr. (Visitors introduced.) Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, paraphrasing the "Holly Bible," there is a book at the tail end called Revelations and it talks about the four horsemen, and it does not use the term "apocalypse," but other people apply that term. There was a pale horse and he that sat upon him was named Death. Atropos, one of the Fates, is not death. Atropos, though, cuts the thread that results in death. So perhaps Atropos, because all of the Fates were females, could be called "the handmaiden of death." I hear all of this whimpering about the farm economy and how much money they produce for the state. I hear from the same people on occasion, not from the rural areas, they just go along because they don't understand what's going on, how you have to help these big businesses who are billionaires and millionaires because if you don't, they'll go someplace else. Any my admonition has always been, let them go someplace else, and I even had a suggestion as to where they could go and how long they could be there. Senator Landis has a bill that I would call the "bail out Buffett" bill. Warren Buffett, along with "Sir" Walter Scott, to give Buffett his due, "Lord" Warren Buffett, "Sir" Walter Scott have big holdings in a baseball team called the Omaha Royals and they don't have many

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people attend their games, so Senator Landis is bringing a bill to help bail them out and use sales taxes that are gathered in from a certain geographic area in which that new facility will be located and give it over to "Lord" Buffett and "Sir" Walter Scott. One of them at least is one of the richest men in the world, and this Legislature is talking about doing something like that. Senator Brown talked about one size not fitting all. Well, why in the world did she want to give so much water to Ashland and Ashland doesn't need the water? Ashland was not a drought-stricken farm community that needed all of that water that Senator Brown wanted to bestow on Ashland. In fact Ashland said, we don't want it. We don't want it. And Senator Brown said, but you shall have it, you shall have it. Then she said one size doesn't fit all. There was a gentleman from long, long ago named Procrustes and he had a bed. He was a very accommodating, friendly person. There's a little rhyme or song that says, I want to live in a house by the side of the road and be a friend to man. That could have been Procrustes. When wayfarers and travelers would go by and they were weary, he would invite them in and say, join me in my repast, or as you all would say, have something to eat and take a load off your feet and rest for your journey. Well, one night a gentleman came by about the height of my seatmate, although he sits in front of me, Senator Arnie Stuthman...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...who is about as short as I am. He plopped down in Procrustes' bed and before he knew it, his hands had been secured and his feet had been secured and he was shorter than the bed. So then a machine was turned on and before he knew it, Senator Stuthman's "size-alike" was stretched to fit Procrustes' bed. He didn't like that. Then the next night, a tall, gangling, friendly gentleman the height of Senator Langemeier came by and Procrustes plopped him in the bed, and this man's feet hung over the end of the bed. So he was secured in the same way Senator Stuthman's "size-alike" was, but instead of being stretched, he was chopped off to fit the bed. So we can fashion a Procrustes bed which will fit all. But in any case, they are not going to run away with money from the public till which ought to be coming out of their pockets, and I'm

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talking about these irrigators. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Beutler, there are no further lights on. Recognize you to close.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I didn't intend to start all this. But I can see we're going to be in big trouble when the bill comes around. Nobody wants to put off a solution all on one sector or another. But I think it's a gross oversimplification to say this is being laid on agriculture in the sense that nobody proposed any sort of fee on the Republican Valley until their usages engendered the payments that had to be made to Kansas or the buying out of water so we could send it to Kansas so we didn't have to make payments to Kansas. But if you think about it clearly, when you put sales taxes, state sales taxes, into that kind of use, that's coming out of the pockets of farmers in Senator Janssen's district and ranchers in Senator Fischer's district and Senator Louden's district. Ag is paying for that. It's a transfer from all the other areas, agricultural areas of the state, to the Republican Valley to make those payments. And Senator Smith's district, the district he has now would be paying for it. His concerns have broadened somewhat in recent times, but he should think about the people who are in the district that he represents now. Their sales taxes are going to the Republican Valley. So no one is suggesting one size fit all. I think there will be some interesting solutions proposed to you when we get to the real debate, and I hope you'll have an open ear towards them because no alternative has been proposed to you other than make these payments, large payments, out of General Funds continually. So I look forward to the debate, and I hope you do, too. And with that, I'll withdraw the motion, Senator Cudaback.

SENATOR CUDABACK: It is withdrawn. Remind the members we are on Final Reading. Mr. Clerk, LB 32.

ASSISTANT CLERK: (Read LB 32 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 32 pass?

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All in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1079.) The vote is 45 ayes, 0 nays, 4 excused and not voting.

SENATOR CUDABACK: LB 32 passes. Mr. Clerk, LB 248.

ASSISTANT CLERK: (Read LB 248 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 248 pass? All in favor of the motion vote aye; all those opposed to the motion vote nay. Have you all voted who care to? Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1079-1080.) The vote is 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 248 passes. In accordance with Rule 6, Section 8, the first vote will be to suspend the at-large reading on LB 647. All in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

ASSISTANT CLERK: 35 ayes, 2 nays on the motion to dispense with the at-large reading, Mr. President.

SENATOR CUDABACK: The at-large reading is dispensed with. Mr. Clerk, please read the title to LB 647.

ASSISTANT CLERK: (Read title of LB 647.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 647 pass? All in favor vote aye; opposed, nay. Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1080-1081.) The vote is 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

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SENATOR CUDABACK: LB 647 passes. Next bill is LB 647A. Mr. Clerk, when you get time.

ASSISTANT CLERK: (Read LB 647A on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 647A pass? All in favor of the motion vote aye; all those opposed to the motion vote nay. Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1081-1082.) The vote is 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 647A passes. We now go to LB 1019E. The first vote will be to suspend the at-large reading, according to Rule 6, Section 8. All in favor of the motion vote aye; opposed vote nay. Please record, Mr. Clerk.

ASSISTANT CLERK: 37 ayes, 3 nays on the dispensing of the at-large reading, Mr. President.

SENATOR CUDABACK: The motion was successful. Mr. Clerk, please read the title to LB 1019E.

ASSISTANT CLERK: (Read title of LB 1019.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 1019E pass with the emergency clause attached? All in favor vote aye; all those opposed vote nay. (Visitors introduced.) Record please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1082-1083.) The vote is 46 ayes, 0 nays, 3 excused and not voting.

SENATOR CUDABACK: LB 1019E passes with the emergency clause attached. Members, that does complete Final Reading.

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 LR 300
 301, 312

SPEAKER BRASHEAR PRESIDING

SPEAKER BRASHEAR: Members, while the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following legislative resolutions and legislative bills. As to legislative resolutions, LR 300 and LR 301. As to legislative bills, the following: LB 32, LB 248, LB 647, LB 647A, and LB 1019E. Thank you.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Senator Pedersen, you're recognized for a point of personal privilege.

SENATOR Dw. PEDERSEN: Mr. President, members of the Legislature, I take this opportunity as a point of personal interest to bring to you something that's not happened in the Legislature before today and that is to bring to you two young men who are residents of the state. And I hope to be able to do this in the future, but I won't make the point of interest in the future. These two men live in one of our correctional institutions, the Lincoln Community Correctional Center, and have voiced an interest in coming to see what we do in the Legislature. One of them I have known since he was age 16. He successfully has worked his way through the system and is now in a community correction center where they're allowed to leave as long as they have a sponsor. I've gone through the sponsorship certification, or approval, and am glad to bring you today two young men that I'm very proud to introduce to you and hope that you'll stop back and say hello to them at your time. One is Eric Slater and the other is Randy Billups. Randy and Eric, would you please stand and be recognized by your Legislature. Thank you.

SENATOR CUDABACK: Thank you, Senator Pedersen, for that. Mr. Clerk, items for the record.

ASSISTANT CLERK: Mr. President, I do. New resolution, LR 312 offered by Senator Stuthman. I have amendments to be printed to LB 1060 from Senator Chambers and to LB 962 from Senator Don Pederson. (Legislative Journal pages 1083-1085.)

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SENATOR CUDABACK: Thank you, Mr. Clerk. Next agenda item, we now go to Select File, 2006 committee second priority bills. Mr. Clerk, LB 562.

ASSISTANT CLERK: Mr. President, on LB 562 there are E & R amendments. (AM7176, Legislative Journal page 966.)

SENATOR CUDABACK: Senator Flood, for a motion, please.

SENATOR FLOOD: Mr. President, I move the adoption of the E & R amendments to LB 562.

SENATOR CUDABACK: You've heard the motion to adopt the E & R amendments to LB 562. All in favor say aye. Opposed, nay. They are adopted.

ASSISTANT CLERK: Mr. President, Senator Chambers would move to indefinitely postpone LB 562. That would lay the bill over unless the introducer wishes to take it up.

SENATOR CUDABACK: Senator Janssen, did you wish to take it up or lay it over?

SENATOR JANSSEN: Take it up.

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

SENATOR CHAMBERS: Thank you. Mr. President, I've discussed with Senator Janssen and Senator Mines what I intend to do on their bill. In the same way that Senator Beutler used a bill earlier to discuss other matters, I'm going to use this opportunity. And in order that the record will be clear, I'm going to read an article that appeared in this morning's World-Herald. And if Senator Foley is improperly represented, if he is misquoted, he'll have the opportunity to straighten it out. But I want this in the record because I spent countless minutes, at least, questioning that man about his true motives, and he never was straightforward--evasion, avoidance, obfuscation, and that's not an obscene word except to the

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illiterate. This article was headlined "Funds OK'd for women's health tests." It was in the Omaha edition of the Omaha World-Herald, which I get in the morning, on page 2B and the date is March 16, 2006, by Leslie Reed and Martha Stoddard, the World-Herald Bureau. Beginning the article: Lawmakers agreed Wednesday to increase state funding for a women's health program by almost 50 percent, resolving a dispute over whether the services should be limited to 14 family planning agencies across Nebraska. The debate, with its overtones of abortion politics, consumed most of the past two days in first-round consideration of changes to Nebraska's \$6.15 billion two-year budget. Lawmakers advanced the budget after adding spending, yet improved the bottom line by about \$2 million. State Senator Mike Foley of Lincoln, an abortion opponent, launched the women's health debate with an amendment specifying that the dollars could go to a wider variety of public and private providers. His amendment also would allow the state to give priority to providers other than family planning agencies. Foley argued that the change would improve access to the services without prohibiting any existing agencies from applying. In a Wednesday e-mail addressed "Dear Friends," Foley said he found it "insulting" that Planned Parenthood of Nebraska and Council Bluffs receives state tax dollars, even though the money is not used for abortions. Quote from Foley, Planned Parenthood doesn't deserve any of our money and we need to start doing something about it, unquote, he wrote. But he wouldn't say it on the floor and I questioned him and he refused to answer forthrightly. Continuing the article: Foley said the budget amendment would "at least begin to cut into the disbursement of our tax dollars to Planned Parenthood," and he asked people to pray that the amendment would prevail. Departing from the article, pray to whom? This is a religion approach? Continuing: Foley said he shared the e-mail with a couple of people, then thought better of it. It was updated and sent out without his authorization, he said. Departing from the article, I don't see any explanation of who sent this out without his authorization. Continuing with the article: He had not brought up his concerns about Planned Parenthood during debate because the issue was controversial enough, he said, and he thought lawmakers already knew his position. Digressing, he could have stated it on the floor and he had many opportunities

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because I asked him. Going back to the article: Senator Don Pederson of North Platte, the Appropriations Committee Chairman, said the e-mail was "disturbing" and at odds with the way Foley had represented the issue. "I thought our purpose was to provide health care for women, not to go after particular providers," Pederson said. Lawmakers ended debate on the issue by agreeing to increase funding for the program from nearly \$520,000 a year to \$750,000 a year. Key to the agreement was Governor Dave Heineman's promise not to veto the funds. The program pays for tests and treatments for cervical cancer and sexually transmitted diseases for low-income women. Opponents of Foley's amendment had argued that increasing the number of eligible providers without additional funding would dilute the program. They said it would jeopardize the survival of some rural family planning agencies. As amended, the budget calls for an average annual spending increase of 7.3 percent. There is a final paragraph that is relevant: Lawmakers also voted to include money for American Indian education specialists and AIDS drugs, and this is crucial, but rejected a proposal to increase funding for visiting nurses and other programs to prevent child abuse. I brought up from the very beginning, the first time I spoke against Senator Foley's amendment, the fact that contraception and anticontraception was what motivated him. I called it an abortion proposal at the outset. I knew what it was. I described Senator Foley as a "one-ideaed" individual and pointed out the kind of things that he brings. I also said look at those who are voting, and you'll see what it is. It's a Catholic-dogma driven idea. And when a church's policies are advanced through disingenuousness, deceit, and outright lies, it shows the level on which that church operates. I am glad that this information came out. I knew and you all knew. And the budget bill has been perverted and corrupted, and I plan to fight on that budget bill for however long it takes. And you know why Governor Heineman said he wouldn't veto that money out? Because he is running for Governor and he wants to say I took a pro-life position even in the budget. There need to be more people who will stand on this floor in the way that I do and call it like it is. I didn't see any other church's lobbyists out there. The Catholic Church sends its lobbyists on these issues. And you know what they say--well, that's the Catholic Conference, which is the political lobbying arm of the Catholic

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Church. What is the IRA? The Irish Republican Army. What is Sinn Fein? What is that? This is a very important matter to me. These pious hypocrites who talk about being in favor of life at every stage and they say a human being exists at the point of conception. Then when an amendment is offered with a small pittance to fund a visiting nurses program to help those young women who carried a pregnancy to term and birth a child into the world, those pious hypocrites voted no, no, no. Then they're going to stand up here and say, I'm for life, life everywhere, then I'm for women. I'm for women. That's why if you hurt a fetus it's a crime against the fetus, not the woman. I told you what that kind of legislation is. I told you it's based on misogyny, a hatred of women. Never have they come here and said, let us upgrade the punishment when a pregnant woman is attacked. Then yesterday this pittance which would have helped women who have brought a pregnancy to term, brought a child into the world, they say no, no, a thousand times no. I'm pro-life as long as it's in the womb. But when it comes out of the womb, it's something different. The church has no position on that.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: I have never hidden my true intent on this floor no matter what the issue was. If being honest would alert you and you would oppose it, that's the way it has to be. But I have not lied to you all. I have not misled you all. When you put a question to me, I answer it directly. And it doesn't take a reporter to ask me questions to find out I'm writing some kind of "Dear Friends" letter contradicting the hypocritical stance I took on the floor and then telling people to pray. When people lied, Jesus said, they're of their father, the devil, who was a liar from the beginning and all liars will have their part in the lake of fire. And Chaucer wrote The Canterbury Tales. And in...

SENATOR CUDABACK: Time, Senator Chambers.

SENATOR CHAMBERS: ...1766 he wrote, murder will out, in the "Prioress's Tale." And I do have more to say. Thank you, Mr. President.

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SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the opening on the motion to indefinitely postpone. Open for discussion. Senator Foley, followed by Senators Brown, Howard, and Chambers. Senator Foley.

SENATOR FOLEY: Thank you, Mr. President, members. No one needs a subscription to the Omaha World-Herald or Lincoln Journal Star or any other publication in this state to learn that I am pro-life. I am an open book on that question, and I always have been. When I entered this race, the race for this office years ago, the first question from the first reporter was, where do you stand on that abortion issue? And I was unabashedly pro-life. I'm pro-life to the core with no apologies. And I have the courage of my convictions. Because of my pro-life convictions, naturally, naturally I am at opposite poles with Planned Parenthood. Planned Parenthood is the epitome of abortion. They are to abortion what McDonald's is to cheeseburgers. They're the king. They do more than anybody else. And they are the number one agitator for abortion. Throughout this debate the last several days, what did you see in the news? You saw a sound bite from Foley and a sound bite from Planned Parenthood. That's what this has been about. The newspapers picked it up instantly. They knew. All of us knew. All of us, with the exception of Senator Chambers, I'm sure were lobbied by one or both sides, the pro-life groups or the Planned Parenthood lobbyist out here. Everybody knew who the two sides were in this battle. I've got a Planned Parenthood abortion clinic in my district and I'm highly offended by that. I want them out of my district. I want them out of this state. You bet I do. During this biennium alone, I went before both the Appropriations Committee and the Health Committee and I unloaded on Planned Parenthood. It's all in the transcript. It's all out there in the public record. There's nothing hidden here. I went before that Appropriations Committee and I said, I am fed up watching our tax dollars go to Planned Parenthood. This is an affront to the taxpayers of Nebraska, and we need to do something about this. The second year of this biennium I came back again, brought the issue before the Health Committee in the form of legislation this time. And I fought for that legislation, got it out of committee, and brought it to the floor through all the conventional procedures. And again, read

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the transcript. I was very open about my concerns about Planned Parenthood's involvement in this program--public record. The Lincoln Journal Star took a shot at me a year or so ago because of my position on this Planned Parenthood question and they're welcome to it. They own the press. They own the ink. Take a shot. And I came right back at them with a letter to the editor, which they published, and that letter could not have been more clear about my concerns about Planned Parenthood getting taxpayer dollars. I was an open book to everybody on this issue. I speak at various public forums as do you. And almost every time I raise the pro-life issue, even at business groups I talk about the pro-life issue. And I know I see the eyes rolling when I raise that issue, and I know I lose part of my audience...

SENATOR CUDABACK: One minute.

SENATOR FOLEY: ...so be it. At least they can't say I'm disingenuous. They know where I stand. And when I speak before those pro-life groups as I'm invited to do so, I always raise the pro-life question, the Planned Parenthood question with reporters in the room and they write it down and they report it. Fair game. I don't care. Look, when I come on the floor of this Legislature, whose values am I supposed to bring with me, mine or Senator Chambers? I bring my values to this floor of the Legislature and I don't apologize for my values. When I bring up a pro-life bill, I know what's coming. I know I'm going to take a pounding because Senator Chambers is going to make every pro-life bill as expensive as he can possibly make it so that others of you won't do it. But I'll do it. He knows I'll do it. I'm not intimidated by Senator Chambers...

SENATOR CUDABACK: Time, Senator.

SENATOR FOLEY: ...and that frustrates him.

SENATOR CUDABACK: Time, Senator Foley.

SENATOR FOLEY: Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Foley. Senator Brown,

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followed by Senator Howard and others.

SENATOR BROWN: Thank you, Mr. President, members. Both Senator Chambers and Senator Foley have misconstrued what the underlying amendment and the underlying problem are, because the underlying language of this appropriation says clearly that none of the General Funds provided under this program shall be used to perform or facilitate the performance of abortions, or to counsel or refer for abortions. And when Senator Chambers talks about it as an abortion issue, it detracts from it being about women's healthcare and about the real issue, which I think is not as easy to defend for Senator Foley, which is about family planning. It is not abortion; it's about whether women have the opportunity for information so that they don't get STDs, so that they don't get pregnant, so that they don't have to have abortions. People can be very pro-life and still believe in family planning, and the money that we were taking away from services was being taken away from services for family planning. It was being taken away from the opportunity for women to not only find out whether they have cancer, find out whether they have STDs, get treatment for it, which is the part that we took away, the treatment, because now we don't have to provide a range of services under the Foley amendment, and we've taken that away and that is part of what causes women to be in a position where they seek abortions. If we were...if either one of these two individuals was talking about, really talking about, women instead of fighting with one another, they wouldn't be talking about abortion. They would be talking about whether women were going to have the services available. I thought one of the most compelling things was the information that Senator Stuthman provided me about the family planning clinic in Columbus that gets money through this program. They provide \$18,000 worth of services, almost \$19,000 worth of services, and they get reimbursement for about \$16,000 worth of services. So if the money is spread around more, they're going to either eat more or they're going to have to reduce the services. That should be what we're talking about, instead of having this little battle about who defends abortion or antiabortion more, because it wasn't...that was why the language was developed in 1998, so that it wouldn't go for anything that approached that. But it...but those clinics, one of the things they provide is

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counseling for family planning. The clinic that Senator Foley kept invoking, this clinic on North 27th Street in Lincoln, doesn't provide family planning. Thank you.

SENATOR CUDABACK: Thank you, Senator Brown. Further discussion? Senator Howard, followed by Senator Chambers and five others.

SENATOR HOWARD: Thank you, Mr. Chairman and members of the body. And I'm going to take a moment to collect my thoughts here before I begin. I left here yesterday afternoon with an increasingly heavy feeling and when I read in the paper this morning, in the World-Herald, and I thank DiAnna Schimek for passing this around, that lawmakers also voted to include money for American Indian education specialists and AIDS drugs, but rejected a proposal to increase funding for visiting nurses and other programs to prevent child abuse, this is a glaring statement. It really tells us where our priorities are, and people that look at this, that read this, I do believe are going to have the same feeling I do. If we are pro-life, as some of us state that we are, doesn't that include protecting children that are already living, children that laugh and walk and eat and need to be loved? Don't we have a responsibility to the children who are in desperate situations? I'm puzzled. I am so puzzled by what I hear on this floor. Senator Foley stands up and advocates for pro-life, protect the fetus, protect the unborn, and yet he votes against me. He votes against child protection. I don't understand it. I hope that someone will explain this to me and make it clear why children who are alive don't deserve the same protection and passion that Senator Foley gives to those preborn. I also remember when we had the vote come up on the floor regarding puppies and 29 of us, and I'm included in this, voted to keep puppies with their mothers an extra two weeks because that was better for puppies, and yet we vote against a program that would prevent child abuse, a proven program, a recommended program that came out of the Governor's task force. We want more information, we want more proof. It's hard to prove something that doesn't happen, but that's what we're looking for. If we can prevent 40 percent of the child abuse in this state, I'm saying we need to do that. And I'd like to offer the remainder of my time to Senator Chambers.

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SENATOR CUDABACK: Senator Chambers, two and a half minutes.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, "Lady" Howard. And for Senator Brown, she needs to pay attention to what goes on, on this floor during debate, before she tries to pontificate and explain what it is that I'm doing and how inappropriate it is. I am the one who first raised the issue about the final sentence, or wherever it is in Senator Foley's bill, that would say that not all these services need to be provided. I attacked initially and repeatedly the fact that what Senator Foley wanted to do was make this money available to these entities that do not provide these family planning services. I made that clear. He stood on this floor and said, you don't have to take a subscription to the paper to find out Senator Foley is pro-life. But you have to read the Omaha World-Herald to find out what his true motivations were, and that's what Senator Brown ignored. She's ignoring what we found out in the paper. He didn't say it on the floor. He didn't say it was an attack against Planned Parenthood. I tried to elicit...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...from him, through questions, and Senator Brown would have me, well, don't ask questions about that, ask questions about the services. Let her conduct her business the way she wants to. But this is from the antiabortion camp, and that's how these people, who want to give the impression that they're for the rights of women, want to maintain favor on both sides. But I'm not going to do that. This is an antiwoman crusade, as all of these anti-choice efforts are. It takes a general who understands strategic questions to fight a battle, rather than a squad leader who deals with the little tactics. More is involved here than services. It is the whole issue of trying to deprive women of the right to control their bodies and make reproductive decisions, and secondarily, to get to that point by denying them the information...

SENATOR CUDABACK: It's now your time, Senator.

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SENATOR CHAMBERS: ...thank you, Mr. President...that is essential to making wise reproductive informed choices. And if Senator Brown doesn't understand that, that is her problem. But she's not going to tell me not to deal with things that Senator Foley says. She didn't touch one time, probably because she doesn't read the paper, that what Senator Foley brags about talking to these different groups about and talking to the lobbyists about, but he didn't talk to us about it during the debate, and that's why I've ordered the transcript, to show how many times I questioned him to find out what his motives were. Even though I knew, I wanted him, through his own mouth, to make it clear. That Jesus, whom Senator Brown probably believes in, said by your words you'll be justified, by your words you'll be condemned. We'll read the transcript and I defy you to find anywhere in there where he talked about what he's pontificating about this morning that he says to business groups or to the lobby. I don't care what he says to anybody anywhere else; say it here on the floor during our debate. If the World-Herald hadn't printed this, how many of you all feel that these comments ever would have been brought up on the floor? You know better than that. You don't want to deal forthrightly, as I will. I have explained also about Senator Foley's amendment, but you all don't listen to me, that this talk of setting up a preference for local public health departments, hospitals, and federally qualified health centers is designed to make it possible for a Governor, like the one sitting over there, or the head of the HHS to not renew or accept the applications of these entities that provide family planning. I read this stuff and I know what it means; Senator Brown doesn't. Why do you think he put it in there? And he didn't write it, he's the water carrier. That's why he can't explain a lot of the stuff that he brings here. But I will deal with it. He talks about being intimidated. I'm not trying to intimidate him. He's not even worthy of that kind of approach from me. It's his church, and I will talk about his church. It is his church's dogma that he's trying to incorporate into the law, that's what it is, and you all are afraid to talk about it on the floor but you know that, too. But I am going to talk about it. And in addition to that, if you look throughout the language that he got you all to adopt, you will see that it is antiwoman. And for Senator Brown to suggest that this is simply a little spat between two men who

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don't understand the real issue, she is so far off the radar screen that I would have to contact Mars or Venus or wherever they say women are located to correspond or communicate with her. When these issues come up, I don't see Senator Brown leading the charge on behalf of women and women's rights. When the Governor was not appointing women to these boards and commissions, Senator Brown was not out there, but I was, because I'm going according to what I believe and I'm not trying to cheese up to the Catholic Church, to any misogynist, or anybody else who is in a position to silence the people on this floor. So when Senator Foley can only justify his position by saying, well, I didn't say it on the floor but I said it to these business groups, ask them; I'll even talk to pro-choice groups if they want me to, ask them; no, I want him to say it here. This is where we debate. This is where public policy is formed and this is where people can find out the information and the debate...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...that underlay the decisions that we arrived at. If the day comes that I have to hide from what it is I claim I believe and conceal my motivation, I don't deserve to be here. But my standards are higher than everybody on this floor. The problem that you all have with me is not that I lie to you, but that I'm so blunt and straightforward and direct in telling you what it is that I think, what I believe, and why I'm doing what I believe. That's what you don't like in me. You can't come to me and say, Ernie, you lied; the only way I know you lied, because I read in the paper and they got you to say what you were too cowardly to say on the floor, or too dishonest, too disingenuous, too afflicted with the tendency to lie and mislead to say on the floor. But this is a good debate and it's not ending here and it's not going to end this session. And when the budget bill comes up, it's going to go on again.

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Further

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discussion? Senator Schimek, followed by Senator Thompson.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. Senator Chambers, I think if you're going to have trouble reaching Senator Brown, you're probably going to have trouble reaching me, because I'm probably going to be on Venus or Mars and I suspect some of the other women in this room will be as well. But I rise to say that I'm very, very disappointed by what I read in the newspaper this morning. At one point in the debate yesterday I said to Senator Foley, you know, can't we find some common ground on this? You want services provided to women, I want services provided to women, and can't we reach some kind of an accord on this? I know what...I know what Senator Foley's main interest is in this Legislature. In fact, I believe when he came into the Legislature, the first year he was here, he tried to get funding cut on this program and eliminate it. But I wanted to believe that he'd had a change of heart and I wanted to believe that we could work together and that we could see that there was some additional funding put into these services, because I think these services are very important and I think they're very well done and I think they're very well received, and I've never heard any complaints about these services at all. So I'm disappointed and I'd just like to say that I don't think, from the comments Senator Foley made yesterday, that one could extrapolate that he was going to try to destroy the funding for the services that were already there. We had a lot of discussion on this floor yesterday about that and talked about what we thought the intent of providing more funding was, and the intent was that those services that were out there would be left untouched, but if there were a way to fill in the hole somehow, we would do that, or we would provide some additional funding to some of these areas that ran short of funds. I don't think, in my wildest imagination, I wanted to think that we were going to destroy and take away the funding from some of those clinics out there. I'm very, very disappointed. And I think that one of the things that you have to do on the floor of this Legislature is be as forthright as you can be. And if you make a mistake on the record, then your first responsibility is to come back immediately and correct the record so that there is a trust level here among the people on this floor. If that trust level goes, then the whole system

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falls down. And that's what I say to people when we're talking about the Legislature and how we have to deal with each other on an up-front, honorable basis. I feel betrayed by what happened on the floor yesterday and I haven't heard Senator Foley said...say yet, no, the newspaper article was wrong; that wasn't my intention. I'd like to say that I think Senator Brown was right on. She talked about the services, and that's what's important here. I know what Senator Foley feels...

SENATOR CUDABACK: One minute.

SENATOR SCHIMEK: ...and I know that he and I aren't always on the same side of the question, but I thought this time that we were working in the same direction. And I have a very heavy heart this morning. I don't think that's the way we do things on the floor.

SENATOR CUDABACK: Thank you, Senator Schimek. Senator Thompson, followed by Senator Kruse and others.

SENATOR THOMPSON: Thank you, Mr. President, members of the body. Yesterday I wanted to ask Senator Foley a few questions just to clarify that on the record, but debate was ceased. And so I would ask his indulgence to ask him those questions now, because I think we can clear a lot of it up pretty quickly if he's willing to do so.

SENATOR CUDABACK: Senator Foley, would you respond?

SENATOR FOLEY: I will.

SENATOR THOMPSON: As I was listening to the debate, I understand your views on Planned Parenthood and I sat on the committees that you've testified about this funding, and I guess I was separating the whole abortion issue out of this because that's already the law and that's the way this program functions. So as we were discussing this yesterday, I became curious as to...I agree with Senator Schimek, I didn't think there was an intent to get into the issue of family planning, per se, when you offered your amendment, so I would just ask you, do you have a concern about the state

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providing...supporting family planning outside of abortion?

SENATOR FOLEY: The program that we're talking about is not a family planning program. The press, much of the press, has gotten it all wrong. The headline writers have it all wrong. They say family planning dollars at peril. No, this is not a family planning program.

SENATOR THOMPSON: No, I understand that, and since this is my time, you know, I'll let you...I'm not trying...I just want to get the question answered. You don't...because these...this was an expansion to put this testing into a program, a group of providers that provide services on family planning across the state and other services, you don't have an objection to them, to any of them, being family planning. Your objection is just to the Planned Parenthood in Lincoln? I mean, let's talk about all the other people who are providing family planning.

SENATOR FOLEY: Planned...

SENATOR THOMPSON: That is not a concern, right?

SENATOR FOLEY: Planned Parenthood in Lincoln is a very central concern, and you would know that from your...

SENATOR THOMPSON: Right, and so take them out of the equation.

SENATOR FOLEY: Well, I'd love to.

SENATOR THOMPSON: Just let's just talk about family planning, because I'm worried about the risk to the other family planning agencies that aren't Planned Parenthood, and I want to just make it clear for the record that's not...you're not concerned about those other agencies.

SENATOR FOLEY: All of those other agencies are specifically enumerated as eligible providers. In fact, some of them even get the preference (inaudible).

SENATOR THOMPSON: I understand that. But I'm just talking about...I'm trying...

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SENATOR FOLEY: If I was concerned about them, would I give them a preference?

SENATOR THOMPSON: So you don't...you don't have...I just want to make it clear for the record, your only objection is to any family planning that contains abortion information.

SENATOR FOLEY: I want to make sure we get it right now. You're saying my only concern is that...of those types of organizations that do abortions or abortion counseling?

SENATOR THOMPSON: No. Do you have an objection to family planning? I mean you're...well, let's just get down to it. I'm worried. This is what I'm worried about and I'm giving you a chance to say I shouldn't be worried about it. I'm worried that the amendment that went on went beyond concern about those...Planned Parenthood of Lincoln that you made very, very clear. I'm concerned it's getting to the issues of family planning in general...

SENATOR FOLEY: I have...

SENATOR THOMPSON: ...outside of any referral for abortion.

SENATOR FOLEY: Let...okay, fine. Let's...

SENATOR THOMPSON: So if you...and if you...

SENATOR FOLEY: ...let's take that...

SENATOR THOMPSON: So that's a yes or no.

SENATOR FOLEY: Let's set Planned Parenthood aside, as you wanted to do.

SENATOR THOMPSON: Right.

SENATOR FOLEY: Yes, I do have a concern with the other...

SENATOR THOMPSON: Okay, that's what I wanted to know,

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because...

SENATOR FOLEY: ...with the other Title X providers. Yes, I do.

SENATOR THOMPSON: Okay. Thank you very much.

SENATOR FOLEY: And I (inaudible) why (inaudible).

SENATOR THOMPSON: Thank you, Senator Foley. I'll let you use your time. Now we're getting down to it, and I think that's something that...

SENATOR CUDABACK: One minute.

SENATOR THOMPSON: ...people in this Legislature didn't understand going into it, and I, quite frankly, didn't understand going into it. If...let's think about good public policy. Should teenagers have information on their own sexuality and on...should adults? Should people who are poor have the same availability to get family planning information as those of us who have a private doctor and we can go to it? I mean, that's what these family...these public clinics do, and that serves a greater good. And I worried about that all day yesterday and now I'm really (laugh)...now I've got it. This is much bigger than just the abortion issue, which a lot of people in here abhor, and I do too, but this is about government policy. Now we're getting into all the issues of human sexuality and...

SENATOR CUDABACK: Time, Senator.

SENATOR THOMPSON: ...and what we provide in terms of help for the poor. Thank you.

SENATOR CUDABACK: Thank you, Senator Thompson. Further discussion? Senator Kruse, followed by Senator Don Pederson, Senator Foley, Senator Howard, Senator Chambers, Senator Stuthman, and Senator Janssen.

SENATOR KRUSE: Thank you, Mr. President and members. I'm not troubled by the pro-life stand of Senator Foley. He is

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antiabortion. I believe that. I am antiabortion. Unfortunately, some of those who I wish would pay attention to this subject more won't believe that. They don't think I know what I'm...what I think myself. I am deeply troubled about that. But I rise today not to respond to any of the other things being said except for Planned Parenthood. I am deeply upset with the attempt to demonize Planned Parenthood instead of dealing with the issues before us of too many abortions. It's outrageous. It's not truthful. It's distracting. We should be joined together to deal with the number of abortions and to reduce them. If a person is pro-life, they should be doing something about the number of abortions instead of demonizing others who, frankly, are working on the same agenda, the same goal. I am antiabortion. I have offered, when I came down here, to work with anybody who would be willing to reduce the number of abortions. I offered it several times in press, in public, and so on. Only one organization responded--Planned Parenthood. They have presented their program. I've gone over it with them. They are doing more, in my judgment, to reduce the number of abortions than anybody else out there, and I'm including the ones that have been mentioned several times. I have been connected with Planned Parenthood in one way or another for over 30 years. I've been a counselor with pregnant women, most of them young. Not once have I ever suggested abortion. That would be an outrageous piece of counseling. Never was I asked to discuss or present abortion, never, not once. It's an outrageous "distruth" to pretend that I am being instructed in this way or that my fellow counselors were. I invited Planned Parenthood to come to my youth...to my youth group and talk about it. They described the process of birth and talked about abstinence. I was there. And right-to-life types of people came along and told me that they knew what those people said there, and that they really were doing this or that and, you know, trying to give out contraceptives to these kids. I was there. This is outrageous distortion of truth to tell me that Planned Parenthood is coming into my church to try to promote abortion or contraceptives for youth or anything else like that. Planned Parenthood has worked hard to reduce the number of abortions and, in my judgment, which, you know, there's no way of proving this, from my perspective they have done more to reduce the number of abortions in my area, in my congregation,

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than has anybody else. They focus on stopping unwanted conception.

SENATOR CUDABACK: One minute.

SENATOR KRUSE: That means abstinence for teens. That means contraception for couples, and there we hit a crunch piece that is religious doctrine, not medical. We, when dealing with couples, have to be more forward about contraception. I urge that as we look at a terrible problem of abortion that we join hands to reduce the number of abortions and that we not demonize Planned Parenthood, which is doing more, in my judgment, than anybody else to accomplish that goal. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Kruse. Senator Don Pederson.

SENATOR D. PEDERSON: Mr. President, members of the Legislature, when I came here today I thought we were going to talk about revenue, and that's very important. But then when I read the paper, and of course I talked to Martha Stoddard last night and she called and said there was an e-mail and she recited to me essentially what the e-mail involved, and she said what is your reaction, I said I am very disturbed. I'm not disturbed about whether Senator Foley is for or against abortion. That's not the issue involved as far as I'm concerned. The issue involved is integrity. And I think that if we don't have anything else, we in the Legislature must have honesty and integrity, and that's what disturbed me because this was never represented as what he is now portraying his position about antiabortion. That was certainly not mentioned, and he had plenty of opportunities to talk about that. It was represented to us that the proposal that he had involved expanding services for the welfare of women, and now in his e-mail he declared that that wasn't his intent at all. His intent was to try to get rid of Planned Parenthood, and that disturbs me. Because if we don't have our honor and integrity, we don't have very much. So forget about talking about revenue and forget about talking about details. I practiced law for a long, long time, and I've always felt that the most important thing that I or any other lawyer had was his honesty and his integrity, and when that is in question what do

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we really have? And I think that's what bothers me about this whole process. There were many of you, many of us that were actually deceived, now I see deliberately, by Senator Foley to saying what we're talking about is expanding services to women. That sounds wonderful. Everybody wants to do that. The one thing that was missing, of course, in the package was the fact there was no money to expand those services, so now you read through the lines. And you try to give people the benefit of the doubt. You try to say, okay, well, maybe I understand what his views are on certain things, but with this we're trying simply to help women, and that was not the issue at all. That's why I was disturbed. Actually, I felt much more than disturbed when I found out about this. I think that this whole idea of abortion and the concerns that we all have about it, it is a very devastating thing in our society that we have that. I don't know of anybody on the floor that's in favor of abortion. I don't think that's the issue. But there is a process. When I first was on the Appropriations Committee, I mentioned earlier one of the first issues that came up before our Appropriations Committee was an issue involving a process whereby women could receive Pap smears and chlamydia testing to determine whether they had either of those problems. Planned Parenthood was the only one that had submitted a proposal that they would be willing to do this, and so the question was, should we accept that. And a lot of people, purely because of this alleged pro-life stance, said, no, we can't let Planned Parenthood do this, and there was a condition that was put in the agreement with Planned Parenthood that they would not offer any abortion advice at all, and that's still in the law. So...but the question was, should we allow money to go to Planned Parenthood? And it turned out that I was the deciding vote in the Appropriations Committee. And I couldn't believe that the issue was let's don't give money to Planned Parenthood, even though it may save the life of a women who would then find that she perhaps had the evidence of cancer in her system...

SENATOR CUDABACK: One minute.

SENATOR D. PEDERSON: ...or that it would stop chlamydia, which was then a very vicious sexually transmitted disease. But the overriding factor with some people was don't give any money

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because it's, quote, Planned Parenthood. Now, what does Planned Parenthood do? We're trying...let's say the issue is we don't want abortions, but apparently we don't even want any advice to people as to how not to have an unwanted child which is then going to be the precursor for having the abortion. So it just seems to me the whole argument in this regard is disingenuous, but let me leave you with this. We have to maintain our integrity. We have to be honest with each other, and if we're not doing that then how do we know what to believe from anybody? I'm continuing my disturbed feeling about this whole thing because I believe we were deceived deliberately. Thank you.

SENATOR CUDABACK: Thank you, Senator Don Pederson. Senator Foley, followed by Senator Howard and Senators Chambers, Stuthman, Janssen, and Thompson. Senator Foley.

SENATOR FOLEY: Thank you, Mr. President. First, Senator Brown, you made the comment that I was deliberately trying to steer funding toward the People's family clinic on North 27th Street because they do not do family planning. That's not correct. I came over to your desk and told you that, and I had my staff call them and confirm that they do indeed offer those services. So let's clarify that. Senator Don Pederson says he was deceived. Oh, I don't think so, Senator Pederson. You had more information than any other senator because I came right before your committee this biennium and I told you exactly what my concerns were with Planned Parenthood and the funding that they were receiving under this program. Read the transcript. I ask each and every one of my colleagues, read the transcript of that hearing and you will see the most outrageous slur against me from a fellow senator at that hearing. Read it. Senator Howard says, well, you voted for...you voted against my visiting nurse program. No, Senator Howard. Come on, let's get it straight. You brought a bill last year to create that program. You didn't have one dollar in that program, not one dollar. It was Senator Thompson who put the money in. She put the money in. You didn't have any money. You didn't even bring an A bill. And now you're coming back saying let's double it again. No, no, no, it doesn't work that way. You get your program started, we see how it works, we evaluate it, then you come back in and ask for more. We talked about that. I even offered to make some

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phone calls for you, and I did, to see if we could find some money other than General Funds, because those are always so tough to win. We talked about that. You didn't mention it. I have been very, very concerned about the monopoly that a certain select group of providers has over this program. They have a stranglehold on this program, Planned Parenthood, peeling off 35, 45 percent of the monies year after year after year. That's not right. It's not fair to tell a poor woman in Lancaster County, with a population of a quarter of a million people, you've got one choice, you've got one choice if you want to be served under this program; you go to the Planned Parenthood abortion clinic and if you don't like that, hitch a ride to Beatrice or hitch a ride to Tecumseh, because those are your options. That's not fair and I've raised that question over and over again. I crafted language to break that monopoly and to open up this program to more providers, and I agreed to more funding which I said, from my opening speech, I was willing to do. Senator Chambers isn't happy about the way I answered his questions. I'm not going to take all the bate that he throws at me. I don't have to do that. Senator Chambers doesn't even understand this program, doesn't even understand it. He says that the language in my amendment which allows for HHS to contract with providers that don't do all of the services listed is my deliberate attempt to make sure that we can get some agencies in there that don't do family planning. That's not it at all. It relates to the services mentioned in this section, which are not family planning services.

SENATOR CUDABACK: One minute.

SENATOR FOLEY: What the amendment says is you don't have to do each and every one of those nonfamily planning services in order to get a contract under this program. You can do the key two or three services that are offered under this program--the Pap smears, chlamydia tests, and the medications. You could do those three; you wouldn't have to do the more high-tech things because fewer...a far fewer number of the women who come in need those more high-tech services. From my opening speech two or three days ago when we started out on this thing, Senator Chambers I think was the first light on and instantly he inflamed the issue. I wasn't going to add fuel to the fire by

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pounding all over Planned Parenthood. Why would I do that? I did that at the committee level and they all heard it. They all know I did that. I laid the record out. It's all there. It's all in the public record.

SENATOR CUDABACK: Time, Senator.

SENATOR FOLEY: I'm hiding from nothing.

SENATOR CUDABACK: Time, Senator Foley.

SENATOR FOLEY: Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Foley. Madam Clerk, an announcement, please.

ASSISTANT CLERK: Thank you, Mr. President. Mr. President, the Health Committee will meet in Executive Session in Room 2022 now; Health Committee in Room 2022 now.

SENATOR CUDABACK: Thank you, Madam Clerk. Further discussion, motion to indefinitely postpone? Senator Howard, followed by Senator Chambers. Senator Howard.

SENATOR HOWARD: Thank you, Mr. Chairman and members of the body. Well, I had originally put my light on to do something that I had been remiss in doing when I spoke earlier, and that is I wanted to take the opportunity to thank the 20 senators that stood up in support of my motion to fund the visiting nurses and to prevent child abuse, and I want to give you a heartfelt thank you for doing that. And I'd also like to thank Leslie Reed and Martha Stoddard for the article in the paper where they did cite that this funding was rejected, and I invite them to follow this issue because this amendment will be on Select File and I'm going to pursue it and I'm hopeful for the support of additional senators to stand up for this. The other things I'd like to mention is I certainly thank Senator Don Pederson. He's absolutely right. Integrity, integrity is what counts. Integrity is the core issue. Integrity is what matters. If we can't stand on our own integrity, I can't imagine what we would be standing on. If we can't be honest

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about who we are and what we're pursuing, I don't believe we should be here representing other people. And Senator Schimek is absolutely right. If you make a mistake, admit it. If you're wrong, say you are. People will respect you for that. I appreciate the opportunity to bring this amendment regarding funding, and I would like to make one other clarification, and I've been very open about this. Last year, when I brought in LB 264 and it was passed by this body, and I was very, very supported, I was so new I didn't know to go in and ask for appropriations. I really did not know the system. And yes, yes, Senator Thompson stood up. Senator Thompson stood up and provided the information and was able to secure TANF funding for this program. It's made all the difference. It's made all the difference. But I don't see that that's an excuse for not voting to support programs to fight child abuse, and maybe I shouldn't say "not voting," for voting against programs that would fight child abuse. If you do believe in the sanctity of life, you believe in protecting living children. Thank you for the time, and I would like to offer the remainder to Senator Chambers.

SENATOR CUDABACK: Senator Chambers, about 2 minutes.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, "Lady" Howard. And again Senator Foley is being disingenuous on this floor. He keeps yakety-yakking about what he said someplace else. He won't talk about the issue that brought us here today; namely, his amendment that was before us being debated for two days. And questions were put to him and he never made clear what his intents were. He did not go through the list of services that are already listed and mention any one and say, that's why I want my amendment. Now he's telling all of his opposition to Planned Parenthood only because the lie was exposed. And when somebody conceals the truth, that is a lie. There's no other way to say it. He could have said then what he's saying now because he knew what his intent was. He deceived others into thinking it was something else.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: Jesus did say what's spoken in secret will be

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shouted from the housetop; that which is hidden will be made known. You hear people on the floor telling how you deceived them, Senator Foley. And he knows that he was practicing a deliberate deception, and I knew it because I know his tactics, and I tried to bring it to everybody's attention on the floor. But since he wouldn't answer and admit it, others were deceived into thinking, well, I'm dealing with an honorable man. He doesn't acknowledge that what Chambers is talking about is his intent. He has something in mind other than being opposed to this family planning and these other things that now he is dredging up and show were lurking in his mind all the time and underwrote his reason for bringing this thing before us, hiding his intent.

SENATOR CUDABACK: It's now your time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President. I wouldn't care how many times Senator Foley may have told me that he's against abortion. I don't care how many times he would tell me he hates Planned Parenthood. When we come on the floor and he's bringing forth an issue and somebody wants to find out what his true motivation is and he hides it, he's being dishonest. But you know what he'll say? Well, Senator Chambers had been told by me that I'm against Planned Parenthood; he should have known that even though I didn't say that's my intent, that that is my intent, because he knows I'm a liar. Well, maybe I want to believe what he's saying is true, but I don't. I knew it wasn't true, and he knew that I knew it wasn't true. And he knew that to tell the truth would have exposed him, so he did not tell the truth. He concealed it. Did you all hear him yakety-yakking during the debate about his hatred for Planned Parenthood? Did you, anybody on the floor, hear that? I've been chastised by some of my erstwhile allies on this question because I had put it on a plane where people who are opposed to choice would vote with Senator Foley because it's now it's an abortion issue, and they hadn't realized it. They believed him. But once it became clear what it was, Senator Kremer, Senator Smith, if he was here, and that other cadre of mindless so-called pro-life people pushed their button and went with Senator Foley, and they're the ones who didn't know what was in his amendment. I read it, and because of my debate, Senator Foley knew that I understood what

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he was doing. He knew that I understand...understood why he put language in there saying not all these services needed to be offered. See, he knew that I know which services are currently being offered. I'm the one who brought up the issue of contraception to make it crystal-clear what was really behind what was before us. Senator Combs got caught up into mentioning the specified services, and I acknowledged forthrightly, in response to her question, no, contraception isn't mentioned among those. I didn't do like Senator Foley and try to say, well, if you read this word and construe it this way and that way it could include contraception. I said, no, it's not among those services. But that's not what Senator Foley is talking about, and he's making it clear now that I was right and I told more truth about what he was doing than he did, because he couldn't afford to tell the truth. He ought to bring things that he can be honest about. He's disingenuous this morning, and you know what disingenuous means? Not candid, not frank, not forthright, not honest. You all listen to him, listen to what he is forced to admit this morning. And then wants to say, well, everybody should have looked in his mind, like Senator Chambers did, and understand what he's talking about. Well, you all believe that he could bring a bill like this and be bringing it for the reasons he stated, that maybe the leopard did change his spots, but old Senator Chambers knows better. He knows and tried to inform everybody. But when we get the transcript, we'll see that other people asked questions trying to find out what really was going on here and not once did Senator Foley respond that he was trying to cut out these types of programs. And now he says he's focusing only...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...on Planned Parenthood. He said, even though the type of counseling or information given by Planned Parenthood is that which does not involve abortion, read what he said in the paper. He hasn't said yet that Martha Stoddard misquoted him. Well, these other entities that have nothing to do with abortion are giving the same kind of counseling that Planned Parenthood is giving. So if he's against it from Planned Parenthood, he's against it in Senator Stuthman's district, everybody else's district where this kind of

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information is given by these clinics. He can believe anything he wants to, and his church, his preacher, his archbishop can preach anything they want to, but that should not become the law of this state and it should not be put in the law books through disingenuousness, deceit, and outright lying. He deceived people on this floor, and they are the ones to determine whether or not they were deceived, not the one who commits the deception.

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Further discussion? Senator Stuthman, followed by Senator Janssen.

SENATOR STUTHMAN: Thank you, Mr. President, members of the body. I was engaged in the conversation quite a bit yesterday and I'm going to give you what my intent and what my thinking was on the bill that was before us yesterday and why I had concerns with it. I have some information from our East Central Health Department, you know, on providing the services, you know, for these low-income people, women of low income, Pap smears for those, examination or checking for sexually transmitted diseases, and the amount of dollars that is given to them that's in the appropriations right now and the reason why I voted to increase some of the money for it. As I had visited with Senator Brown, and she gave you a little bit of those figures, in the past year, if we would have been funded in the East Central Health Department for all of our services for these low-income women, would have been \$18,950. What did we receive for that service? We received \$16,500. We did 1,012 Pap smears. We did 755 SID (sic) tests. There are people that are needing this service. Our organization, our health department, is not receiving the total amount of money that should be put for that. That is the reason I voted to increase some of the funding. And I always had that concern, and I mentioned it yesterday, that there is a possibility if there were going to be more places open, more providers for this, that the dollar amount would get less. Maybe the dollar amount would stay at that \$15 per the test, and what does that all include? That's collecting the

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test, the lab work, the patient follow-up after that. If some of these clinics are thinking about, you know, offering this service, I don't think some of the doctors are even going to be even considering to do that for that small amount of money. Then, when you get towards the end of the year and if the funds aren't there, you don't get any money. But very fortunate our health department still continues to do that service and provide that service for these low-income women, and I'm very happy that we can do that for them. But can our health department survive on only getting paid for six months of the year, maybe eight months of the year, and continue to do the service for the rest of the year? I don't think they will be able to do that. I think if it's offered to a lot more, and I hope some more of them can do the service for these women, and I truly think this was...this is just for the health of our underprivileged low-income women. That's what this is for. That's why I promoted, that's why I voted for the increase in funding. I did not have any intent that this would be so that we could starve out some of the existing providers already, or literally shut them down, because this, in my opinion, has to do with health of women. Thank you.

SENATOR CUDABACK: Thank you, Senator Stuthman. Senator Janssen.

SENATOR JANSSEN: Thank you, Senator Cudaback, members of the Legislature. The underlying bill is my bill so I believe that I have...I should have an opportunity to say something. You know, we do not have the transcript yet, but I am quite certain that it will say that two days ago I asked Senator Foley if he was trying to dilute the fund to the point that the existing services would suffer from the addition of his proposal, and he said absolutely not, that was not his intent. Well, then I read the article this morning in the paper and it looks like that's what he had really intended on doing. I feel bad about that. You know, we worked yesterday to come to an agreement, but now I'm not sure about that. I wish we would have not come down to that agreement and left the language in the amendment that could have killed that proposal if the funds had not been there. I feel as though that we need to provide as much money as we can to the services that help young women have a better physical

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life and be a productive member of society, and that's what this is all about--helping those who are in need. I don't know what to think about the discussion this morning, but I believe that this needs to be aired out. And there is a concern here, because there is a concern about what is happening in our Legislature and I don't feel as though it is a good thing that's happening this morning. I wish it hadn't have happened. I wish the arguments we had the last couple of days would have come to a better understanding, but apparently not. Thank you.

SENATOR CUDABACK: Thank you, Senator Janssen. (Visitors introduced.) On with discussion. Senator Thompson, followed by Senator Foley and Johnson. Senator Thompson.

SENATOR THOMPSON: Thank you. Thank you, Mr. Speaker...or Mr. President, members of the body. You know, yesterday Senator Jensen spoke from the heart to this body about how his views have changed on the issue of AIDS, and how he never really thought, when he first came to the Legislature, that he'd ever be a senator who'd be standing up talking about that particular issue and how much money we should be putting into it to help the people who have AIDS. And I can tell you when I first got to the Legislature, I was terrified of this issue. Any issue that dealt with abortion, I never had to speak about it. I never had to talk about it. I never publicly talked about issues of human sexuality. But you know, it's nine years later and I'm a different person. I've been to the prisons, I've been to every detention center in the state, I've been to homeless shelters, I've been to shelters for abused children. I've seen a lot of things that I would never have seen if I had not been a member of the Legislature, and it's changed my ability to talk about things that I really would prefer not to. And I think that's probably not untrue of all of you. We ran for office because...for me it was to improve public education, it was to look at health issues for people and economic development. But we have a responsibility to be taking on all the issues, some of which are kind of uncomfortable and some of which are, quite frankly, pretty much unappreciated. We're advocating for people who can't speak for themselves, who don't become politically active. I mean they are all of our responsibility. And this issue was brought to us in a different set of clothes and now,

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you know, we pinned it down. And I know some of you are going to continue to connect that as an abortion issue and if you want to do that, that's fine. But I'm talking to the rest of you, the thoughtful people who may have some room to consider the other part of this, and that is that you voted for something that was presented in a way that you didn't have all the information. And for me, this is an issue that I have gotten involved in and I wasn't really clear about it till this morning when I asked Senator Foley. I thought he was bringing more people to the table to have...provide these services. I knew he objected to Planned Parenthood. I'm quite, frankly, a little worried that he's running for State Auditor and he's somehow going to spin this into what he does over there to go after these Title X providers. I don't know. I hope not. And I want to go on the record as saying I don't think any of us think that by putting that amendment on he could go after those agencies that are getting this money for these additional services merely because they have Title X and they do family planning. Now, if you go to the Internet, if you look at any of those services that are out there, that were already in place, they list reproductive health and family planning as something that's a function of what they do, and that is (laugh) an important public health issue. That's important. It's important from the federal level. It's important at the state level. It's important at the local level. That is a good thing. Now Senator Foley and I disagree on that, but I believe family planning is good public health...

SENATOR CUDABACK: One minute.

SENATOR THOMPSON: ...money invested, very good money invested to help families plan for the number of children that they're going to have, and to help people who have health issues related to...that are sexually...due to sexually transmitted diseases or may have cancer. Those are important things to do. I don't think that's what we all got the full picture of when voting on this, and I think that's worth bringing back to discuss and talk about that amendment and how it's going to impact those family planning clinics and their ability to help the people who present there, the people who come to those clinics; to help those, as Senator Stuthman said, be able to afford to be

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available in our communities. They're very, very important. I don't want to see that go away, and I don't want to see them squeezed out because of some misrepresentation here and some mixed motivations. So I hope there are people here who will think about how that's going to impact those family planning clinics. This is not where we were heading...

SENATOR CUDABACK: Time, Senator Thompson.

SENATOR THOMPSON: ...and I believe we need to revisit it. Thank you.

SENATOR CUDABACK: Thank you, Senator Thompson. (Visitors introduced.) Further...Senator Foley, you're recognized, and this is your third time, Senator.

SENATOR FOLEY: Thank you, Mr. President and members. Several of the speakers have addressed this question of the dilution of the program, so let me repeat what we talked about a couple of days ago on that question, because it is an important question. Under the original amendment that I brought, we would simply open the doors to more providers. Now this is before we got into the whole question of the funding levels. Under that amendment, we were simply saying, you Title X providers, we're taking away the monopoly, we're opening the doors, others can step forward if they want to and they can offer to provide these services. That's not a dilution of service. That's not a dilution of service at all. It's simply changing the array of providers. Instead of having 14, you might have 20, spending the same amount of money, performing the same number of services, serving the same number of women. And then we started talking about the money issue and I said, fine, let's raise the money, and we did. But there's also another dimension to this thing, and that's the issue that I talked about on the record with Senator Janssen yesterday when I walked him through the example of how a given provider, any given provider, could in fact be damaged by this thing, and I was up front with him about that. Because he was trying to say that his amendment was going to hold all the original 14 providers harmless, and I said, no, Senator, that's not right, and let me explain how that can work. And I used Lincoln as the example, the Planned Parenthood

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example. I said you've got one provider for Lancaster County; after this thing goes into place you might have five providers divvying up a somewhat larger pot of money. But still, five providers divvying up even a larger pot may mean, we don't know that, but it may mean that one individual provider gets less. I explained that to him. We walked through it. I gave him the example. I could not have been more up front about that because I felt that he was simply incorrect about saying that all the existing providers could be held harmless. And I wanted to make sure that the record was as clear as we could make it. I'm sorry, friends, I'm just not buying into this argument that anybody got hoodwinked into thinking that this wasn't a pro-life oriented discussion, because you all knew it was. You were lobbying on it from those perspectives, from those two camps. The media spun it that way. Senator Chambers spun it that way. And now we're saying, oh, gee, I didn't know he was anti-Planned Parenthood. Oh come on, you knew that. I told you in committee. I told you in committee, as clearly as I possibly could have, and I laid it out straight on. I don't like Planned Parenthood; they don't like me, and that's fine. We're both happy with that. There is a subsidiary issue with these other Title X providers and, Senator Thompson, I don't criticize you at all for not remembering that we talked about that at the committee level a year ago before in Appropriations. And the problem is that the federal government mandates that the abortion option be part of their counseling services, and our own laws mandate that abortion counseling not be provided as part of these services. You've got a conflict there and we've talked about this state-federal conflict, and that is an issue. It's a subsidiary issue. It's dwarfed by Planned Parenthood because they're actually doing the abortions. That's quite a stretch from counseling. When I dug into this program,...

SENATOR CUDABACK: One minute.

SENATOR FOLEY: ...I was first looking at the Lincoln problem, but as I got deeper and deeper into that program, I started really realizing York doesn't have services, Seward doesn't have services, Mullen, and on and on and on, and I said this is a bigger problem than what I even thought it was. So I offered a constructive solution and I convinced the body that it was a

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good solution after lengthy debate, lengthy debate. Nobody could say that the debate was shortchanged in any way. So where are we? We've got a program with more providers, more money, more women being served. That's not a bad day's work around here. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Foley. Further discussion on the motion to indefinitely postpone? Senator Johnson.

SENATOR JOHNSON: Mr. President, members of the body, I very reluctantly stand to say that, Senator Foley, I'm afraid that I was deceived and I feel betrayed. When you testified before the Health and Human Services Committee, all we talked about was expanding services to women. That's all basically we talked about on this floor. That wasn't all what we talked about in private, apparently. Foley said the budget amendment would at least begin to cut into the disbursement of tax dollars for Planned Parenthood. Why didn't we bring that up on the floor? Why did we have people around me here talk about that they were going to get expanded services to their communities by what you led them to believe? And he asked his friends to pray that the amendment would prevail. I remember something else that's written in that book and it says, thou shalt not bear false witness. There's a little more common saying: Fool me once, your fault; fool me twice, my fault. There won't be a second time. I came to this body and was told the most important ingredients were integrity and trust. I believe that those have been violated and I cannot see it otherwise. I yield the rest of my time to Senator Don Pederson.

SENATOR CUDABACK: Senator Pederson, about 2, 42.

SENATOR D. PEDERSON: Mr. President, members of the Legislature, thank you, Senator Johnson. I just wanted to say a couple of words. This issue isn't over with yet. We've just had the first round reading. I am terribly sorry that during about eight hours of debate we had on this particular issue during the budget that true reality was not presented by Senator Foley. He says we all knew what he thought. Well, but I think there are a lot of people in this Legislature that were deceived by the fact that we're trying to expand services and I think that we have to

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be honest with ourselves. And as I said, if we don't have integrity, what do we have? We're going to have 21 new senators next year, assuming that Senator Foley is elected Auditor, which I don't think he has an opponent so I think he may have a shot at it. But I think that...I think that we have to try and set a pace for the new senators that will come in. And if we don't set a pace of honesty and integrity, we are giving them a terrible example. And I don't think that any way you gloss it over, Senator Foley, there was anything other than deception in the way it was presented and I really resent that. Thank you.

SENATOR CUDABACK: Thank you, Senator Johnson and Senator Pederson. Senator Friend, followed by Senator Erdman.

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. Two hours and 42 minutes and counting, quite interesting. I learned something when I first got in here. I've got a motion to adjourn today in my pocket. Senator Brashear knows it. Senator Chambers knows it. A lot of other people that I've laughed about and shared it with know it. Now whatever, big deal, I throw it in there, it's 11:45. I mean we leave at 12:00. Go find "Captain Lunch-hunter," whatever the case might be for you individually. But you'd have to ask why. I mean, we're supposed to work through the lunch hour, supposed to continue on. You know why. Productivity. Everybody's idea of productivity is a little bit different. We know that. Forty-nine people, we can go out to...we can go out and walk our district. They're going to say you guys are the most unproductive boobs we've ever seen. You just spent three hours fighting. It's a political battle. And I'll say, look, that kind of stuff happens. It's a deliberative process. Sometimes things like this happen. We are politicians. This is the nature of the beast. So I'm not disturbed by this. I've never tried to preach to this Legislature. Never have I tried to preach to this Legislature. If I have, come up and tell me and I'll slap myself in the face, I'll throw myself against the marble, and I'll say it ain't going to happen again. I've never had to beg this Legislature for anything. You've seen my bills out here. You voted against some of them. You voted for some of them. You haven't let some of them out of committee. You've laughed at some of my stuff. That's fine. I've laughed at it,

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too. I've never chastised anybody out in this body. One, two, three individuals, never done it. I'm never going to do it. I'm never going to pick anybody out and say you've been dishonest to me. I'm going to go off to the side and I might say it to your face. Raise your hand if I've had to say that to you. I don't know that I've ever had anybody lie to me yet in this body. I've had people lie to me before and I've probably lied to people before. I can't remember off the top of my head, but if I can think of it, I'll bring it up on this record. All I'll say is I think we need to be very careful as a body, as a Legislature in discussing credibility and integrity. We all represent 33,000 people. They know whether we're credible or not. They know whether we have integrity or not. That's their decision. In about eight months, they're going to decide whether I'm credible and I have integrity. And they're either going to kick me out or they're going to send me back down here. Ask somebody who ran for a committee Chair when I first got here three years ago. Ask a person that might have ran for committee Chair that might have turned around to you and said, I got enough votes. I've talked to everybody. I've talked to the Legislature. I've got enough votes. I'm going to be a committee Chair I believe. All I need is your vote. I've got 27 votes. The person ended up with 22. Well, I'll be darned. Isn't that interesting. It's a private vote. I didn't hear that person or those people turn around and question the credibility of this Legislature, any one individual, or try to call anybody out on the floor and say, who didn't vote for me? Raise your hand right now.

SENATOR CUDABACK: One minute.

SENATOR FRIEND: When was the last time you tried to invoke cloture?

SENATOR CUDABACK: One minute.

SENATOR FRIEND: Senator Chambers is standing there. He knows how many votes it takes for cloture. He's seen it over and over again in the last 15 years, 10 years. How long has cloture been enacted? How many times have you thought you had cloture in the bag? You're walking around with a card asking people. Voila,

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you end up with 31 votes. Isn't that fascinating? I'm not chastising this Legislature. I'm mad at myself because when this conversation was going on yesterday, I knew what was going on. I probably could have taken the floor and I probably could have burned a hole in this wall and said I know exactly what's happening. I think this guy and anybody else didn't really even feel like they had to bring it up. I can't speak for him. I'm speaking for myself. I'd like to ban abortion in this state. That might be intellectually dishonest...

SENATOR CUDABACK: Time, Senator Friend. Thank you. Senator Thompson, and this will be your third time, Senator, followed by Senator Erdman.

SENATOR THOMPSON: Thank you. I just want to say a few words and then Senator Chambers would like a little bit of my time. You know, we need to really come back to the overall issue here which is women's health and the health of girls and where people go in communities who don't have the resources to get medical care, where they feel comfortable going for medical advice on reproductive health and getting that information. And when they don't--and all of you budget hawks, I've sat on the Appropriations Committee for many years now--when they don't...when they're poor, when they don't get their healthcare, when they have unwanted pregnancies, we see all sorts of things that impact us budgetarily. But it really needs to come back to women's health and what the best ways are to provide this sexually transmitted disease testing and cancer testing for where women come. And we should be making sure the providers can be there for those women and also make sure that we're expanding that. And that's what this needs to be about. Let's sort that out. Let's get that straightened out. Let's amend it and get it straightened out because that isn't what we wanted to have happen. And with that, I'll yield my time to Senator Chambers.

SENATOR CUDABACK: Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator Friend made a long stretch to help his friend back there in the peanut gallery. There is no parallel

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between people saying they're going to vote a certain way and they not vote. There's a philosopher who said, even the gods labor in vain against stupidity. If Senator Foley, with his own bungling self, had not sent an e-mail, we wouldn't be here this morning. He is the one who put in his e-mail, I lied to them, I tricked them. Nobody would have said what I'm saying this morning, even I wouldn't have said it. I use the word "liar." Other people use the term "intentionally deceive." You know why? Because Senator Foley's e-mail said it. And when people like Senator Friend, and I heard Senator Erdman ask him did he want more time, when they get together to defend a man whom people have said deceived them, Senator Friend feels that he's got to stand up and justify Senator Foley and Senator Foley can't justify himself. He is unrepentant. He has no shame. He knows he was wrong. What is his church going to say who have given him his instructions? Abstinence, that's how you have family planning or coitus interruptus. His...the priests and the bishops don't follow it. They have sex and they produce babies, and that's why a bishop fled from Ireland and he just came back a short time ago. These priests and bishops have penises that they don't have under control and they don't use condoms and they produce babies out of wedlock. The church's top officials do it. Then he's running around here talking about he doesn't want advice given to young girls as to how they can prevent an unwanted pregnancy. That is what we need more of--education, information, some options based not on ignorance or the ignorant, backward, misogynistic dogma of a backward church. Senator Friend can say he knew. He didn't stand on the floor yesterday or the day before when we debated it. And it takes me to be this blunt, and it took me to get the debate started.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: This has been welling up in people ever since they read how Senator Foley exposed himself. He was stupid to print the e-mail. He did it, Senator Redfield. And you all who want to defend him and think I shouldn't be talking, talk to your good buddy. Ask him why he pulled the cover off himself. You all want to spread it and detract and make it seem like everybody else is wrong. He's the one who insulted everybody.

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He misled everybody, then he told on himself. And because others are offended that he deceived them and they admit that he betrayed them, you all want to blame those people. Well, maybe they should have been smart enough not to be tricked and betrayed. I know he's dishonest. I said so during the debate. I used "disingenuous" as a term to describe what he's doing over and over and over. And he knew he was being disingenuous. But he was so disingenuous...

SENATOR CUDABACK: Time. Time, Senator Chambers.

SENATOR CHAMBERS: ...he couldn't admit it.

SENATOR CUDABACK: Thank you, Senator Chambers.

SENATOR CHAMBERS: (Microphone malfunction)...President.

SENATOR CUDABACK: Mr. Clerk, items for the record, please.

CLERK: Mr. President, I do. Bills read on Final Reading this morning were presented to the Governor as of 11:15 a.m. (Re LB 32, LB 248, LB 647, LB 647A, and LB 1019.) I have amendments to be printed: Senator Byars to LB 968; Senator Brashear to LB 1060. Mr. President, a series of name adds: Senator Redfield to LB 562; Senator Smith, LB 808, LB 915; Senator Preister to LB 968; Senator Smith, LB 968 and LB 990. (Legislative Journal pages 1085-1087.)

Mr. President, I have a priority motion. Senator Friend would move to adjourn until Tuesday morning, March 21, at 10:00 a.m.

SENATOR CUDABACK: You've heard the motion to adjourn, Tuesday morning, 21st, 10:00 a.m. All in favor of the motion say aye. Opposed, nay. The ayes have it. We are adjourned. Members, have a nice weekend.

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