

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

Floor Debate
February 01, 2017

[LB10A LB22 LB23 LB119 LB130 LB304 LB383 LB399 LR30]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twentieth day of the One Hundred Fifth Legislature, First Session. Our chaplain today is Pastor Sandy Denton from the Unadilla Christian Church in Unadilla, Nebraska, Senator Watermeier's district. Please stand.

PASTOR DENTON: (Prayer offered.)

SPEAKER SCHEER: Thank you, Pastor Denton. I call to order the twentieth day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call. Record, Mr. Clerk.

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

SPEAKER SCHEER: Are there any corrections for the Journal?

CLERK: I have no corrections.

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

CLERK: I have a Reference report referring LR26 and LR27. Enrollment and Review reports LB119 to Select File. Hearing notices from the Judiciary Committee, those signed by Senator Ebke as Chair. Two announcements: Business and Labor will meet in Executive Session today immediately; Business and Labor immediately in room 2022. And Banking Committee will meet at 9:20 under the north balcony; Banking Committee at 9:20 under the north balcony. That's all that I had, Mr. President. (Legislative Journal pages 389-390.) [LB119]

SPEAKER SCHEER: Thank you, Mr. Clerk. We'll now proceed to the first item on the Agenda. Mr. Clerk.

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

Floor Debate
February 01, 2017

CLERK: LB22, bill introduced by the Speaker at the request of the Governor. It relates to appropriations. It defines terms and provides changes and eliminates provisions relating to appropriations. It reduces appropriations. Discussed yesterday, Mr. President. Senator Stinner presented the bill, presented the committee amendments. I have...those amendments are pending, Mr. President. I do have a priority motion. [LB22]

SPEAKER SCHEER: Senator Stinner, would you please review LB22 for the floor and where we are at so that it will bring our memories back? [LB22]

SENATOR STINNER: Thank you, Mr. President. Members of the Legislature to remind you, LB22 is part of the Governor's expedited fiscal year and 2016-17 budget adjustment recommendations. The bill makes adjustments to appropriations and reappropriations for state operations, aid, and construction programs in the current fiscal year ended June 30, 2017. It also provides for transfers and modifies intent language and earmarks accompanying appropriations approved by the One Hundred Fourth Legislature. I have passed out exhibits yesterday detailing our financial status at sine die in April of last year. We were balanced and had \$4.5 million over the required reserve. I have also provided an exhibit to show the chronology of events relative to the state's financial status that brought us to our current fiscal dilemma. I commented on the proactive steps our executive branch executed in response to the state's deteriorating revenue. An exhibit was also supplied that summarizes the Governor's overall General Fund adjustments focusing on three key areas: Reappropriations, across-the-board cuts, and strategic reductions. I have also included an exhibit summarizing the Governor's recommendations with the Appropriations Committee recommendations which does roll forward actions to be taken in the next biennium. Finally, I provided you with a summary of the proposed adjustments to LB22 as recommended by the committee. I would encourage everybody to vote green on LB22 as amended by AM13. Thank you, Mr. President. [LB22]

SPEAKER SCHEER: Thank you, Senator Stinner. (Visitors and doctor of the day introduced.) Mr. Clerk. [LB22]

CLERK: Mr. President, a priority motion. Senator Krist would move to return LB22 to the Appropriations Committee. [LB22]

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

Floor Debate
February 01, 2017

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

SENATOR KRIST: Good morning, Mr. President, colleagues, and good morning, Nebraska. I want to start off my testimony today and continue to talk today about a process that has never been accomplished in order for us to balance our budget. You heard Senator Stinner talk about aggressively how different this process is in terms of dealing with things this year and taking three bites out of the apple in order to get to where we need to get to. And I applaud again the Appropriations Committee for the hard work that they've done, but I have to tell you a story. Yesterday in Agriculture, we heard a Governor...a bill brought forward on behalf of the Governor. That bill suggested that a cash fund which the potato industry, agriculture industry associated with potatoes, in growing and in shipping, a fund that contained \$200,000 be eliminated. The introducer told us that it was no longer needed. Obviously, the Governor and the executive branch thinks that it was no longer needed. Funny thing, they didn't talk to the farmers. They didn't talk to the shippers. In fact, everyone that came before our committee was dumbfounded that no one talked to them before we would take their money away. A one cent investment on their part per unit was absolutely what they said they needed to keep money in a fund and potentially have studies done to aid their industry in growing potatoes. There was the introducer and there was a proponent who was a deputy from agriculture, Department of Agriculture, and there was the Platte Institute. None of them took the time to educate the potato farmers that this was coming, but they came in force. They came in force. We even got to hear from a young man who is staying on the farm to become a potato farmer. Let me tell you what they've done with that fund in the past. They have fought insects and pests and done things for their crops and for the industry, \$200,000. Now, the bill was very specific. We do away with that and we return that money to the General Fund. Every one of them that came up to the mike in opposition said, we're saving our money to do things with it. We are judicious about the way we spend our money, we are trying to keep that money do the right thing for us. Please don't take this away. In questioning about stealing their money and returning it to the General Fund, my words--not theirs--they were very specific. One man who testified--I have not asked permission to use his name so I will not, but it will be a matter of public record--said ,if you ask me, this is a money grab. Is that the way we're balancing this budget, taking \$200,000 away from potato farmers in Alliance, Nebraska? Folks, this is the wrong approach. I don't intend for this to go back. I will not take a vote on this, I hope, to return to committee because I don't think you're...I

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

Floor Debate
February 01, 2017

don't think you have the will to do that. But there will be an amendment that's up in drafting right now, and that amendment will be do simply what I tried to do yesterday with the Legislature's budget, the council's budget, which has now been refiled to Select. It eliminates every noncode agency, including the university, Senator Morfeld; every independent noncode agency in the state; and any independent branch of government from any reappropriations in this round of this debate. I feel very strongly about this subject. I'm sure you can tell. I didn't spend money when I had a budget to run for the council. I saved it. I was judicious. I knew what the target was going to be, or targets were going to be, plural. And I was waiting for the opportunity to execute. And I will tell you that I think that there's agencies out there and noncode agencies and independent branches of government that have the same goal and objective that I did in managing my budget. It will return all the money in the reappropriations process to a judiciary branch who has, as you heard the Chief Justice say, picked up the bag and moved forward and now he's left holding the bag because it's empty of money. I'm paraphrasing. You get the point. This is not the way to do business. And we don't have to slash and burn in the first 19 days, or wherever we are, in this legislative session, in this biennium. We can carefully and judiciously walk through this process. I want you to put yourself in the place of President Bounds. I know of a meeting that existed between our present Chair of Appropriations and President Bounds and the Governor. And the bottom line to that conversation--and I'm hearing it firsthand--the bottom line to that conversation is, how far can we cut you until it hurts? Until you have to raise tuition? Really? Are we there? We're not there. We're not there yet. And the reason that they were asking the question is Bounds told them, President Bounds told them on Thursday of that week he had to go before the Regents and it was the last chance that he would get to raise tuition to try to do what they asked him to do. So they came to a percentage, an agreeable percentage, a target percentage that he could live with. The university, although many of you disagree that we should continue to fund them at the level that we are, and I have some concerns about how we fund them and how they run their budget, but I still know this, they are one of the largest profit centers in the state. And now that we're in the Big Ten, it's even more dramatic. The slash and burn attitude of the administration has taken us to a point where even JRI, Justice Reinvestment Initiative, is on the chopping block. Those community centers that are out there, those day centers, as they're called, they are decreasing recidivism in this state exponentially every day. And they became part of the chopping block to do what? To do what? To what end? So we could have a pot of money and give tax relief? Dare I suggest that that might be a motivation? This is moving too fast.

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

Floor Debate
February 01, 2017

Reappropriations is too important to the budget process across the state. I said yesterday that Senator Watermeier's handout highlighted in the dark and shaded area, our portion, our 4 percent cut. And even when I was sitting in the chair, I said we can do \$811,000. But when we look forward to HVAC and the room moves and all the things that we had, telephones, we couldn't afford much more than that. The pages can hand out that handout if you would, please, for me now. Any page? Thank you. You're going to be getting a handout that we'll talk about once they get it handed out. [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR KRIST: The handout that you have before you, we will discuss at some length in my next time on the mike. I hope you take this conversation as seriously as I do. I hope that the Revisor's Office gets the amendment down here as quickly as they can, and let's continue to talk about the budget line item by line item. I think this is the right approach. Thank you. [LB22]

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

SENATOR HARR: Thank you, Mr. President and members of the body. I, too, was in Ag yesterday and I, too, was a bit offended by what occurred in there. We had a bill that was brought to us. We were told that it was about rules and...that we have too many regulations out there. We have too many rules out there and that we're stymieing growth though these occupational licenses. No one talked to the parties affected. This legislation was imposed upon them. The Potato Development Act was originally passed in 1945. No one's had a problem with it. It is potato growers' version of a checkoff plan. It was widely accepted and appreciated as to promote potatoes, which is what a checkoff plan is supposed to do, and to help the industry. The committee is made up of seven members, the chair of whom is the head of the Department of Ag. Now, if you're going to get rid of my committee that I chair and I think is inappropriate, don't you think that the head of the Department of Ag would show up? He is the expert on it. He didn't show up. As Senator Chambers would say, he sent one of his henchmen to take the slings and arrows. And when we asked policy questions and we asked about what this board does, this poor kid, and he was a kid, I had never seen him before in Ag. I've been on Ag for seven years. I've never seen him before...deferred to those coming after him. And those who came after him

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

Floor Debate
February 01, 2017

were opponents. People against the bill, which to me means reading between the lines that Commissioner Ibach, head of Department of Ag, didn't really like this bill either, so he sent his henchman. This was his way of telling us, I think it's a good thing, but the corner office is forcing me to do it. Maybe I'm wrong. If I am, I apologize to Senator Ibach and I hope to get e-mail from you stating otherwise that you stand behind elimination of this Potato Development Act and the shipper's license. But don't send your secondaries. But the members of that board, the ones who were affected, they said it works fine. The shippers, not one of them complained. Nobody complained about it. This was something that was imposed upon them. They didn't even know about it until a week ago. Nobody spoke to them. Nobody asked them and said, do you like this, do you not like this? This is not how we run government. I get it, we're short of money. What they're trying to do is take that money, and as Senator Krist said so wisely, they're just putting it in General Funds. They're not even returning it back to those farmers. Same thing is happening to me as a lawyer. I have to pay dues. It's required if I want to practice law in the state. Ninety-five dollars. Not a lot, but a sum. I was talking to a fellow bar member and I said, hey, by the way, they're taking that money and they're putting it in General Funds. He said, no they aren't. I said, yeah, yeah, they are. You're joking. Nope. What they're doing to the potato farmers, they're doing to us lawyers. He said, no. That's got to go to like Judiciary at least, isn't it, or to fund some of this justice reform? Nope. It's going right to General Funds. The Governor wants to take it. But that's not a tax. That's a fee for being a lawyer. [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR HARR: Thank you. I said, well, you know, I'm not your State Senator, write your State Senator. But that's what we're doing, folks. Is we're taking money that is being saved and being used judiciously and saved for a rainy day for those organizations to fund those organizations and it's being applied to us and we're stealing it. And I think we need to have a conversation about that. We're not going to have it...I don't think necessarily today because to his credit, Senator Stinner has saved all those for one debate, when we do debate the next biennium budget. But I do think we have to talk about what we're doing and I look forward to talking more about what we're doing, how we decide to do it. We are in a tough situation. Some of it is of our making. Some of it is of the economic making. But we need to talk about are we making the

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

Floor Debate
February 01, 2017

right choices and really analyze how we are doing and what and why we're doing what we're doing. Thank you, Mr. Speaker. [LB22]

SPEAKER SCHEER: Thank you, Senator Harr. Senator Morfeld, you're recognized. [LB22]

SENATOR MORFELD: Thank you, Mr. Speaker. Colleagues, I'm going to digress for a moment from Senator Krist's motion and talk a little bit about prison reinvestment and justice reinvestment, particularly as it pertains to LR34, the Special Investigative Committee that I've served on, along with several other members of the Appropriations...or excuse me, of the Judiciary Committee and Appropriations Committee actually. And when I was going through the budget, if you open it up to line 209, Correctional Services, Vocational Life Skills, I noticed that we have about a million dollars that we are cutting in services that would go to a line item that I think is fairly important when it comes to justice reinvestment and then also ensuring that people have the life skills to be successful after they get out of prison so they don't go back, which is one of our biggest problems in our state is, number one, prison overcrowding, number two, having the right services and life skills and training classes in order to ensure that they're successful and don't return. And then number three, just making sure that those supports exist once they get out into the community, which is one of the reasons why I introduced a bill that Senator Groene and I are now working on with SNAP benefits for felons that have recently gotten out of prison. And so my concern is that at a time when we're trying to reduce the amount of people going to prison, we're also cutting the vocational life skills resources to the Department of Corrections. And I know that Senator Bolz serves with me on LR34 and is also on the Appropriations Committee and I was hoping she could yield to a question concerning why are we taking that amount of money out, particularly at a time when it's fairly crucial to lower the prison population and recidivism within the Department of Corrections. Would she yield to a question? [LB22]

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

SENATOR BOLZ: Sure. [LB22]

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

Floor Debate
February 01, 2017

SENATOR MORFELD: Senator Bolz, can you explain a little bit the rationale behind the reduction in appropriations of Department of Correctional Services for vocational life skills? [LB22]

SENATOR BOLZ: Sure. So it's...I think it's either line 206 or 209 in your green packet. It's Department of Corrections reappropriated funds for \$910,000. And it is funds that were unspent because of vacancies related to Behavioral Health staffing in both those programs and in our LB907 initiative. And part of the challenge here is simply that it is very difficult to recruit and retain mental and behavioral health staff and folks who are willing to provide those services in our Department of Corrections. It's been a challenge in the Lincoln Regional Center as well. So we can discuss further what some of the solutions are if you'd like, but I don't want to take up too much of your time, Senator Morfeld. Does that answer your question? [LB22]

SENATOR MORFELD: That does answer my question. Thank you, Senator Bolz. If that's the case for now, then at this point in time, I'm willing to let it go. But I do want to note that regardless of what we do with the \$1 million at this point, this is something that we must prioritize in the biennium budget. It's something that we must prioritize as a state because one of the number one problems that we have is recidivism, and one of the other number one problems that we have is the lack of funding and resources to adequately make sure that inmates are going to be successful in our communities and not be put in a position where they're more likely to commit crimes in the future. With that being said, thank you, Mr. President. [LB22]

SPEAKER SCHEER: Thank you, Senator Morfeld and Senator Bolz. Senator Chambers, you're recognized. [LB22]

SENATOR CHAMBERS: Mr. President and members of the Legislature, I'm so grateful that Senator Krist led the way on this. I was furious at the Ag Committee hearing and I did not say a word. I did not trust myself. That Ag Committee has been messed over by the Department of Agriculture and the Governor by sending what I would call flunkies, not to insult them, but because the top dogs who are responsible for this trash legislation don't want to have to face the music. I didn't say anything during that hearing not only because I was so angry, but I would save it for when we had an Exec Session and I made the motion to kill the bill. That bill should not

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

Floor Debate
February 01, 2017

come out here. The Governor is a plunderer. He is a man without principle and he's gone to make of this Legislature, the executioners. When they refer to the Agriculture Committee as Ag Committee, that Ag should be short for agony. The people on that committee, I hope, will realize that we are not the flunkies of the Governor who is trying to run for the Senate. He's a rich man. He doesn't care how much we cut people that we are supposed to represent, he's got a rich daddy. He's never created any wealth in his life. And he's a spoiled brat as a child and he's a spoiled adult now that he has reached--I won't say manhood--adulthood. And on all of these crazy things that the Appropriations Committee is going to go along with in some ways, the Governor is like Pilate. I wash my hands of it. The Legislature did it. I'm innocent. The Governor set the road map and ordered the Legislature to get busy on his proposal right now and the Legislature rolled over and is doing it. Senator Krist may not want to take a vote on this motion. And when he withdraws it, that makes it possible for it to be offered again because no vote was taken on it. I will make motions on this bill. I don't want us to push this to the next stage of debate. Are people going to stiffen some backbone by the time it gets to Select File? Will some scruples and principles be implanted, transplanted from somewhere? This is where we are supposed to do our work. Somebody outside this Legislature is dictating what we do and because they dictated it, I, as a member of the Legislature, cannot get motions considered that I think ought to be considered. And by the way on those motions, I don't care what do you with them. If those trash bills get out here, I will punish the Legislature and the ones who misreferred them and I have thousands of motions when I have that many bills. If you think I don't know how to write motions for a bill, look at LB46 and the motions that I put on it that have been printed in the Journal, and I'm not through with that yet. I apparently am going to have to do the work alone in this Legislature. And I will do it. We need to stay on this bill. We need to express honestly what is going on. We have a man in our midst, and I don't want to embarrass him, who was in the military and was shot six times and survived. From what I've read, that was written about him, not by him. He didn't send his men out there and sit back and hide behind the shells of tanks... [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR CHAMBERS: ...other natural protectors. He put himself in a position not intending to be shot, but he was. And we have the Governor and his flunkies and I'm talking about Ibach,

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

Floor Debate
February 01, 2017

whom I've never voted to...maybe I did in the past, to be confirmed for head of the Ag Department. They sit back and say, send it over to the fools in the Legislature and they'll do it because they're lap dogs. Worse than that, they're boot-licking running dogs. And they'll lick boots. I cannot praise them for everything they did. They worked hard. We're paid to do that. I work harder than they do. [LB22]

SPEAKER SCHEER: Time, Senator. [LB22]

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

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

SENATOR KRIST: So to carry on with where I was, a little education. When I talked about a code, noncode agency and independent agency and an independent branch of government, if you would take the time to go down and get your own copy in our Legislative Research Office, every two years they publish a book called the Nebraska Boards and Commissions. This is taken from June 2016. And by the way, Nancy Cyr and your folks, you do a great job. On page 2, and I'll quote: "Nebraska state agencies are categorized as 'code agencies' and 'noncode agencies'; however, neither phrase is statutorily defined, making categorizing agencies more of an art than a science." We are not an agency. We are a separate branch of government. We have a program code that gives us a funding mechanism that we spent...that we are allowed to spend up to a certain level as a legislative council. We are not an agency. We're an independent branch of government. Judiciary. Judicial branch is not an agency. It has many codes within there and some of that money can be moved around within those codes, but it is an independent branch of government. Generally, a code agency, and I quote again, "is an agency whose executive director or chief official is appointed by the Governor." So, I pause to make the point...appointed by the Governor under the Governor's control. The appointee serves at the pleasure and answers directly to the Governor, I quote: "On the other hand, a 'noncode agency' is an agency whose executive director or chief official is appointed by the governing agency or board, whose members are usually gubernatorial appointees themselves." I point that out because the only agencies or individual authorized codes that the Governor does control are code agencies. The university is not a code. It is an independent. The Foster Care Review Office is not a code. It

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

Floor Debate
February 01, 2017

belongs to us. We created it. I introduced a bill and we changed the fact that the Gamblers Assistance Fund is not a code agency. We had to make it independent, so constitutionally they could do their job because the money was being robbed by the Department of Health and Human Services at the time. I make these points because I want to highlight to you, and I don't take it lightly, the handout I gave you--and thank you, pages, for handing it out--is an opinion that was asked for by the law offices of White and Jorgensen. I quote. "We have been asked to render an opinion on the following question. Under the Constitution of the State of Nebraska, does the Governor have the power, independent of action by the Legislature, to refuse to release money that has been appropriated for specific purposes in order to utilize those funds to pay for another purpose? The issue raised by your question involves several constitutional provisions but primary is the power granted to the separate branches of state government: Legislative, Executive and Judicial. Nebraska Constitution, Article II, Section 1 in its present form provides: Section 1. Legislative, Executive, Judicial: The power of the government of this state are divided into three distinct departments, the legislative, executive and judicial, and no person or collective of person being one of these departments shall exercise any power properly belonging to either of the others, except as expressly directed or permitted in this constitution." I bring this up because in the past two quarters... [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR KRIST: ...the Governor has taken allotments and withheld amounts of money. I'll continue to talk about the constitutionality about that action on my next time on the mike, but I'd ask you to read that opinion because as a matter of fact, I agree with what they have opined. There has been a crossing of the line and now he wants to ask us to affirm the action that he was not constitutionally capable of doing. I'll continue on my next time. [LB22]

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

SENATOR BLOOD: Thank you, Mr. President. Fellow Senators, especially the freshmen, friends all, I want you to pay very close attention to what happened in the Ag Committee yesterday. I also sit on the Ag Committee, learned a lot of wonderful things about potatoes, like we're a national leader in seed potatoes. Who knew? But the hardest thing that I learned was a

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

Floor Debate
February 01, 2017

lesson that we were warned about in training, but we were warned about the wrong enemy. We were told to beware of lobbyists because they'll blow smoke up your skirt, no offense to the men. Nobody said beware of the Trojan horse who claims they support the Governor's endeavors, who is going to bring information forward to you and mislead you. Mislead you on what a fund is truly about, mislead you on how it's hurting the business community, and mislead you on how allegedly it was a fee that farmers simply did not want. We were misinformed. And had we not asked astute questions, had we not paid attention to the potato farmers that were sitting in that room, who you could tell by their faces as soon as proponents were speaking, that they were not in agreement. Had we not paid attention, these farmers would have lost this fund. And it's not a lot of money, \$200,000, but it's money that they had saved up because unlike corn farmers and wheat farmers, it is not a popular demographic at UNL when it comes to research. So when they need research, they have to come with money in hand. So like all good Nebraskans, what do they do? They save their dollars. And now we want to take that money away from them. How is that right? So what I say to you freshmen senators, beware. It may look like it's a fund that nobody is using, but find out the history. Do your research. Don't rely on the Platte Institute to come and bring you their version via creative story-telling or an outright lie of why they think this bill needs to go through. It was a hard lesson, but a lesson I'm going to remember for the next four years. [LB22]

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

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. I woke this morning to a headline in the local paper, "Another Local Mental Health Service Closing." We're talking about budget cuts, we're talking about bills we're going to have to pay and projects we're going to have to take on. This isn't the first time that kind of headline has graced the local paper recently. I spent a lot of time on the various special committees studying the problem at the penitentiary. We pretty much have heard overwhelming evidence that anywhere between, depending who you listen up to, 20 to 40 percent of the folks in there are mentally ill or have drug problems, are not the kind of people you're afraid of, but the kind of people that are social nuisances that you can't put any place else and have no mechanism to reform. That we need to rehabilitate our mental health system rather than have more local operations close, forcing those

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

Floor Debate
February 01, 2017

people and the county attorneys to do the only thing they can do and try to pigeonhole them in what now is our largest mental health facility, and that's our jails and our penitentiary system. Big, big dollars to fix the mental health thing and also to fix the penitentiary thing. Far more than the Director of Corrections has requested on the penitentiary side. But he was quite frank with our committee saying, I'm constrained by budgetary constraints in my request. I think on more than one occasion he said words to that effect. Postponing, deferring. What happened here is for whatever reason our fiscal projections that showed we were in pretty good shape at the end of the last session, at least we had a \$400,000 excess, went south very rapidly. That may very well have been, and I haven't seen conclusive numbers due to unexpected Advantage Act claims as well as the drop in the price of corn back to more normal levels from the great peak that occurred a couple years ago. What should have happened is we should have called ourselves into Special Session by the mechanism that is in the statute that's supposed to be used when all of a sudden, our finances start sinking. We didn't. The Governor could have called us into Special Session on his own and ask for permission to take some rather extraordinary actions with regard to holding back funds we had directed to be spent. He didn't. He chose not to ask permission, but to act in what some might think is a proper executive fashion and fill the power vacuum with a request now that is before us for forgiveness in the actions of holding back that. We're probably going to have to do something along the lines of LB22. I think the Appropriations Committee has worked hard under the circumstances, the new Appropriations Committee to try to recover these fumbles. But we should not, in doing this, set a precedent that it is okay to not ask permission of a body that is charged by the Constitution with giving permission for these things, that it's okay to just ask forgiveness after the fact, and throw this responsibility on to folks who were not responsible for it... [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR SCHUMACHER: ...and who are going to have to live with the consequences of these spending deferrals of these asking agency, well, can you put it off a year? Can you work at 90 percent capacity for a year until some magic lightning bolt strikes and everything is well again. That should be clear in these proceedings. We are not consenting to the taking over of our legislative authority. On the other hand, we need to start acting responsibly and when we're short on money, us making the cutting decisions and sometimes maybe even biting the bullet of raising

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

Floor Debate
February 01, 2017

the revenue to pay for decisions that are made that say we have to spend. We're going to blow through that cash reserve, or you're going to blow through it. It will still be here when I leave, but unless those realities are dealt with. Thank you. [LB22]

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

CLERK: Mr. President, I have a higher priority motion. Senator Chambers would move to bracket the bill until April 1 of 2017. [LB22]

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

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, when there is a battle going on and I'm going to participate, I don't want one person to withstand the heat of the day. I don't want that one person to suffer and deal with incoming fire from all directions, I want to be in the middle of it. So I offered what was properly described as a higher priority bill. That's the way I operate. You think I wouldn't like to be able to sit around here like a knot on a log like most of the senators, or go down in my office and watch television or go over to the Legislature's lounge and do nothing? I'm made of different stuff, obviously. And I'm not going to watch this Legislature, without my resistance, commit acts that I think are exercises in perfidy. It is perfidious action, unworthy of a Legislature that prays every morning, that has people who run around here when they're campaigning making all these promises, then are told we got to keep our promises and you sign pledges. Then we get here to do the work that we're supposed to do and that we have the power to do to really help the people who need it, and we abdicate that responsibility, but not me. I will stand, if I stand alone. I don't care if everybody is on the other side of an issue as often happens on the floor of this Legislature. It means nothing to me, whatsoever. I don't let anybody dictate to me or tell me what I'd better do, but the Governor does it to his crickets. That's why you all are so supine. You don't say anything. You got to do what he told you to do because he helped you get elected. And told you whatever you do, when you're desperate, play the race card and invoke the name of Senator Ernie Chambers. And there's several in here who did it and there are several who said how they're going to put me in my place and control me and some of them were boasting about it at Offutt. Where are they? Control me? I tell you, I challenge you. I warn you. You better know what you're doing when you come after

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

Floor Debate
February 01, 2017

me. You all act on the emotion of the moment. And when that moment passes and your emotion dissipates, you go back to sitting like a bump on a log. I'm always on duty when I come down here. I know what I came here for. Obviously, you came here for something different, so you conduct your business in your way. You sit like a knot on a log because that's what you came down here to be and you're doing it in an exemplary fashion. Knots on logs, literally are envious of how well you look and act like a knot on a log. You do it better than the knots on the log. Strut around here then going to lobby functions, going to all these breakfasts and having people praise you, butter you up, and foolishly you swallow it. Whenever a member of this Legislature undertakes to uphold the integrity, the dignity of this institution, I'm going to be right there with that person, not behind that person egging him or her on saying, yeah, do it, do it, that's the right thing. We have work to do and General File is where we do the work. If you let this bill go without our doing some of the things we need to do as a Legislature, we don't gain traction. The enemy gains the traction. We lose momentum. How will we be strengthened and put in a better position as a Legislature by putting off the work until several days down the line that we ought to do and that we are able to do? We are capable of doing this work on General File and this is where we should do the work. So why do you want to get out of doing it? Because somebody else is cracking the whip on you. Cracking the whip. As I said before, he says bark and you bark. He says bite and you bite. He says sit quietly and you sit quietly. But not I. Why, I owe more to the name and dignity of Popeye than that. I honor Popeye more than you all honor the Father, Son and that other one. Popeye said, I am what I am. And that's all what I am. He said what, but being kind of dominated by grammar, I don't say that's all what I am, I say that's all that I am. But you all are going to hear my voice throughout this session. And it makes me no difference what your reaction is because I know what my duties and responsibilities are and you cannot excuse me from doing them. You cannot bully me out of doing them. You cannot intimidate me out of doing it. I'm one of those people when you hit me hard, if you don't knock me out, you got something harder coming towards you than you had before, because I know you're not playing. And I'm not playing. You're not going to give quarter. Don't ask any. Those potato farmers, brothers and sisters, friends, enemies and neutrals, they're farmers. All that yackety-yak in here about farmers. You're talking about the big shots who get those very, very high governmental subsidies, taxpayer money, giving them money that they don't work for. Those are the ones you're talking about when you talk about the farm economy, the agricultural industry. You think there are people who get dirt under their fingernails? It's only the dirt that occurred and made one

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

Floor Debate
February 01, 2017

of those British writer's comment, Dr. Johnson. This lady said, I don't like London because every time I come to London, I get dirt under my fingernails. He said, madam, may I suggest that you either take a bath or stop scratching yourself. That's the only way these big shots get dirt under their fingernails. They're not out here sitting on top of a tractor or a combine. They're not walking rows. They're not mending fences. They're not wondering what is going to happen when that cloud that I see in the great distance comes here. Will it drop rain? Or will it dissipate? And I've got to worry now. No. And those are not the farmers that are discussed in Legislatures. These little farmers are the ones that people invoke so we will develop that romanticized notion of the family farm or the family farmer, and I'm not talking about these multinational conglomerates who might happen to have several members of the same family involved. You all know what the concept of family farmers is or used to be. These big shots are the ones who can drive the little shots out of business. You know why they talk about the death tax, which means when you inherit something, you got to pay taxes on it? It's the inherited wealth of these people in the ag sector that is destroying agriculture as a means of making a living by ordinary people, and ordinary farmers may know it and they may not. They're just like Governor Ricketts. They didn't produce any wealth. They inherited it. Then they can run two or three family farmers out of business. Don't talk about Ted Turner. You talk about some of these people in Nebraska who are raising the price, the assessment, the value, the taxes on rural property. You don't care about rural people. You don't want them to have adequate medical care. You all represent them. You don't care about them at all. You're hypocrites. The people who send you here are tricked. They're duped. They're deluded. They are bamboozled. They are suckered. They are took. They are the takers and there are the taken. You all are the takers from the lobbyists and the lobbyists represent the big takers and the farmers out there and ordinary people in the cities are the taken. [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR CHAMBERS: In the richest country in the world, you shouldn't have people homeless. You shouldn't have people hungry. I don't mean like the Governor and senators who just make it from one big meal to the next one. Can't get medical care. Cannot get old people, trying to decide whether they ought to buy medication to keep themselves alive rather than food, then when they don't get the food, it aggravates their medical condition. And you all are aware of

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

Floor Debate
February 01, 2017

this. It doesn't bother you. It's not discussed on this floor. You talk about cutting the tax bracket for the richest people in the state. That's what you all are looking at. And then the Governor tricks some of these small business people who feel honored to be with him. I'm not going to go over my time, Mr. President. I will continue when I'm recognized again. Thank you. [LB22]

SPEAKER SCHEER: Thank you, Senator Chambers. Waiting to speak: Harr, Chambers, Brasch, Krist, and others. Senator Hilkemann, will you please be recognized. Senator Hilkemann, you're recognized. [LB22]

SENATOR HILKEMANN: Good morning, Nebraska. I serve in Appropriations Committee. I'm not exactly certain, Senator Krist, what sending this back to committee however we're going to be able to adjust this anymore. I mentioned it in your argument and I would surrender any time to you. [LB22]

SPEAKER SCHEER: Senator Krist, you're yielded 4:40. [LB22]

SENATOR KRIST: Thank you for your courtesy. I appreciate it. Thank you, Mr. President and colleagues, I'll return to the point that I was making before on the opinion rendered by White and Jorgensen in terms of the constitutionality. If follow along with me again, page 1 of three. The above should be self-explanatory, that is that no branch of government, individual, persons, would act on behalf of another branch of government. I'm paraphrasing. This becomes apparent upon the review of additional provisions. Nebraska Constitution, Article III, Section 22, Appropriation for States, in quotes. "Each Legislature shall make appropriations for expenses of Government." The power of the Governor is to set forth in Nebraska Constitution, Article IV, Section 6, Supreme Executive power: The supreme executive power shall be vested in the Governor who shall take care that the laws be faithfully executed and the affairs of the state efficiently and economically administered." I'll stop here and just tell you that a few years ago, many years ago, there was a process input into the budget process and the appropriations process of the state and it is referred to as the allotment process. Fearing that an agency, code, noncode, and/or separate branch of government would spend all of their appropriations all at once and be left with nothing when they got to the second, third, fourth quarter, an allotment process was put in place. That process is, we'll give you the money on a quarterly basis, or as prescribed by law.

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

Floor Debate
February 01, 2017

Now what the Governor did that adversely affected many noncode concerns, as well as code concerns, is he said, in effect, oops, just kidding. You know the Appropriations bill that gave you money to spend for the two-year biennium, I'm going to withhold that allotment. You're going to be missing that allotment. That's what he did. And now he's asking us to reaffirm that process by attacking the reappropriations and taking the money out of the budget. Oops, just kidding. I don't know about you, but...and I'll exclude the freshmen from this comment because I have to, you weren't here to pass the last biennium budget. We had a lot of deliberation on what that budget should look like in 2015...a lot. And we agreed, we came down to a point and said, here is our appropriations budget, and it was signed into law, and it went out there, it was a contract with the people of this state, and now we're saying, oops, just kidding. We're going to take some of that money back. Now, I don't disagree that 4 percent across the board, or as Senator Stinner talked about, a strategic reduction on a case-by-case basis is required. Times are getting tough, but completely taking away the cash fund, the reappropriation, the rainy day fund for the individual agencies, that's what this debate is all about. And I filed my amendment which basically, line by line, puts back in all of the reappropriations cuts for code, for noncode agencies... [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR KRIST: ...and independent branches of this government. The Governor can do what he wants to do with codes, but he still has to be affirmed by this body. I'm concentrating on the people that he has no control over putting the money back as reappropriations. Did you give me a one-minute call? [LB22]

SPEAKER SCHEER: Yes, I did, Senator. [LB22]

SENATOR KRIST: I'll continue on my next time on the mike, and thank you, Senator Hilkemann, for your courtesy. [LB22]

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

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

Floor Debate
February 01, 2017

SENATOR HARR: Thank you, Mr. Speaker. Folks, we've got to be careful about what we're doing, and this is in no way judgment upon what's being done, but I think we need to decide how we do what we do, and have a conversation about that because it's been imposed upon us, somewhat by the Governor by not calling a Special Session. Yesterday, Senator Stinner said we had four options of what we could do. We chose the latter, which is to do...well, actually, we could do nothing, which I don't think we're going to do. We chose option three, which is to do LB22. But I think we need to be very careful and I understand why he's doing what we're doing. We need a long runway, and do we want to have that pain over two years or do we want to have it over three years? There is going to be pain, and I don't think the fact that we spread it over three years instead of two means, well, no big deal, let's just pass it now. I think we do need to have a debate about this pain we are inflicting, and it is pain. We are...we passed a budget two years ago based on projections. The Governor has a bill that Revenue will hear pretty soon about cutting taxes based on projections. And I think the situation we're in right now shows the problems of basing policy on projections instead of reality. There is a time and a place for it, and it can be dangerous. Imagine if we had cut taxes. We were cutting taxes. Wow, we had a \$900 million shortfall. That's the problem with making legislation about future actions when you don't know what is or is not going to happen. This option that we've chosen is...we didn't talk about this. Is there options within the options. So we've chosen the option of let's amend the biennium budget. Well, there are different ways of doing it. We could, A, raid all the cash funds, which we are not doing, thank you Senator Stinner, although that was in the Governor's proposed budget and that's a bad idea. It's a terrible idea, it's terrible policy. Think about the unintended consequences. If you want to have a conservative government, one who spends your money wisely, this disincentivizes those cash funds to save their money for when it's appropriate, to save up to do a study, to save up for whatever purpose. They're going to be told "spend it or you're going to lose it." And, oh, by the way, when you do need it, you'd better go to the Legislature because you don't have any savings. I always hear you should run your government like your household. Guess what? I save up money in my household, or at least attempt to. I don't spend everything I make. We need to encourage our agencies and noncode agencies to do the same, and that's what they're doing, and we're going to raid the cash funds. I'm proud that Senator Stinner and the Appropriations Committee left that part out. I'm disappointed in the Governor that he didn't do that. That's one thing we could have done. Another thing we could have done is we could have said, like we did five, six years ago, across the board cuts. We are just going to say

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

Floor Debate
February 01, 2017

everyone cut your budget by 4 percent, instead of doing as what, again, Senator Stinner refers to as strategic cutting. We can't sacrifice our education. You want to look at where the two areas of growth, highest growth the last 20 years are? Guess where they are. HHS and Corrections. What are those? Those are reactions. Those are costs we can't necessarily control directly. We can control those costs indirectly, as our friend Ronald Reagan always liked to say... [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR HARR: Thank you...a best program and I'll talk more about this as we go on. The best social program is a job. Now, not everyone can have a job, but we need to make sure that our citizens are reaching their potential, and that's through education. And guess where our slowest growth is? Funding for education, state funding for education. And guess who makes up those dollars when we cut those state dollars? The property taxes. You want to talk about one of the major problems here is property taxes. Well, what we're doing today, folks, is not helping property taxes, it's going to lead to additional pressures on property taxes. Think about what you're doing. Think about the no knowns and the no unknowns. We have certain no knowns that we have to be careful not to raise indirectly property taxes on our fellow citizens. Thank you, Mr. Speaker. [LB22]

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

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, Peter, Paul and Mary Ford sang a song "Blowing in the Wind". That's what I'm doing when I talk here, and I know it, but the public watches. I'm getting letters, and things that we say are written and transcribed, and that is the audience that I address, not the people in here. You know something? I look at the makeup of the Chamber. I'm on from...if you look at the side of the aisle I'm on from the front, I'm on the right side of the aisle, but it doesn't mean the correct side, except for me. But you know something that's interesting about this side of the aisle? There are four chairpersons on this side of the aisle, and all of them are gone. All of them are not here. And one who is here is coughing to get attention, but those are in a row that I'm talking about. And if they don't want me to say it, then be here, but they don't have to account to me. They don't have to account to you all. I guess they account to the Governor. Aren't those leaders, your leaders? Is

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

Floor Debate
February 01, 2017

that the way white people lead? All the leaders are gone, and the peons stay here. I'm learning from you all, because now I'm paying more attention than I used to. And the reason I condemn what we don't do as harshly as I do, but I think I'm being gentle under the circumstances because we have the power to do something about every issue we raise. We talk about developmental disabilities. We can do something about that. We talk about educational opportunity. We can do something about that. You know why you're going to get some more money because Nebraska is in the Big Ten, because of those football players and the amounts of money that is generated by the Big Ten through television commercials and other ways they have of generating money. Money is coming to this state because of football players, and in this state, you don't want to compensate them, although I've been trying to do it for about 40 years now. I was laughed at, mocked, and scoffed at, and I said, some day some old white guy is going to say do it and they're going to say he's a genius. So now there are these old white guys talking about doing it. They forget the one who bore the heat of the day, and I keep articles on all of this. You all will allow the Legislature to be dictated to so you move according to the Procrustes bed philosophy because that's what the Governor gives you. Procrustes was a giant who invited people to eat, stay overnight, and if you were too long for the bed, he chopped off enough of your leg area so that you fit the bed precisely. If you were short, like myself and some of others in here, he would stretch you until you fit it. One size fits all was put in reverse. All shall fit one size, by one means or the other. The Governor is dictating to the people who have the power. The Legislature is different from the other two branches because the Legislature controls the purse strings. He's going to talk about cutting taxes when we're cutting money from essential services that are to be given to the public, to the people. The government does for people what the people cannot do for themselves. So he sends you all in here and says cut this money. And you know what he did and nobody called him to account but I tried to? Without a contract, dealing with a drug dealer overseas who had stiffed the state before, gave that scalawag \$54,000 without a contract. [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR CHAMBERS: No contract. No provision for recouping the money when he kept it, when he stole it. Who talks about the Governor criticize...the Governor criticizes him for that? And he's telling you all cut money, he's going to run the state like a business. He said that on television. Well, he's the boss. He fires whom he wants to, like Donald Trump, favors those he

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

Floor Debate
February 01, 2017

pleases, like Donald Trump, and the people are the losers. Well, I'm going to talk on this bill. I'm going to let you all talk about the nuts and bolts of it. I'm going to talk about the nuts who are not doing the work that ought to be done and the ones who are dictating. You don't have to be dictated to, but if you allow yourself, it will happen. There was a guy whose name I won't call, you ought to know him, look it up if you don't. He said if you see a sucker, bump his head, and there's a sucker born every minute. Thank you, Mr. President. [LB22]

SPEAKER SCHEER: Thank you, Senator Chambers. Waiting in the queue: Senators Brasch, Krist, Stinner and Quick. Senator Brasch, you're recognized. [LB22]

SENATOR BRASCH: Thank you, Mr. Speaker, and thank you, colleagues. I do rise in opposition for the motion to bracket the bill to committee, and I do want to stand to just make a few statements as the Chair of Agriculture. I was coughing to let him know that not all chairs are not in their seats here this morning, but I have not...it's not my day to watch anyone here, so I have not been looking. And, yes, Senator Chambers, I do see you looking around the Chamber. One comment that I also want to make is that I tell some of my new colleagues--and we've had a few--is that just be ready. The first day you'll be sworn in. Every day after, you will be sworn at. But then I need to add, "by mostly Senator Chambers." Second is that when I hear any of my colleagues in here that are appearing to or implying or directly trying to assault, badger, bully, chastise someone, publicly on the microphone as a matter of record, I think we're better than that, I really do. Why we have a public hearing on all bills heard is so we know the facts, we know who is in favor, we know who is against, and the neutrals. And as a committee, we then follow up with more facts. We have an Executive Session, and we then determine the status of that particular bill. In defense of Director Ibach--and we're going back to the potato bill--he has...this is not the Ag Department's bill to introduce. It was brought on behalf of the Governor, and it is...it did have a public hearing, and my understanding is the individuals who did testify are on the Commission. They are not the simple, necessarily direct growers or shippers. They may be, but there's over 30 of them. It is an excise tax. I have always...when I speak to people, I let them know, if you don't want the Legislature in your business, then you shouldn't be a governmental entity. This group could become an association, is my understanding they have that ability. Some of the things that were challenged and said here on the floor also is always of concern to me. When I was doing research about the flooding along the Missouri River, and I

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

Floor Debate
February 01, 2017

was trying to find experts, we have multiple agencies of well-paid experts on any given subject. I would like to know if there's any other recourse, and from speaking with my research analysts, there's at least three or more entities that we can discuss when we go to Executive Session, what recourse is in seed development and disease control in marketing that, but I am so glad that those testifiers came yesterday. The institution did what it's supposed to do. I also commend Senator Chambers for not saying anything because we are told that our conduct for those who testify must be in a manner that they will not feel that they are not welcome, that their testimony is not important, and that is not...that is a place that everyone that comes before us should feel free to speak. And motions made afterward are done in Executive Committee, and they should follow protocol. But as far as calling out colleagues, calling names, bullying... [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR BRASCH: ...crickets, other things like that, you can't change people. They're just going to be who they are. Some things are good, some things are great, and other things just really are disappointing. I think we try to teach our kids not to bully, and here this institution, we talk about the greatness of it, the glory of it, the leadership, what we should be, I think we could do better. So thank you, Mr. Speaker, and thank you, colleagues. [LB22]

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

SENATOR KRIST: Thank you, Mr. President. Back to the place that I left off. I'll save my response to Senator Brasch for a later time. On page 2 of 3 of the opinion from the law firm, the power of the Governor is set forth in Nebraska Constitution, Article IV, Section 6 - Supreme Executive power: "The Supreme executive power shall be vested in the Governor who shall take care that the laws be faithfully executed and the affairs of the state efficiently and economically administered. This clause is both a grant of power and an explicit restriction requiring that power to be used only to implement the laws that have been passed." Underline that. Highlight it. Listen to it, please. This clause is both a grant of power and an explicit restriction requiring the power to be used only to implement the laws as passed. The appropriations process we went through last year was voted out of this committee...I'm sorry, out of this body. It went to the Governor for his signature. That's the law that we needed to uphold. That's the law that he needed to

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

Floor Debate
February 01, 2017

administratively execute, but instead...oops, just kidding. The Nebraska Supreme Court has on a number of times had occasion to examine the operation of cited constitutional provisions. It has always been most vigilant in protecting the Legislature's constitutional powers from encroachment by the executive branch. In the State v. Meyer...I'm sorry, Meyer v. State Board of Equalization and Assessment, 1970, a quote: "The right of the Legislature to control the public treasury, to determine the sources from which the public revenue shall be derived and the objects upon which it shall be expended, to dictate the time, the manner, and the means, both in its collection and distribution, is firmly and inexpugnably established in our political system." I don't know what we don't understand about that. It's perfectly written in English in our Constitution that it is our...our authority to legislate, appropriate, and then apply oversight. We don't execute. That's the Governor's job. This was a stretch on the Governor's part to hold back an allotment process of a budget and appropriations that was set in law in 2015, and now he's asking us through the reappropriation process to affirm the action that he has taken. This isn't working together. This isn't a Special Session where we come back, can come together and do things, although let's leave that subject behind because that's a foregone conclusion. He didn't want to have a Special Session. He didn't have a Special Session, so now we're going to talk about the budget for the biennium. And the budget for this year that's supposed to be in law at least three times, maybe four times on this floor, or maybe the whole session. I feel so strongly about this issue that I'm not going to quit. There's going to have to come a point where we come into compromise to say those reappropriations for every one of those noncode agencies and standalone branches of government will be reinstated. Somebody can start a campaign for Governor on this issue alone. This one alone. Not me. My wife told me I have to take a year off. This is inappropriate, it is unconstitutional, and we need to stand up to it now. We need to draw a line in the sand and say... [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR KRIST: Thank you, Mr. President...draw a line in the sand and say in no uncertain terms, we're not going to put up with it. We'll come to a budget. We'll come to an agreement. We'll spend the rest of the session coming to an agreement and getting to a biennium budget, but we're not doing that here. We're pacing ourselves and putting it on record that these are the

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

Floor Debate
February 01, 2017

things that the Governor has already put in place and that he wants us to affirm. I'll continue with my message on the next time on the mike. Thank you, Mr. President. [LB22]

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

SENATOR STINNER: Thank you, Mr. President. Members of the Legislature, I don't want to comment on the motivation or the accuracy of this attorney's opinion because I'm not an attorney, but I have discussed it with attorneys. I'm going to put this down for a second. All I want you to do is to start to think. Think about the fact that we don't...we're not allowed to borrow short term for cash-flow problems. Think about the fact that the process of allotment was put into statute in several different places to allow the budget office, the executive side, to manage cash. Okay? It has to be there. I passed out a rather crude-looking exhibit, and if you just take a look at it, in the left column, under normal circumstances. Normal circumstances, it's 25, a quarter each time. Hopefully that matches up with the cash flow that comes in in 12 different installments. You don't collect taxes up-front, you collect it over a period of time. You have seasonal fluctuations. That's why you have the 3 percent limit. There are things put into statute that help DAS, the budget office, manage the affairs of the state of Nebraska. A crisis occurred, okay? The second column is where we're at. The Governor instituted, through the budget office, a fiscal restraint. He took 1 percent away. He didn't know where the cash was going to go, but he wanted to take proactive measures. You know, I would have a problem with the Governor if he didn't take this...these types of measures. It's a common-sense approach. So here we are today, 24, 24, third quarter. I don't have anything in that fourth quarter, do I? The idea that what the Governor did was unconstitutional up to date, right today, is absolutely false. The Legislature does have the ability to appropriate. We are the only ones that have the ability to appropriate, and you better get that idea. But here's what happens. If we don't do LB22, all that money gets to be put back, right back in their budget, and guess what? We've done nothing to help the state of Nebraska with a long runway to solve a big, big problem. So if we pass LB22, the right-hand column shows 96 percent across the board cuts on 30 percent of the appropriations. Didn't do it 100 percent, 30 percent. If that's imprudent management, if that's...first of all, it is not unconstitutional. He's allowed to do that. They have powers to allot, but to get to the fourth quarter, guess what? They've got to abide by what we tell them. And that's kind of where we're at, maybe that's where

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

Floor Debate
February 01, 2017

the debate's at, whether we want to give them the 4 percent or not. If we want to take it back and restore it, fine. Then we're going to take that cliff. Then we've got \$450 million to solve each year. Good luck! That's not fair to anybody. We've already taken steps. A lot of the agencies have already made the adjustments to try to comply and try to hit those targets. Now, we can talk all day about reappropriation, our authority to do that and our authority to do this, and we have the authority to appropriate. We have oversight, agree with all of that. And it's up to the executive branch to manage what we tell them. I get that part too. So we have the executive branch confronting what they believe to be a big crisis. We went through the chronology, we know where we're at. [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR STINNER: We could talk about this budget... [LB22]

SPEAKER SCHEER: One minute, Senator. [LB22]

SENATOR STINNER: Thank you. We could talk about this budget until, I guess until the end of session. But these are good changes. We didn't agree 100 percent. We tried to prioritize things. That's what the discussion is about. That's where I like to roll up our sleeves and do the right things for the state of Nebraska. Give us the runway, give us the flexibility. But I will tell you that the idea of what the executive branch did was unconstitutional is absolutely wrong, and if I need to find an Attorney General's Opinion to back me up, I will. Look at the statute. Think about it. It's only logical. Thank you. [LB22]

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

SENATOR QUICK: Thank you, Mr. President. I'd like to hear more about Senator Krist's motion, so I yield the rest of my time to him. [LB22]

SPEAKER SCHEER: Senator Krist, you're receiving 4:50. [LB22]

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

Floor Debate
February 01, 2017

SENATOR KRIST: Thank you, Mr. President. Senator Stinner, I am also not a lawyer and I have talked to a constitutional expert at the University of Nebraska who agrees with the premise on all of what's been stated in this Opinion. The twist to this, if you will, if you want to argue constitutionality, is that the executive branch and the legislative branch in this state has in past reached a deficit reappropriations point and, in some cases, we have reached into a cash fund during a special session--it's 2009 and I was here for that--reached into cash funds, reached into budgets and said this is what we're going to do. That was in the middle of a biennium, granted. I would ask you the question but I think the answer is well known. We don't have a budget problem this year. This appropriation this year is fine. It is the next two years that we are trying to develop, as you call, the runway to succeed. And I completely support that. What I don't support, Senator Stinner and Appropriations Committee, is the fact that we are blanketly listening to the argument that reappropriations should be taken away at a percentage across the board. There are people who manage their budgets in this state, including the University of Nebraska, including, I thought, our Council budget, and including many others. We taking money, IT money, away from people who had projects set up that were solving problems in the state that were set aside to do that, they were saving, just like the potato board. And for those of you who weren't here for that discussion, yesterday in Agriculture the Governor sent somebody in on his behalf, introduced a bill to do away with the potato board. And again, the only three people that were there to speak in favor of it was the introducer, the Platte Institute, and the Deputy Director of Agriculture, and the people who came in opposition were the people who used it. They were growers. They were shippers. They were the people who were sitting on the committees. They knew the industry and they were asking, how didn't I...why didn't I know about this? The same logic is where I'm at with this bill. If there is a way, and my amendment is in there, buried in there someplace if we ever get to it, that restores for the time being--and let me say that again and foot stomp it if I can--for the time being restores the reappropriations to all those people. We have the rest of this session to balance this budget and we may have to, as you have said many times on the mike, use our strategic reductions in different areas and take the 4 percent or more in different areas, but not this slash-and-burn attitude that we have. And I would argue also that this is not pittance. I wonder if Senator Bolz would yield to a question. [LB22]

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

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

Floor Debate
February 01, 2017

SENATOR BOLZ: Sure. [LB22]

SENATOR KRIST: If what I've proposed in this amendment comes to fruition and the reappropriations are restored for most, if not all, of the people that we have taken away on the Governor's request, yet the 4 percent and the strategic reductions are put into place, how much would we be saving in this year roughly? [LB22]

SENATOR BOLZ: I don't know that I have a total off the top of my head, but I can talk to you about some individual agencies. So, for example, the reappropriations for Education is \$3.8 million. For the Board of Parole, it's \$278,000, which for a small... [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR BOLZ: ...agency is meaningful. The Supreme Court has \$2 million. So if you look agency by agency, those dollars may make a difference. I'm torn, Senator Krist. Because of our shortfall, we have to figure out which cuts are more painful and which cuts are less painful, and so it's a difficult set of circumstances. But, you know, we can probably get you a final number in partnering with the Fiscal Office. [LB22]

SENATOR KRIST: Okay, I appreciate that. I guess the point that I want to make is that it's not pittance. We are saving a lot of money in the strategic reductions and the percentage reductions across the board. And I will save the rest of my dialogue for another time on the mike. Thank you, Senator Quick, for your courtesy and yielding me the time. [LB22]

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

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

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

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

Floor Debate
February 01, 2017

SENATOR BRASCH: I will yield. [LB22]

SENATOR CHAMBERS: Senator Brasch, you're completely correct when you indicate that I do things for the record; if that's what you had indicated, you're absolutely correct. But you said something about people are sworn in the first day and then the rest of the days they're sworn at, and then you mentioned my name. Could you clarify what you meant and what you said, because I'm not sure I understood you. [LB22]

SENATOR BRASCH: It's not necessarily profanities, but voices are raised, names are called. [LB22]

SENATOR CHAMBERS: No, I want to know what you said. [LB22]

SENATOR BRASCH: Oh. [LB22]

SENATOR CHAMBERS: You used the words, the two words "sworn at," and then you mentioned my name. [LB22]

SENATOR BRASCH: When...I did, and I said that you swear in. You became a senator. The next day individuals will become critical in the form of swearing. And then I'm saying most critical of you I've learned... [LB22]

SENATOR CHAMBERS: No, you didn't use "critical." [LB22]

SENATOR BRASCH: No. [LB22]

SENATOR CHAMBERS: You said "sworn at." [LB22]

SENATOR BRASCH: Sworn, okay. [LB22]

SENATOR CHAMBERS: That's what I say. I have trouble being understood. [LB22]

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

Floor Debate
February 01, 2017

SENATOR BRASCH: Okay. I'm explaining that, that... [LB22]

SENATOR CHAMBERS: No, did you say that? [LB22]

SENATOR BRASCH: I said sworn in, sworn at, yes. [LB22]

SENATOR CHAMBERS: Okay, thank you. Members of the... [LB22]

SENATOR BRASCH: And... [LB22]

SENATOR CHAMBERS: Members of the Legislature, I don't swear. When it comes to an oath, I do not swear, I affirm. I do not use obscene language. I do not use profane language. I've heard profane language used on this floor. I don't even use "damn" like people use on this floor. I don't use "hell" as an expletive like people use it on this floor. I'm careful about the language I use. I don't want the record to think that I stood here and let somebody say that people will be sworn at by me. You've never heard me swear at anybody. I don't do that. She's mixing me up with her colleagues. Now, she feels the need to defend these chairpersons who are not here? Let her do it. I'm going to ask her another question if she will yield. [LB22]

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

SENATOR BRASCH: I will yield. [LB22]

SENATOR CHAMBERS: Senator Brasch, you had mentioned something about calling people out, our colleagues out, and I do that. You call our colleagues out on occasion, don't you? [LB22]

SENATOR BRASCH: Yes, I do. [LB22]

SENATOR CHAMBERS: Okay. So we're in the same boat, aren't we? [LB22]

SENATOR BRASCH: I believe you're correct. [LB22]

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

Floor Debate
February 01, 2017

SENATOR CHAMBERS: So calling out is not, in and of itself, a bad thing, is it? [LB22]

SENATOR BRASCH: The mannerism taken is what... [LB22]

SENATOR CHAMBERS: Here's what I said. You don't hear/understand the question. [LB22]

SENATOR BRASCH: All right. [LB22]

SENATOR CHAMBERS: Calling out is not, in and of itself, a bad thing, is it? Thank you. My questions are so difficult to be understood, so maybe after we're gone somebody can interpret me for Senator Brasch, because apparently I don't speak English in the way she's accustomed to hearing it spoken. But I'll tell you this. When I see these women stand on the floor and defend these men, that's saying something about the men, I guess. I was the one who called out Senator Groene when he raised his voice at my colleague, Senator Pansing Brooks. Contrary to what Senator Groene suggested, I was not talking about his accent, his brogue, or anything else. I emphasized the way he raised his voice at one of my female colleagues, and not another person on this floor did that. I'm a member of the Legislature. I will call people out. I will. And if your ears are so sensitive, there's a remedy for that: just don't listen. Wear earplugs or do like your chairpersons: get out of here. Now that's not telling you to get out; that's suggesting what you can do if you choose. [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR CHAMBERS: But I'm going to be on this bill. And what's before us now is my superpriority motion to bracket it, and I have other motions that I'm going to make to keep us on this bill whether you all want to be on it or not. Obviously the Appropriations Committee does a lot of work. That's the nature of the committee. Members on the Judiciary Committee do a lot of work. That's the nature of the committee. But we have a Chair now who is willing to farm out some of our work which shouldn't be farmed out. But that's what happens when you have a nonlawyer serving as chair of a committee where lawyers and the knowledge of the law is important. Legislature chose to do it this way. The bid has been made. I will accept what I'm given and do the best I can with it, but you won't find me up here whining and saying, he's

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

Floor Debate
February 01, 2017

talking about me, they calling me out. Then don't...I shouldn't do what I don't want people to call me out on. Call me out on anything I do and anything I say. [LB22]

SPEAKER SCHEER: Time, Senator. [LB22]

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

SPEAKER SCHEER: And, Senator, I was remiss. That was your last at the mike other than your close. Senator Pansing Brooks, you're recognized. [LB22]

SENATOR PANSING BROOKS: Thank you. Thank you, Mr. President. I just rise because I'm, again, concerned about, as I mentioned yesterday, how quickly all this is rolling, how we have major issues before us that relate to taxation, that relate to plans in LB23 to appropriate money from a disciplinary assessment fund that was part of our dues to be a member of the bar association, and those are paid to be licensed to the Supreme Court. And again, we have all these issues going forward. I bring it up because clearly these bills just come out. And if we haven't spoken about them, then we're supposed to just move forward and pass them. And I think it's important that we have these discussions as a body, and I appreciate what Senator Krist has been talking about. I'd like him to continue with some of the discussion that he's been having today, so I give the remainder of my time to Senator Krist. [LB22 LB23]

SPEAKER SCHEER: Senator Krist, 3:40. [LB22]

SENATOR KRIST: Thank you for your courtesy, Senator Pansing Brooks. Thank you, Mr. President. I don't see the Chair for Appropriations on the floor. He's probably doing business. Oh, there he is. Senator Stinner, would you...could you yield to a question, please? [LB22]

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

SENATOR STINNER: Yes, I will. [LB22]

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

Floor Debate
February 01, 2017

SENATOR KRIST: So we've had several conversations off the mike, and I'm not going to ask you anything or put you on the spot in any way. I've seen your job. I wouldn't want it. But it's a tough job and I appreciate it, and I appreciate what your committee has done. But realistically this is General File for LB22. It will go through Select, and it will go through Final Reading. You have business to attend to, potentially, on another of the Governor's deficit bills. Is that true? Is the Governor going to give us another deficit bill before you have a biennium bill come out of your committee? [LB22]

SENATOR STINNER: Not that I'm aware of. [LB22]

SENATOR KRIST: Okay. Well, they might want to keep that a secret for awhile but neither here nor there. If we're dealing with this one and then we are taking it to two more rounds of debate, what's wrong with conceding at this point that we are not in such an urgent position that we have to take all these reappropriations away? We have two more rounds of debate to talk about it, and it's not this biennium that we have the issue with. It's the runway issue that you have talked about several times, and I agree with that runway issue. I just don't agree with the way that the Governor has already enforced what he wants us to approve. And that is the purpose of the constitutionality question. So my question boils down to this: Why are we going for the whole enchilada here; why don't we back off and reasonably look at allowing people who have saved frugally and spent frugally the money for the reappropriation process that they have been looking forward to? [LB22]

SENATOR STINNER: Well, first of all, I'm not taking all of his recommendations. We've made some adjustments relative to that one exhibit I gave you on the back. [LB22]

SENATOR KRIST: I concede that. Thank you. [LB22]

SENATOR STINNER: Secondly, I didn't take his recommendations as far as taking the cash fund lapses. That's going to be moved to the biennium. Okay? [LB22]

SENATOR KRIST: Thank you. [LB22]

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

Floor Debate
February 01, 2017

SENATOR STINNER: So we have done a few things different than the Governor. We've looked at his recommendations. We feel like this is a solid plan. And that's why it's up in front of you. But I also ask you... [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR STINNER: We need a deliberative process here, you know, a thoughtful, deliberative process. If the body decides that they want to do something different, it's not going to offend me. We can do something different. We can adjust. We can look at a whole lot of different options. This was a very thought-out plan by the Governor. We took a look at it through the Appropriations process. We had hearings, went through that. We came to the floor with our recommendations. [LB22]

SENATOR KRIST: Okay. And I'm going to assist you in that deliberative process by continuing to put this forward. I do believe that we need to continue to have the conversation. And thank you for your courtesy and assisting me on the mike. Thank you, Mr. President. [LB22]

SPEAKER SCHEER: Thank you, Senator Pansing Brooks, Senator Krist, and Senator Stinner. Senator Krist, you are up again in the queue. [LB22]

SENATOR KRIST: Is this my last time on the mike? [LB22]

SPEAKER SCHEER: No, sir. You have one more. [LB22]

SENATOR KRIST: Okay. So if you have followed through the potential way that this was done and followed through the potential, whether you believe it or not, constitutional issue of taking action prior to having the Legislature appropriate, which is the reason for a special session, if you followed through what I have been saying and trying to lay out in terms of what the Legislative Council budget was, what the intention for the reappropriations was supposed to be for, and how blanketly just reducing the reappropriated funds by a certain percentage, is a disingenuous, discourteous way to handle people who are doing their best to manage their budgets for the state. I made reference yesterday to the fact that this legislative body, the

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

Floor Debate
February 01, 2017

Legislative Council, has been extremely frugal, extremely guarded about spending money until we know what product, for example, the telephones that are going to be sitting on your desk, hopefully, moving into the HVAC, taking care of this building, because the Capitol Commission is not properly funded to do all the repairs on this building. We have done many ourselves: moving you from place to place in offices at the beginning of every biennium with a new group of senators coming in, all of those things, the IT setup in the hearing rooms, the connectivity and the contract with NET, all of those things that have been carefully planned for in a budget. Now I would submit to you that there are other agencies out there, noncode agencies and code agencies that have operated themselves and purported to do have done every...to do everything that they can to operate in a fiscal conservative way. And they're being asked to forgo that percentage of their money. And I have tried to relay to you that LB22 is extremely necessary, LB22 is extremely necessary, and to compliment the Appropriations Committee for bringing us something to deliberate on. The Chairman of that committee has asked us to be deliberative in nature and to carefully look at line items. I mean no disrespect to this body or to the Appropriations Committee, but we are doing things differently than they have been done in the past and I would like to slow down the train just a little bit. Let's talk about what we're doing with this budget. The only thing that we need to do in this biennium is pass a balanced budget. And I'm one that, for sure, I have priorities out there. I have juvenile justice issues. I have juvenile court issues. I'd like to make sure the kids all over Nebraska get justice and not just by justice by geography. So those are things that I will forgo if we don't pass the budget in time, but we'll have to talk about the budget first. My biggest priority is the budget for the state of Nebraska, believe it or not. Going back and forth between what happened in the Agriculture Committee, going home from the Agriculture Committee last night, I was mildly perturbed as a person. By the time I got home, I was professionally incensed, I was on fire, because I saw an example of what we're doing across the board. [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR KRIST: We're taking money and putting it in the General Fund, even if it's just \$200,000 from a group of potato farmers in Alliance, Nebraska. I'll make the point that Senator Chambers made in a different way. When you've made your mind up about a subject or you're tired of talking about it or there's something else that's going to get your attention, you leave the

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

Floor Debate
February 01, 2017

floor. I would submit to you that every time we take a call of the house, we should have a record vote for the call of the house to see who was here to actually participate in a conversation. If you've made your mind up on this budget already and you're going to vote yes or no, I don't think you're doing a deliberative approach in terms of what is the most important, critical part of our job, and that's appropriations. Thank you, Mr. President. [LB22]

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

SENATOR CRAWFORD: Thank you, Mr. President. And I want to acknowledge and appreciate the hard work of the Appropriations Committee, and appreciate the Chair of the Appropriations Committee working hard to try to bring these issues to our attention and also making sure he's here to answer our questions and try to help us all feel we're involved in this deliberation, everyone who is here and is interested in being involved in the deliberation. I appreciate his work to try to make sure that he's answering those questions and engaging us all in this deliberation. And I talked to him off the mike just about a conversation that I want to make sure we have on the floor for the record in terms of the kinds of choices that we make about the cuts that we make. And so in just a minute, I'll ask him to yield. So one of the things that I...one of the...I appreciate one of the policy decisions that I appreciate that the Appropriations Committee considered in their deliberation was the consideration of what areas we would want to exempt from any across-the-board cuts. If we're going to have across-the-board cuts in several areas, what are some areas that we feel are important to exempt from that? And I appreciate that they were attentive to the work we've done on Justice Reinvestment and trying to protect that from that across-the-board cut. So one of the issues that I want to raise for deliberation and conversation is attention to the oversight function that we have and some of the parts of the budget that help us do that over...help us to actually carry out those oversight functions. And one of those, colleagues, is the Auditor's Office. And so if you want to follow along in your own green copy of the proposed changes in LB22, this is on page 3, line 52. And you'll see that one of the across-the-board cuts is in the State Auditor's Office for our state agency and county audits. Colleagues, in my time here, I have seen how important the Auditor's Office has been in terms of making sure that we are attentive to how our departments are operating. And we have seen costs that we have incurred from fines from activities that have happened in our Department of Health and Human Services because they were not following proper procedures and the Auditor's Office

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

Floor Debate
February 01, 2017

is an important office in helping us to watch the agencies and helping us to make sure that there is attention and pressure, to make sure that all those appropriate processes are followed, not only for the federal government but also followed in terms of making sure that agencies are doing what we're asking them to do and following appropriate procedures. And so my question to Senator Stinner is whether or not there was a conversation about whether this specific oversight function that the State Auditor's Office performs is critical enough in terms of helping us maintain and protect our investments in all other areas, that it would be worthy of consideration as one of the areas that would be exempt from that 4 percent across-the-board cut. So I would ask if... [LB22]

SPEAKER SCHEER: Senator... [LB22]

SENATOR CRAWFORD: Yes, go ahead. [LB22]

SPEAKER SCHEER: Senator Stinner, would you yield, please? And one minute. [LB22]

SENATOR STINNER: Yes, I will. As far as the Auditor is concerned, the first biennium that I was here in the budget process, they had requested five additional auditors, I believe. Might have been a little more, but I think they were granted three. And I actually did a little bit of an analysis, having...coming from that side, in terms of the number of audits that they want to do, the number of man-hours or person-hours it took to do those. So we did go through a schedule to make sure that they can complete it in a timely fashion, probably gave them one or two more than what that schedule looked like to give them some flexibility. Now on across-the-board cut, you have to remember it's really just a one-time cut. So now we're with the biennium budget. We have to look at what their modifications are that they listed. What cuts do they want, in rank order, that could be utilized? We are very sensitive to the number of man-hours required to do a comprehensive review that we all want to have. But can you do something? [LB22]

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

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

Floor Debate
February 01, 2017

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. Following up just a bit on what Senator Krist said with reference to folks being on the floor, I want to compliment the members of the freshman class who are on the floor. Most of you have been here for most of the time today. There is no more valuable place to be than on the floor. What may sound like gibberish often has great lessons in it. Senator Chambers this morning is teaching the lesson of a superpriority bill. You wouldn't have known that had you not been here, had you been down in your office meeting with a contributor or working on a bill or whatever. It's a valuable, valuable lesson. You'll have pitifully little time on the floor and opportunity to be on the floor in your four or eight years in the Legislature. This is where you were elected to be. This is where you exercise your power. This is where your voice can be heard louder than any other place. Far more is done here than in deal making in some shady back room trying to be part of this club or another club or this clique or this claue. So I compliment those of you who are here and I yield the balance of my time to Senator Chambers. [LB22]

SPEAKER SCHEER: Senator Chambers, 3:20. [LB22]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, "Professor" Schumacher. Members of the Legislature, Senator Brasch and I share some things, not many. But I'll tell you one thing we both share. She probably doesn't want to...she doesn't want to accept it. Neither one of us is liked very much. I said, and I'll say it again, Senator Brasch, there's one thing you and I share in this Chamber. Neither one of us is liked very much. Now she spends a lot of time trying to be...on the street we just say "cheesin'" up to somebody. They still don't like her any more. I tell them what I think and let them know I don't care whether they like me or not, because that's not what I'm here for. So let me give a little story about Bismarck and his nephew. Nephew Bismarck was sitting on Uncle Bismarck's knee and Uncle Bismarck said, nephew, do you want people to love you? He said, oh, no, no, Uncle Bismarck. He said, why not? He said, Uncle Bismarck, I wanted to be just like you. And Uncle Bismarck said, what do you mean? He said, people are scared of you. Nephew, said Uncle Bismarck, why would you want people to be scared of you instead of loving you? He said, Uncle Bismarck, when people love you, they take advantage of you; when they're scared of you, you take advantage of them. Now Senator Brasch, for all her trying to be nice and accommodating and defending Ibach and the deputy director of the Ag Department and the Governor, what has it got her? If it wasn't for that unholy nonsense of

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

Floor Debate
February 01, 2017

those 27 blockheads the first day, she wouldn't have a chairmanship now. She told you how many years she had tried to do this and do that and be here and be there--for nothing. Then all of the schemers got together, said they're going to vote as a bloc. That's why I call them blockheads. They said they're going to vote as a bloc. One of their leaders, Senator Larson, who is not here, so maybe he's a "nothead,"... [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR CHAMBERS: ...not "k-n-o-t," "n-o-t," because he's not here. You can have fun on this floor even during the most serious moments, even if you're talking about executions. Here's what Rudyard Kipling said: "If you can keep your head while (sic: when) all about you are losing theirs and blaming it on you..." I add: then you're the executioner. Everybody's losing their head and they're blaming it on you. But they're telling the truth. This is a place where adults are or people who are here should be adults. I'm not going to change a thing to please Senator Brasch. Why should I try to please somebody who's tried to please everybody and pleased nobody? (Laugh) This is so much fun for me. But sometimes I feel like a grown person dealing with children on the schoolyard who are playing in the sandbox. [LB22]

SPEAKER SCHEER: Time, Senator. [LB22]

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

SPEAKER SCHEER: Thank you, Senator Schumacher and Senator Chambers. Senator Pansing Brooks, you're recognized. [LB22]

SENATOR PANSING BROOKS: Thank you, Mr. President. Well, I just rise for a couple reasons. Number one, as a parent, I want to say that what I hope is that we will not think of people as whether or not we like them but whether or not we like what they do. I am a firm believer that there are no bad children, there are children who do bad things. And in the same regard, I don't believe that there are legislators...you know, I even like "Sunshine." He's not even here today. But anyway, there are, in my mind...I like everybody. I like Senator Brasch and I like Senator Chambers and I like so many people in this body. And we need to remember that, that

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

Floor Debate
February 01, 2017

we need to reach out, be kind to one another. We don't have to hate somebody because we disagree with them or because they don't agree with our position. I really hope that we can take that little admonition to heart, because clearly no one in this body is a bad person. We may do things that we...that someone may do something that I disagree with. I do things that some of you disagree with. But again, colleagues, I ask that we treat each other with kindness and respect, that we work our hardest to like one another and still be able to disagree in a professional and kind manner with kindness in our voices, because that's my little note on my podium: kindness in my voice. I have to remind myself that every time I stand up here. And so I would ask that you join me in liking each member of this body, not necessarily the actions always. And, Senator Chambers, (laugh) I just want to say that I like you and I like Senator Brasch. So thank you. And I will give the rest of my time to Senator Chambers. [LB22]

SPEAKER SCHEER: Senator Chambers, 2:50. [LB22]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Pansing Brooks. She's the only one in here whom I refer to publicly as my godchild, my goddaughter, and added: in whom I am well pleased. She had behaved very, very competently on a bill that was being presented to the Judiciary Committee. Without singling anybody in here out by name, I have embraced all of you. I've referred to you as all of my children. But then I add that you're bumptious, you're fractious, you're disobedient, you're hardheaded. But you're still my children. I'm not like Medea. I think that's the one who was going to go kill her children. I'm not Medea. Whether I like somebody or not is irrelevant. And I could like and say I like everybody. But my feelings about people don't even reach that level; they don't go that far. I'm not going to go home with you. I'm not going to socialize with you. I don't eat lunch with you. Why do I have to like you? I don't like this chair because I don't think about the chair in those terms. But I bet the chair likes me better than your chair likes you, because I never sit on it. That chair sits there and maintains its dignity. It's a beautiful piece of furniture. Nothing about it is obstructed from view by a human carcass encumbering it. Nice-looking chair, it swings from side to side. Beautiful chair, it moves without squeaking, without making a sound. [LB22]

SPEAKER SCHEER: One minute. [LB22]

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

Floor Debate
February 01, 2017

SENATOR CHAMBERS: And if I told you to sit on it, it would not move itself from under me. It would accommodate me. But who even thinks about a chair? If I hadn't mentioned it, you wouldn't think about it now. In fact, my...a member of the neighborhood, Senator Linehan, now she would not even be thinking about the feel of that ink pen she has in her hand, but she's thinking about the feel of it now because I called her attention to it. That's true. I'm looking at a lady in the audience whom I...of the Chamber. I won't call her name. But she wouldn't even be thinking of her eyeglasses and how they feel resting on the bridge of her nose if I hadn't mentioned it. But now I mentioned it, she's thinking of it. You call people's attention to things that you want them to pay attention to. And if they're not paying attention to it, it's because their brain is engaged with other activities. So there is much going on around us that we could be aware of if we focused on it but we don't. We set priorities and that's what we pay attention to. On this bill I have my priorities and they're different than those of the Appropriations Committee. [LB22]

SPEAKER SCHEER: Time, Senator. [LB22]

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

SPEAKER SCHEER: Thank you, Senator Pansing Brooks, Senator Chambers. Senator Krist, you're recognized and this is your third time. [LB22]

SENATOR KRIST: Thank you, Mr. President. I wondered if Senator Chambers would yield to a question. [LB22]

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

SENATOR CHAMBERS: Yes. [LB22]

SENATOR KRIST: In the spirit of instruction, your superpriority that you put in over my priority motion to return to committee specifies a bracket to a "date certain," I think is the exact words in the rules. [LB22]

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

Floor Debate
February 01, 2017

SENATOR CHAMBERS: Yes. [LB22]

SENATOR KRIST: And that date certain you've specified is April 1 of '17. [LB22]

SENATOR CHAMBERS: Yes. [LB22]

SENATOR KRIST: I know the answer to this question, but I want you on the mike to tell everyone why you chose that date. [LB22]

SENATOR CHAMBERS: April Fools'. [LB22]

SENATOR KRIST: There you go. And more importantly, when you want to bracket something to a date certain, you usually do the date certain the day after we go sine die. In this particular case, what Senator Chambers did, both as a lighthearted gesture as well as a motivation, would have put us back on this bill on that date certain and we will still be here to discuss it. I'm sure that wasn't his ulterior motive, but it also is part of the lesson. When you bracket something to a date certain and you want to kill it, like an IPP motion, you make that date certain beyond the scope of when we're here and so we wouldn't be here to discuss it. You would have killed it. Back to the issue: I am suggesting to you that this bill is very important to our logical path to arriving at a balanced budget for the biennium. I am suggesting to you that there are many ways to go down this path, that there are many forks in the road, that there are many decisions to be made. It's a deliberative process to get to where we're going. This is not a filibuster. This is an extended debate trying to get to a point where we can talk about the issues at hand. Now sometimes during these kinds of conversations, particularly when philosophy becomes involved, whether the tree actually fell in the forest or anyone heard it is not necessarily the question to be asked. Did the tree fall? Did we give away so many tax dollars in the last decade that we now have to balance the budget on the back of \$200,000 cash funds? I think the answer to that is yes and I think there is enough bills that are being submitted into Revenue that will prove that when we gave away and gave away and gave away...and I don't necessarily always agree with Senator Groene, but when he gets on his bandwagon and on his stump, he'll tell you all about how we're giving everything away. Senator Hadley made that point at our symposium. Clearly, the handout that Senator Bolz gave us makes that point. Some of the legislation that Senator Schumacher and

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

Floor Debate
February 01, 2017

I--he, more importantly, but I have also--signed on to will make that point. So here we stand at the fork in the road. Do we trust the people who are managing their budgets and not claw back their reappropriations as a beginning step in this process but make a sizable hit on both the codes and noncodes, for that matter, to take some money away to try to balance this budget? [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR KRIST: Or do we try to do it all at one time and not trust those people who are managing their funds? I want you to put yourself in a place of where you came from. Many of you were county commissioners. Many of you were school board members. Many of you held positions of authority at the local level. I believe in local authority. How about this? Oops, just kidding. We're going to give you the money. You're going to establish a budget. You're going to know what's coming into your accounts and then, all of a sudden, we're going to say we're clawing back. Thank you, Mr. President. [LB22]

SPEAKER SCHEER: Thank you, Senator Krist. Senator Quick, Linehan, Kolowski, Ebke, and others. Senator Quick, you're recognized. [LB22]

SENATOR QUICK: Thank you, Mr. President. I'd like to yield my time to Senator Krist. [LB22]

SPEAKER SCHEER: Senator Krist, 4:50. [LB22]

SENATOR KRIST: Thank you, Mr. President. And thank you for your courtesy, Senator Quick. I believe that we have come...I have come to a point where I will have said everything logically and laid down a plan within maybe one more or two more times on the mike. But I've had to review it so that people listening at home and people who are wandering in and out of this Chamber understand why I'm doing this. I'm doing it because it's the most important thing that we do as a legislator. I'm doing it because we have to pass a balanced budget, not the Governor, not the Chief Justice. We have that responsibility. I'm doing it because I don't necessarily agree that this claw back or this approach at this juncture is the right approach. I'm doing this because I have a perspective, having sat where Senator Lindstrom sits right now in 2009 in a special session and watched devastation and the chaos and the unintended consequences of what it's like

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

Floor Debate
February 01, 2017

to slash and burn. I'm doing it because I really believe that as we get younger, in terms of experience in the body, and term limits become more obvious, that we need to slow the process down and concentrate on the things that really count. I'm doing it because I think that when I have an opinion on the floor, it is equally valued by each of you as I would value your opinion and that my vote--red, green, or not voting--is what I was sent here to do. And on that notion, I'll digress for just a minute. It is your right to vote yes while you're here, present, no, or not vote. There are some motions, something is coming up here in the future where people would say, no, I want to force you to vote, you have to vote. That's not the way it works. If I'm going to vote on something, if we're voting on an issue in here and I recuse myself from being involved with that vote, I should have the right not to vote. If I feel strongly enough that a yes vote does something on this bill that is not appropriate for my way of thinking and a no vote is definitely not appropriate, I would register a not voting. More importantly, if you're not here, because this is a citizen Legislature, your vote should not be counted on either side if you are not here, not voting. Remember that as we start another debate at a future time. That's your right. I'm doing this because I believe that we have some very intelligent, dedicated, fiscally conservative people who are running budgets all over this state who are trying to do the right thing and we're taking their money away for no apparent reason at this point in the conversation. And again, I will emphasize till the day is long, this is one approach. This is one fork in the road. And even the Chairman of Appropriations, who could very well be very upset with me, is not. He is asking you, he's asking us to be deliberative about this approach, to take the time and make this right. [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR KRIST: Thank you, Mr. President. I would say to you all, whether you're on Appropriations or not, you need to compare the Governor's proposal with the committee's proposal and decide for yourself whether this is an appropriate course of action right now in history, right now at this time, knowing that we have a biennium budget to put together and there are still people out there that have not received their allotments on this contract with the citizens of Nebraska, this appropriation for this biennium. Thank you, Mr. President. [LB22]

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

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

Floor Debate
February 01, 2017

SENATOR LINEHAN: Thank you, Mr. President. Good morning, colleagues. I was using my pen to write, Senator Chambers, because I was writing a note that I wanted to stand up and tell Senator Brasch that I like her very much and that, to my knowledge, most of my colleagues have a high regard for Senator Brasch. I've listened to the debate this morning and I have empathy for where Senator Krist is coming from and I do acknowledge and respect that Senator Chambers has over the years done a great deal to make sure the Legislature had furniture and had expenses. And we were informed of that when we went through orientation, so I appreciate that. But I think, as a new freshman, I have to have confidence, or I'm trusting, I guess, and I hope it's worthy, I am trusting that the Appropriations Committee has studied this and they have made their best efforts, and I will be supporting moving the bill forward. Thank you very much.
[LB22]

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

SENATOR KOLOWSKI: Thank you, Mr. Chairman. It's been very enlightening discussion this morning and I look forward to more of it taking place. I yield my time to Senator Krist. Thank you. [LB22]

SPEAKER SCHEER: Senator Krist, 4:45. [LB22]

SENATOR KRIST: If you intend to yield me any more time this morning, this should be my last time on the mike on this subject, debating on Senator Chambers' bracket motion. I don't believe that the bracket motion should succeed for a number of reasons. If all of you who have stood up, including myself, believe that the Appropriations Committee has done a magnificent job of dealing with the request that has come from the executive branch and have presented the best plan that they could come up with, then we need to continue debate about how it is as...I don't see him up here, so I won't call out his name. As one of my colleagues has said many times, there are no perfect laws, perfect bills. So the imperfection of what we see right now could be called unfinished sausage making. I think many of you have heard that analogy, that making law is like making sausage. It's ugly. It is really ugly, usually until you get to the last part of putting the casing on. But that's our job. It is our job and our function to make sure that what is put out is

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

Floor Debate
February 01, 2017

the most perfect product and the least number of unintended consequences. I respect Senator Linehan's opinion and trust in the Appropriations Committee. And I would say to her, and she has many more experiences at different levels than I will ever have, that when she's here for eight years, she may have the same regard for the process, or the concerns, I guess, for the process, and a stronger opinion about what she thinks is important than she does right now. And essentially I take her time on the mike as saying respectfully she has to believe in something; she's going to believe in the Appropriations Committee and the Appropriations process and I do respect that. I have a different opinion. My opinion is, as I said before, based upon my experiences in this body moving really fast on a budget, moving really fast on cuts, and having the unintended consequences that we did and not being deliberative enough to have the kind of conversations that we need to have. When I look at that DD line on the budget, I don't see a dollar sign. I see people. I see my daughter. I see her friends. I see the providers that provide that care. I see people who cannot advocate for themselves and that's our job. When I see the claw backs in the Foster Care Review Office, I see once again a delay in an IT upgrade that we critically need in this state. And I see that Ms. Hawekotte's office has done it deliberately, thoughtfully, and has not spent the money until it was time to spend the money and now we're going to take it away. When I see education and I worry about delaying the certifications for the schools and I worry about the students and the teachers that are out there, I don't see a dollar sign. [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR KRIST: I see smiles, school lunches, dedicated teachers. Not everyone is going to get everything they're asking for. It's going to get tough. But this is not the time to stop the train and throw off the passengers and continue down this track. Now is the time to deal with the passengers and their needs and to selectively make cuts that lighten the load as we go forward. Thank you, Mr. President. [LB22]

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

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

Floor Debate
February 01, 2017

SENATOR EBKE: Thank you, Mr. President. I'm glad that Senator Pansing Brooks is still here. I think she's got kids about the age of my oldest. When my oldest daughter was very young, she used to watch a show on PBS called Barney (and Friends), the dinosaur. And your little comments there made me think that we should just all join hands and sing, you know, I love you, you love me, we're a happy family, and all that sort of stuff. Unfortunately, she also watched another show on PBS, Shari Lewis and Lamb Chop, a lot. And "this is the song that never ends, yes, it goes on and on my friend," channeling Senator Chambers there, I guess. You know, I've listened to a lot of the discussion the last few days and I've tried to get my hands and my brain wrapped around all of the budget discussions. And I guess maybe I simplify it too much. It seems to me that we have to determine what our priorities are and that we can't do everything for everybody all the time as a state, especially in a time when we are having significant revenue challenges. So what we need to do is have the grand debate. And I'm glad to have the grand debate about what our priorities as a state should be. I think we should have that grand debate, and now we should certainly have it when we are approaching the biennial budget, whether this is the appropriate time or not as we look at these adjustments. I'm not so sure. As the forecast came out last fall, I sent out a survey to my mailing list, my constituents. About 80 percent of the people who answered were my constituents, so I will stipulate that they do not necessarily refer back to the whole state. But I asked them, how should we address these revenue concerns in the budget? And I didn't make them pick just one answer. I, you know, I offered them several options. There are probably more options that I missed. It was a quick, quick survey. But I said, should we raise revenue through taxation, lower taxes and expect economic stimulus to result in higher revenues, freeze spending, cut spending, other? I gave them the opportunity to add to that. By far, the greatest, 68.84 percent of the people listed cut spending as one of their choices. Now do I think that a survey that any of us take amongst our constituents should determine our choices? No. But I think they ought to inform our choices. They ought to help us look back to what the priorities of those who sent us here are and to consider how we should take that into account as we're looking at these choices that we're making. I also asked them in terms of priorities. I said, how important are the following issues for the State Legislature to handle, not any other level of government but just the State Legislature? And I admittedly, as I'm looking through this list, and this was right after Thanksgiving, I probably left some important subjects off. But I said...and they could choose whatever they wanted to and their choices were: that the state shouldn't be involved in this; the state may have a role but it's better left to other levels of

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

Floor Debate
February 01, 2017

government; the state should work cooperatively on this issue with other levels of government; the state should be a critical player in addressing these issues; or the state should be providing direction to others on these issues. [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR EBKE: And we had a weighted average and I'm just going to get to this real quick. The top vote getter in terms of what the state should be doing, where the state should have their primary focus and should be directing others was in the area of Corrections or criminal justice. Second was in law enforcement. Third was in economic development. Fourth was in the education of traditional K-12 education of children. And fourth was in public health. And again, I'm sure I left more off that I should have added on and I may redo this again before this is over. But I do want to encourage my colleagues to continue to listen. I would oppose the bracket motion. But I do think we're up for a grand debate. [LB22]

SPEAKER SCHEER: Thank you, Senator Ebke. Senator Harr, you're recognized. [LB22]

SENATOR HARR: Thank you, Mr. President, members of the body. Off the bat, I'll say I oppose Senator Chambers and, in this case, his bracket motion. See, we can have fun. But this is a serious issue we're having here and I want to thank Senator Chambers for bringing it because it gives us a chance to talk about what are our priorities. I want to thank Senator Ebke for asking her constituents, what are our priorities? Senator Linehan said she trusts that Appropriations can set our priorities for the state. And to a large degree, I agree with her. But I think we have a right and it's incumbent upon us as body to determine what are our priorities. Right? How you spend your money sets what your priorities are, or how you don't spend your money. That's why I was proud to see that the Appropriations added money back in, in areas I felt the Governor had cut us unjustly. With the courts, the courts are lucky. They had a leader in the Chief Justice who came in here and spoke to us and was willing to stand up to the Governor and say to the Governor, you're wrong and let me tell you why you're wrong. And that works well if you're a separate branch and it's easy for him to do that. Let me restate that: easier. It's still difficult to do. It is much more difficult if you are a code agency or if you are a noncode agency but are reliant upon support from the Governor to help you with future budgets. So, folks, just because you aren't

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

Floor Debate
February 01, 2017

hearing from somebody, don't take that as support. Talk to them. Ask them, what's really going on? We're coming off of 16 years of austerity in this state. And if you think there is a lot of fat in that budget, then you haven't studied our budget very long and you haven't talked to the people who are affected on the front lines very long. We do a good job of spending the taxpayers' money. We are...we have a fiduciary duty and we've respected that fiduciary duty and we don't just go spending money willy-nilly. Yeah, you can probably always find 1 or 2 percent to cut. Some of that's by robbing Peter to pay Paul, putting off capital investments, maybe not getting new phone systems, which I think we desperately need as a safety concern because we don't know who calls us, not until we pick it up. And not only that, once someone calls us and they prank us at best, or threaten us at worst, the second we hang that phone up, that's not saved; that number is no longer saved. Guess what? Everywhere else--your home, your office, probably your job--that number would be saved. But it's not saved here. It's a safety concern. We have to invest in ourselves. And by the way, there are some issues that are penny wise, pound foolish. We can save money, but it's going to cost us down the road. Whether it's the Tobacco (Settlement) Trust Fund money in which we are investing to go electronic \$72,000, it's a cost. But it saves a lot of time and effort because now you no longer have to file through paper, you can do electronically. So think about what we're doing and look at how we're saving the money and are we investing in ourselves so that we can continue to grow or are we starving ourselves? Are we going through the back door, what Kansas did,... [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR HARR: ...through the front door. Thank you. So I think it is important that we talk about this, about what and how we spend our money. Do we want to spend it on education? Do we want to spend it on public health? Or do we want to spend it in other manners? Economic development, I think that's very important. To me, the priorities are: (1) balance the budget; (2) fix our Corrections system, which is broken. The fact that we want to take money out of a broken system made absolutely no sense, so thank you, Senator Stinner. And then third, again, is, how do we grow our economy? How do we invest to make sure that we get good workers here and that we train those that we ourselves are growing so that they'll want to stay here? Last thing we want to do is spend a whole bunch of money educating our kids and then not have any jobs and they leave us. As I get older, I'm going to want my kids around. And so I think it's important that

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

Floor Debate
February 01, 2017

we look at how we spend our money. And I think this is important and we should continue to debate this and talk about it. And we'll have a chance again... [LB22]

SPEAKER SCHEER: Time, Senator. [LB22]

SENATOR HARR: ...at our budget. Thank you, Mr. President. [LB22]

SPEAKER SCHEER: Thank you, Senator Harr. Senator Williams, you're recognized. [LB22]

SENATOR WILLIAMS: Thank you, Mr. President. And good morning, friends, and good morning, Nebraska. Following up on what Senator Schumacher talked about earlier about lessons that we are learning, one of the things that I would like to talk briefly about is the fact that we do have a higher priority motion in front of us. But beyond that, we have our own personal priorities in front of us that are at the base of what we're talking about here. And I think that's what Senator Harr was suggesting, and I would follow up on that, that these priorities are not easy. The decisions that we are making on budget affect people. They affect people that look you in the eye. They affect your family. They affect the people you go to church with on Sunday. And all of those become difficult decisions. But those are the decisions that we are responsible for making in this body. And I think we need to analyze that and I would suggest to all of us, make your priorities known. Stick by your priorities and fight for those things that are nearest and dearest to you. Should all of us agree all the time on those priorities? Absolutely not. We come from different backgrounds, different geographies, different educations. We're going to have different priorities. What I will tell you from experience is delaying financial decisions never makes it easier and never makes it better. Thank goodness when we are faced with setting these priorities we have the constitutional requirement to have a balanced budget because, if we didn't, I have no idea how we would produce enough revenue in our state to fill all the buckets of priorities that we each bring to the table. When we think about these things and when you think about other things in life, I will tell you nothing is ever as good as you think it is and also nothing is ever as bad as you think it is, as long as you engage in the process. It can be as good as you think it is and it can be, in this case, as bad as you think it might be if you choose not to engage in this process. I have a high level of trust in our committee process in the Nebraska Legislature. Each of us does our work. Each of us read the bills. We listen to the witnesses. And

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

Floor Debate
February 01, 2017

that is what the Appropriations Committee has done in this case. And I would emphasize that I was one of a group that had the opportunity to testify in front of the Appropriations Committee on the issue of Corrections and the judicial system under the justice review process. And they did listen and they did adapt that budget so that we have funds back in the proposal to help provide programming for probationers and drug court participants. Some people did not engage in that process and shame on them. But we can't delay our action and our decisions based on their inactions and their choices to do that. I trust... [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR WILLIAMS: ...this group that takes us on this landing path to make some budget adjustments now to put us in a better position for handling the more difficult decisions in the next biennial budget, which we will be looking at in a very short matter of weeks. I'm going to vote against Senator Chambers' bracket motion and hope to engage in moving us forward with the adoption of this budget. Thank you, Mr. President. [LB22]

SPEAKER SCHEER: Thank you, Senator Williams. Senator Crawford, you're recognized.
[LB22]

SENATOR CRAWFORD: Thank you, Mr. President. I rise in opposition to the bracket motion but also just to make a point in terms of what's happening in our deliberations now and what's happening in terms of this step and the next step. So we've had a lot of deliberation to put on the record some concerns about some of the cuts. And also, I was...especially appreciate Senator Bolz yesterday laying out for us a future agenda in terms of being attentive to what we need to do in our budget bill and in our future budget bills to address some of the challenges that are created and to address some of the challenges that face us in terms of making these hard choices at each stage. So it's also the case, I brought to your attention our oversight, the importance of oversight and the importance of the Auditor's Office in conducting that oversight. And I would also just bring to your attention another key budget line item that's critical for oversight in our state and that is our Foster Care Review Board. And that Foster Care Review Board plays a critical role in protecting our most vulnerable children. So I had a conversation on the mike with Senator Stinner just to confirm that we were having conversations about the importance of

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

Floor Debate
February 01, 2017

protecting the Auditor's Office and that any changes that are made in this...for this bill, in LB22, are changes just temporary and that we're being very attentive to making sure that the Auditor's Office has the resources they need to carry out their job as we work on the budget bill and in terms of their future funding. And I know also from conversations off the mike that there are people hard at work to try to make sure that our Foster Review Board also has the resources that they need. Senator Krist raised some of those issues and I know there are people and I have confirmed with Senator Stinner that this is an issue that he is concerned about, as well, and we're being attentive to try to make sure that that Foster Care Review Board has the resources they need to help us watch and protect those most vulnerable children. So as we go forward in the future rounds not only of LB22 but in the budget bill, I'm going to be watching very carefully to make sure we are paying attention to those important agencies that help us make sure that we're taking care of all of the rest of the money that we're spending well and make sure that we're being attentive to take care of all of our needs in the state, and in the case of the Foster Care Review Board, particularly those most vulnerable children in our state, and make sure that we're doing our job to protect them and to make sure that those parents who step up and help us take care of those children, those foster parents, have the resources that they need to do their job well. Thank you, Mr. President. [LB22]

SENATOR LINDSTROM PRESIDING

SENATOR LINDSTROM: Thank you, Senator Crawford. Seeing no one else in the queue, Senator Chambers, you're recognized to close on your motion. [LB22]

SENATOR CHAMBERS: Thank you, Mr. President. I wanted to keep us on this bill. Senator Krist wants us to have additional discussion. And I want you all to know that after this motion...I know you're going to vote it down. If I offer a reconsideration motion, you're not going to vote on anything else today. Then tomorrow I can start all over and have a bracket to a day certain, just to let people know, and especially those who are not sitting in the Chamber, that they escaped today but there are additional days on the calendar. Senator Krist pointed out that, in his opinion, Senator Linehan said that she trusted the Appropriations Committee and you have to believe in something. Well, Dionne Warwick sang a song; it's called "(What's it all about) Alfie?" I think Burt Bacharach may have written it and there was a line that said, "something even

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

Floor Debate
February 01, 2017

nonbelievers can believe in." What is that something? Whenever these silly news people ask me a question about faith or what do I believe in, I let them know I believe in algebra. You all believe in Catholicism; somebody else believes in Methodism, Lutheranism. I believe in algebra. If you get mathematicians together, they agree on what algebra is. You can't even get people in the same religion to agree on what they're talking about. And I haven't heard of mathematicians starting wars over the meaning of algebra. Now when ConAgra came here to first ask for those giveaways, I was the one who kept us on that bill for days--it was LB775--offering all kind of amendments, even that a ConAgra neon sign should be put atop the Capitol Building to replace the Sower because everything was going to ConAgra. And I said they're not your friend. They're going to misuse you, you bunch of hicks and rubes. And after they get through using you, they're going to be out of here. It took years, but ConAgra is gone, just like I said they would be. When they were arguing on the floor of the Legislature about the definition...a definition of the word "blighted," I told them I live in a community where there is blighted property and what you're calling blighted is not blighted; you want to create a situation where people who don't need this money are going to be able to get tax increment financing and get the taxpayers to underwrite them. That's what happened. Now these white people in some of these communities who didn't say anything then and thought I didn't know what I was talking about say, well, we don't want our community labeled blighted so that a company can say they can get money because it lowers our property values. They think I don't know what I'm talking about. All the white people don't respect me. I've been around you all, all my life, and I understand you because I study you, I read about you, I watch you went to school with your children, grandchildren. What else do I have here? Oh, I have a question to ask of the Chairperson of the Appropriations Committee if he will yield. [LB22]

SENATOR LINDSTROM: Senator Stinner, would you yield? [LB22]

SENATOR STINNER: Yes, I will. [LB22]

SENATOR CHAMBERS: Senator Stinner, do we have to pass this bill? [LB22]

SENATOR STINNER: Boy, I hate to make your case, but, no, we don't. [LB22]

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

Floor Debate
February 01, 2017

SENATOR CHAMBERS: Right. Members of the Legislature, you know where you all have been snookered? Because you don't think. We have to pass a budget, under the constitution, balanced. We don't have to give the Governor...we can kill the Governor's bill. We can write our own bill. He's tricked you. He owns you. You don't even think about it. That's why you get mad at me, because I make you see how foolish that you are. You think you're smart. The thing that's looking you right in your eyes, in your face, you don't see it. White people say you don't see the forest for the trees. Well, yes, you do see the forest. If you see the trees, you see the forest. But you don't see them collectively and label this collection of trees "forest." But you see it. You just don't recognize it as being what somebody else would describe it. [LB22]

SENATOR LINDSTROM: One minute. [LB22]

SENATOR CHAMBERS: The descriptive word is not what it is. But anyway, I said I was going to try to kill this bill. Tell what you I'll do. If you all will adopt my motion tomorrow to kill this bill, then we can rewrite one and the Appropriations Committee can introduce it and we can suspend the rules to let them introduce it and they can put exactly into it what they've got here. Then we're working on our terms on what we believe and we carve out our priorities in the same way that Michelangelo or any sculptor takes a block of marble and sees what's inside that block of marble that others don't see and all the sculptor does is chip away the excess marble and leaves the image that the sculptor could see that nobody else could see. That sculpted image is no more real to the sculptor after it's been carved out of the marble than it was in the sculptor's mind. You all don't think about that. [LB22]

SENATOR LINDSTROM: Time, Senator. [LB22]

SENATOR CHAMBERS: I'm wasting my time. I want a call of the house and a roll call vote. [LB22]

SENATOR LINDSTROM: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. [LB22]

SENATOR KRIST: (Recorder malfunction)...record vote of this vote. [LB22]

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

Floor Debate
February 01, 2017

SENATOR LINDSTROM: There has been a request for a record vote. Record, Mr. Clerk.
[LB22]

CLERK: With respect to the call of the house vote, (record vote read, Legislative Journal page 391.) 33 ayes, 2 nays to place the house under call, Mr. President. [LB22]

SENATOR LINDSTROM: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Brewer, please return to the Chamber. The house is under call. All members are accounted for. There has been a request for a roll call vote. Mr. Clerk. [LB22]

CLERK: (Roll call vote taken, Legislative Journal pages 391-392.) 0 ayes, 46 nays on the motion to bracket the bill. [LB22]

SENATOR LINDSTROM: Motion fails. Raise the call. Items for the record, Mr. Clerk? [LB22]

CLERK: Mr. President, I have a new resolution by Senator Kolterman (re LR30). It will be laid over at this time. New A bill, Senator Krist offers LB10A. (Read LB10A by title for the first time.) Urban Affairs Committee reports LB130, LB304, LB399, and LB383 to General File and LB383 to General File with amendments. Senator Brasch would like to announce a meeting of the Agriculture Committee tomorrow morning at 8:45 in Room 2022; that's the Agriculture Committee in Room 2022 tomorrow morning at 8:45. I have an amendment to be printed from Senator Krist to LB22. (Legislative Journal pages 392-394.) [LR30 LB10A LB130 LB304 LB399 LB383 LB22]

And, Mr. President, a priority motion. The motion is to adjourn the body until Thursday, February 2, at 9:00 a.m.

SENATOR LINDSTROM: The motion before us is to adjourn. All those in favor say aye. All those opposed say nay. The ayes have it. We are adjourned.