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Floor Debate  
May 09, 2017

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[LB22 LB86 LB97 LB149 LB152 LB172 LB200 LB204 LB209 LB223 LB253 LB257 LB259A  
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LB335 LB346 LB371 LB375 LB382 LB406 LB415 LB415A LB451 LB458 LB463 LB476  
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LR1CA LR116 LR117 LR118 LR119 LR120 LR121 LR138 LR139 LR140 LR141 LR142  
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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the seventy-ninth day of the One Hundred Fifth Legislature, First Session. Our chaplain for today is Father Brian Connor, Pastor at North American Martyr's Catholic Church in Lincoln, Nebraska, Senator Hilgers' district. Please rise.

FATHER CONNOR: (Prayer offered.)

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

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Are there any messages, reports, or announcements.

CLERK: Yes, sir, there are. Your Committee on Enrollment and Review reports LB512 as correctly engrossed. Bills read yesterday were presented to the Governor as of 2:58 p.m. yesterday afternoon. (Re LB259, LB259A, LB451, LB86, LB200, LB204, LB209, LB274, LB280E, LB307, LB318E, LB320, LB371, LB375, LB382E, LB406, LB458, LB463, LB476, LB492, LB508, LB517, LB584, and LB624.) Communication from the Governor to the Clerk. (Read re LB427.) I have a hearing notice from the Education Committee. And Mr. President, Senator Crawford offers a new study resolution, LR138. That will be referred to the Executive

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Board. That's all that I have. (Legislative Journal pages 1407-1409.) [LB512 LB259 LB259A LB451 LB86 LB200 LB204 LB209 LB274 LB280 LB307 LB318 LB320 LB371 LB375 LB382 LB406 LB458 LB463 LB476 LB492 LB508 LB517 LB584 LB624 LR138]

PRESIDENT FOLEY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following six legislative resolutions, LR116, LR117, LR118, LR119, LR120, and LR121. Members, the donuts on your desk this morning are in celebration of the newest grandchild of Senator Matt Williams. The grandchild's name is Lila Josephine Williams, born yesterday in Omaha, Nebraska. Congratulations, Senator Williams. We will now proceed to the agenda, Select File Appropriations bill. Mr. Clerk. [LR116 LR117 LR118 LR119 LR120 LR121]

CLERK: Mr. President, LB289A. Senator Wishart, I have no amendments to the bill. [LB289A]

PRESIDENT FOLEY: Senator Wishart for a motion. [LB289A]

SENATOR WISHART: Mr. President, I move to advance LB289A to E&R for engrossing. [LB289A]

PRESIDENT FOLEY: Members, you heard the motion to advance LB289A to E&R for engrossing. All those in favor say aye. Those opposed say nay. LB289A advances. Mr. Clerk, next bill. [LB289A]

CLERK: Senator, LB512A, there are E&R amendments, first of all. (ER87, Legislative Journal page 1381.) [LB512A]

PRESIDENT FOLEY: Senator Wishart for a motion. [LB512A]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB512A. [LB512A]

PRESIDENT FOLEY: Members, you heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB512A]

CLERK: I have nothing further on that bill, Senator. [LB512A]

PRESIDENT FOLEY: Senator Wishart. [LB512A]

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SENATOR WISHART: Mr. President, I move to advance LB512A to E&R for engrossing. [LB512A]

PRESIDENT FOLEY: Members, you heard the motion to advance LB512A to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB512A advances. Members, we're now on Final Reading. Please proceed to your desks. We will now proceed to Final Reading, LB332E. Mr. Clerk. [LB512A]

CLERK: (Read LB332E on Final Reading.) [LB332]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB332E pass with the emergency clause attached? All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB332]

CLERK: (Record vote read, Legislative Journal page 1410.) 35 ayes, 10 nays, 4 excused and not voting, Mr. President. [LB332]

PRESIDENT FOLEY: LB332E passes. Proceeding now to LB331E. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; those opposed vote nay. Record please. [LB332]

CLERK: 37 ayes, 6 nays, Mr. President, to dispense with the at-large reading. [LB331]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB331]

CLERK: (Read title of LB331E.) [LB331]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, should LB331E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Oh, excuse me, we have to wait a minute. I'm sorry. Record, please. Senator Stinner, for what purpose do you rise? [LB331]

SENATOR STINNER: I would like to change to not voting. [LB331]

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CLERK: Senator Stinner changing from yes to not voting. 31 ayes...excuse me. (Record vote read, Legislative Journal page 1411.) 31 ayes, 12 nays, 3 present and not voting, 3 excused and not voting, Mr. President. [LB331]

PRESIDENT FOLEY: The bill failed to advance with the emergency clause attached. Mr. Clerk. [LB331]

CLERK: Mr. President, Senator Stinner would move to reconsider the vote on the Final Reading of LB331 with the emergency clause attached. [LB331]

PRESIDENT FOLEY: Senator Stinner, you're recognized to open on your motion. [LB331]

SENATOR STINNER: Thank you, Mr. President. I guess here we go. Just trying to get a grip on my feelings right now. There's a little anger. A lot of disgust. A lot of frustration. You people have better wake up. You've got to be accountable. If you want to shut this government down, those folks that didn't vote for this, I want you to stand up in front of the Capitol and tell every employee, 13,000 of them why they're not going to get paid. Why they're not going to get paid. Then you go home and you tell your schools, you tell your...tell your nursing homes, tell your DD people, they're not going to get a check. They'll think you're really a responsible group because all you want to do is cut. Okay, I get that. When I came with this budget recommendation from our committee, we talked about a thoughtful, deliberative process. Thoughtful, deliberative process. Some of you ought to write that down and think about it. What does that look like? What does a thoughtful, deliberative process look like? Well, let me tell you. Over four months ago, nine of us got in a room, and we started through a thoughtful, deliberative process. We started with this book here. You want to see it? Line by line. Line by line we went through this. This isn't 261 pages, this is a whole lot more. It weighs. We went through it, first of all, with professionals, people who have 25, 30, 40 years of experience, called fiscal analysts that drove us through line by line, request by request, number by number. And then we put down our questions. And we had a hearing. We went through a hearing process, so those agencies can show up, and all nine of us asked questions. The public had the opportunity to show up and tell us how they thought about those different agencies. We got together again, and another book this size, this size again, was gone through again line by line. Number by number. You all want to shut down, you want to show how powerful you are? You better wake up, because you're going to be accountable. The deliberative process, the budget that we brought here was deliberated on, was talked about, was debated in committee. We had one item we changed in the budget, Branding Committee, and maybe a little of a proposal which we may see again. You really want to shut down. Good for you. Good for you. You just go home, and you tell them about, you know, it...really, we're just spending too much, we don't have any other types of solutions, but we do. I talked about them. You got \$1.6 billion dollars of revenue, taxes that you could probably

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look at. We left, we did \$700 million dollars of cuts. Apparently that's not enough. We transferred an extraordinary amount of money simply because it's an extraordinary budget, got half a tool box, that's how I figured we'd fix it. That's how the committee worked on it. Sure, we pulled a heck of a lot out of cash reserve, more than I wanted to. We're \$55 million short. Went through a process, went through a thoughtful process, a thoughtful, deliberative process. Wake up, folks. Wake up. You're on dangerous ground. We could be right there with Pennsylvania, New York, and California. How do you like that? How would you like to be with those guys? Shoot, I came from Pennsylvania. I know how bad it is back there. I live here because I choose to live here, because it's a better life, we've got better-thinking people here. What are we doing? You really want to do this? You really want to stand in front of your constituents and try to explain it? Good luck. Thank you, Mr. President. [LB331]

PRESIDENT FOLEY: Thank you, Senator Stinner. Senator Bolz. [LB331]

SENATOR BOLZ: Thank you, Mr. President. I'd like to walk the body through some of the potential consequences of not sending a budget to the Governor with the emergency cause. Potential consequences prior to July 1, 2017, include that agencies might not hire needed staff members because of budget uncertainty. For example, the Office of Probation may not hire additional probation officers, and that will impact public safety, Senator Hughes. And to use a contract with the state of Nebraska may not be able to retain staff members because of the lack of assurance that contracts might not be renewed, Senator Kuehn. School boards may not be assured of funding and will have difficulty signing new teacher contracts, which is typically done in June, Senator Watermeier. The University of Nebraska Board of Regents will not know funding levels and will have difficulty setting financial aid for the next school year, typically done in June, which means that students will go into their summer jobs not knowing how much money they need to save up to pay their tuition bills. Without the 33 votes for an emergency clause beginning July 1, 2017, no cash funds, no General Funds, no federal funds will be appropriated. Examples of those consequences might include Game and Parks will not be authorized to new staff for state parks, in passing people's summer vacation. Nursing facilities, hospitals, developmental disability service providers, behavioral health providers and other Health and Human Services providers will not receive state or federal funds. In many small communities, nursing facilities are one of the major employees in those communities, having an impact not only on the safety and well-being of senior citizens, and on that business, but on other businesses that require that community to have a thriving economy. There will be no mechanism for paying the staff members of the Nebraska Legislature. The Department of Correctional Services will not have funds to operate. Without the emergency clause and without appropriations going into effect July 1, 2017, no appropriations exist and no expenditures can be made until appropriations are effected, which would be September 2, 2017. Colleagues, that was not a responsible vote. We need to take responsibility for funding the government core services that the people of the state rely on. When we have a motion to reconsider, I'd appreciate your

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vote in support of the budget, not only LB331 but also LB327 so that we can keep our commitments to the institutions and agencies that make Nebraska great. Thank you, Mr. President. [LB331]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Hughes. [LB331]

SENATOR HUGHES: Thank you, Mr. President, and good morning, colleagues. There's been no secret that I've not been happy with the budget that's come forward from the Appropriations Committee. I know they've done a lot of work. I guess the question I'd like to ask all of the committee, you sat and listened to everybody who wanted money, everybody who needs money to run the operations of the state. And there are legitimate needs. There's no question about that. But did you hear from anybody who is paying the bill? The taxpayers of the state of Nebraska. In my area, we're concerned about the money, the amount of money that's being taken out of our economy, our local economies, to fund the state. All I'm asking is that we step back, take another look, and see if we can't shorten our budget up just a little bit more to give us some breathing room by taking the necessary reserve from 3 to 2.5. That was an easy fix. I guess I don't share the optimism of Senator Stinner that we're going to be out of this in two years. I think it's going to take longer than that. All I would like to see is a little breathing room in our budget. I don't want to have to come back for a special session if the revenue projections don't come in well in October. Currently, our revenue projections, our actual collections are below revenue projections to date for this fiscal year. The revenue is not coming in as projected. That's a warning sign to us. If I'm wrong--and I hope I'm wrong--we can spend the money later. We'll still have it. We can spend this money later. But we need to give ourselves a little breathing room in order to make sure we get through this. Now, I'm not going to hold the budget up, I'm not for shutting the state down. That is truly irresponsible. I'm not going to go there. But I would like to have a little continued discussion about a way to give us some breathing room moving forward. If you look at the revenues that are coming in now, we're below projections today for this fiscal year. And I don't see that turning around. I hope I'm wrong, I really do. But the fact of the matter is, we've got some signs out there that we need to be paying attention to. They're telling us what's coming. Give ourselves a chance to make the adjustments that we need to make. Let's have just some additional small reductions now rather than having to come in with a meat cleaver later. I've talked to some former senators who have come back for special sessions on the budget, and to a person, they've said it's ugly. It's very ugly. I've not gone through one myself, and I hope I don't have to. That's why I'm talking about this now. But we need to have some flexibility, and I don't believe this budget gives us very much flexibility. Thank you, Mr. President. [LB331]

PRESIDENT FOLEY: Thank you, Senator Hughes. Senator Crawford. [LB331]

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SENATOR CRAWFORD: Thank you, Mr. Lieutenant Governor. Colleagues, I rise in support of the motion to reconsider this vote and urge your responsible vote on the budget. It is close to day 80. This is serious business. I've heard people make complaints about the spending in the budget, but so far the only amendment that I have seen on the floor, Senator Erdman's amendment, assuming we should go back to last year's spending. Senator Hughes says we need some space, we need to think, but I don't see an amendment by Senator Hughes on this bill. It's one thing to grandstand, it's another thing to offer effective solutions. If you think the budget is broken, colleagues, you had General File to offer solutions. You had Select File to offer solutions. Final Reading is pretty darn late to be coming up with a solution. But even today on Final Reading there's no amendment by Senator Hughes on this bill. So to get up and say I'm just concerned, is pretty empty when you have no solution. Would Senator Stinner yield to a question, please? [LB331]

PRESIDENT FOLEY: Senator Stinner, would you yield, please? [LB331]

SENATOR STINNER: Yes, I will. [LB331]

SENATOR CRAWFORD: Thank you, Senator Stinner. Now, I understand from my conversations with you off the mike that after our initial budget idea was pulled together, you pulled the committee back together and went over those agency discussions again, agency by agency to provide an opportunity for Senator Kuehn, Senator Watermeier, and others on the committee to offer cuts so the committee could discuss them and put them in what, the bill that came to the floor, is that correct? [LB331]

SENATOR STINNER: Everybody had an opportunity and a voice in the committee, that is correct. [LB331]

SENATOR CRAWFORD: Thank you. There's time in the committee, time on the floor to offer constructive solutions. The time for that is over. You had multiple chances to offer constructive solutions, and now this is just destructive rhetoric, and it's irresponsible. It's time to move forward. Vote on the budget and continue to move forward and make sure we have effective budget and make sure we retain our reputation as a state with a sound financial budget. Colleagues, I just pulled out of our files an editorial from last year, June, 2016. It's a World-Herald editorial talking about Nebraska gets a healthy score on money management. As I said before, colleagues, we are the envy of many of our neighbors in terms of money management, management, and financial responsibility. Just one quote out of this study: The average U.S. state spends the equivalent of 13 percent of residents' personal income. Nebraska state government spends 9 percent. The report...this is a report from the Mercatus Center, George Mason University, puts Nebraska in the top five states in terms of fiscal condition, and we're in a tough

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spot now. But it's time to maintain our tradition of fiscal responsibility. And, colleagues, rhetoric about cutting spending without constructive solutions to do so, is not... [LB331]

PRESIDENT FOLEY: One minute. [LB331]

SENATOR CRAWFORD: ...fiscal responsibility. Thank you, Mr. President. [LB331]

PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Chambers. [LB331]

SENATOR CHAMBERS: Mr. President, members of the Legislature, when this motion came, sometimes I find writing a rhyme to be therapeutic and it helps me kind of tone myself down, because what is happening now is sheer stupidity. So: How near can a moth approach to a flame without sustaining a burn? / Best to take care in heaven's name, / or a fatal lesson 'twill learn. / Playing the game of "close to the fire," / suggests that a moth is unhinged. / For consequences well may be dire / if fatally it is singed. / Every moth has great outsized wings, / but size of wings can't explain / why a moth to foolishness clings-- / that hearkens from a small brain. / So the foolish moths, each and all, shall be deservedly burned. / Into heaps of ashes they'll fall, / the main lesson went unlearned. We will pass a budget. We will pass it on time. The "ruralees" overpromised before they came here. They didn't have sense enough to say, I shall attempt to influence the Legislature to do thus and so. They said, I'm going to do it. I want to see them do it. I don't care about coming here for a special session. I want them to be shown up as the fools that they are. I said that the budget will pass. I hope that it doesn't. I hope it doesn't. I hope they stick to the stupidity that they have manifested. They made their threat. They took their action. Let them stick by it. The rest of you are going to try to be responsible, and that's what they count on. They can go back to their little districts and gesture and beat their little chests and say, by God, we stood, we made them do this and that. But they've got their fingers crossed. They're saying Hail Marys and Our Fathers that the rest of the senators will bail them out of the stupidity that they've plunged into. And I knew this day would come that I wouldn't just make a generalized charge of stupidity. The stupid ones' actions will properly mark them. Now let them stand and justify what they've done. I want to hear that and then I'll have another stanza or two of a rhyme that I can write, and I may even consider myself to be a lyricist and write a few notes and sing a song dedicated to legislative stupidity. Now, they might say they don't want to shut the state down. Then they ought to adopt the role of a snake. A snake does not blink, because a snake doesn't have eyelids that you can see. So I'm going to see if they will blink. I dare them to stand and not blink. Be the ones that you have shown yourself to be, stand firm, because a thing that a fool does is to double down and go even deeper into foolishness, and I want to provoke them. I want them to reap the bitter fruit of that which they have sown. [LB331]

PRESIDENT FOLEY: One minute. [LB331]



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SENATOR CHAMBERS: I think it would be a mistake for the legislators to bail them out. I'm enjoying this, actually, because this is not my Legislature, this is you all's Legislature. You know white supremacy and all such things as that? If you do the stupid thing, you'll be detrimental to the cause of white supremacy, but white supremacists are not known for intelligence. Thank you, Mr. President. [LB331]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Williams. [LB331]

SENATOR WILLIAMS: Thank you, Mr. President, and good morning, colleagues. First of all, I hope you do enjoy the donuts this morning. I had the opportunity to be in a real-life situation yesterday--not this world that we live in here--where my daughter-in-law was giving birth to our sixth grandchild. What a joy that was, and what a joy looking at that little baby and recognizing that we're all here trying to do what we believe is right to make the life that that little baby's going to have to look forward to. I would remind Senator Chambers that not all senators from rural districts agree with the comments that have been made. I am standing in support of the motion to reconsider and vote for this budget. I believe the Appropriations Committee has done great work, has worked very hard with what they were given. I've had an opportunity to look and analyze a little bit as to what has gone on with the forecasting board over these last forecasts. Of course, you remember three times ago they came in with the \$900 million number. The next number was roughly one fifty. And last week or the week before, down to fifty-five, showing that the glide path is certainly flattening. And I would remind everyone that each one of their votes this last time was a 5-4 vote. Even those people that have access to better information than each one of us has, each one of those people who has educated themselves in not only the national economic conditions but those conditions specific to our state could not agree. One vote. What if it had been 5-4 the other way? That's how close this was. If it had been, we would not have had the last \$55 million down. It would have been something less than that. It has been suggested that it probably would have been flat. I am not going to try to convince any one of you that we are out of the woods on where our budget process is and where the revenue issue is for the future of our state. However, I would ask us to consider where we are. The Appropriations Committee rightfully has looked at reappropriating funds that were sitting in accounts that could be used for this purpose. They have used a portion of our rainy day fund. Why do you have reserves? It is for periods of time like this, and, yes, they have made significant cuts in certain areas, specifically targeted to those areas where we will do the least long-term damage. If we go back to the drawing board and ignore the forecasting board, ignore what the Appropriations Committee has done, we are saying we don't trust the process. I suggest that's poor judgment on our part. I also would suggest that if we go back to the process and change it differently and make these cuts that are being talked about, not proposed but talked about, we can do permanent damage to the long-term growth and stability of our state. [LB331]

PRESIDENT FOLEY: One minute. [LB331]

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SENATOR WILLIAMS: We have the opportunity to move this budget forward, to keep agencies funded, to keep providers funded, to keep the university funded, to keep the Water Sustainability Fund funded, and then watch the future unfold. There is no doubt we can have the opportunity to come back and make further cuts in the future if necessary. So much to say in so little time. The question I would ask those that are opposed to moving forward with this budget, where were your proposals? As has been talked about by Senator Crawford, Senator Bolz, Senator Stinner, and others, no proposals were brought forward about those specific cuts. Thank you, Mr. President. [LB331]

PRESIDENT FOLEY: Thank you, Senator Williams. Speaker Scheer. [LB331]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Colleagues, seems to me we're playing a game of chicken here. None of us were sent to the Legislature to play chicken. We are here to have thoughtful discourse, to put proposals in front of one another to have adequate, full, and fair debate. These bills have had such. The bill in front of us received 31 votes. I don't see an amendment on the board. I don't see an amendment filed. How any of you in good conscience could vote against an Appropriations bill knowing that it has to have the "e" clause to keep the government running is beyond me. You're not doing your job. It's one thing if there's an alternative up there. There is no alternative on the board for this bill. There is an amendment filed on LB327. Fair enough. Have the discussion on that amendment on that bill. This bill, I'm looking at a blank wall. We have a reconsideration motion. Do we really want to have to come back? Senator Erdman, Senator Friesen, several of you have said, well, you don't care come back. Well, I'm a conservative. I'm assuming those folks are. I'm not exactly sure how I can correlate being a conservative and coming back when we can do our job in the time provided us, and spending about 15,000 bucks a day to do so. It's sort of an oxymoron. We'll get another opportunity to vote on this bill. And I would hope the amount of time that we've had during this discussion, those of you that have chosen not to support this will have time to reflect on your votes and what's in front of you. It's one thing to vote against something, it's another thing to vote against an Appropriation bill that has no other means available to it in order to maintain the government in place. July 1, 12:01 a.m., we shut down. Maybe it's a badge of honor. It's certainly not for me. We may be all disappointed in the budget process, over one item or another, or a magnitude of others, but, in fairness, the only amendment that was filed over the three times that we've discussed these bills, the Appropriation bills, was Senator Erdman's. It didn't pass, but like it or not, it addressed the problem. You'll have that opportunity, I suspect, again on LB327. Fair enough. You can look at that. [LB331]

PRESIDENT FOLEY: One minute. [LB331]

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SPEAKER SCHEER: You can have that discussion. Thank you, Mr. Lieutenant Governor. But the fact of the matter is the budget has to be passed, it has to be passed with an emergency clause. This bill has nothing else on it. We need to do our jobs. Start thinking about why we're here. Just coincidentally, the only reason we are here in this session, period, is to pass the budget. Everything else was a peripheral. This is your job. Do it. Thank you, Mr. Lieutenant Governor. [LB331]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Senator Erdman. [LB331]

SENATOR ERDMAN: Thank you, Mr. Lieutenant Governor. Good morning. Senator Crawford had alluded to my amendment on LB327. And Senator Williams, I did have an idea. I didn't introduced that, I didn't...I don't agree with what you said about there's being no plan, but we'll talk about that at LB327. Senator Chambers, I listened to you calling me a fool, and I really don't care. I don't care what you think or anyone else thinks. I come here to do the right thing. And just because I have an opinion that's different than yours, I'm a fool, and you're not. I don't agree with that. And the Appropriations Committee did their work, whatever it was that they brought. I don't agree with that, either. I can have that opinion as well. This budget bill will pass. I agree with you, it will pass. All the scare tactics that we talked about, the government's going to shut down and all this, that's a game of chicken, just like the Speaker said. This budget bill will pass. I'm as sure of that as I am sure that we're going to have a special session. The question is when, now, not if, but when. So Senator Stinner got his linebacker voice up this morning. I understand that. I don't believe that the Appropriations Committee did a yeoman's job. They took the easy way out in a lot of cases. Transferring money from the rainy day fund is like taking your child's college-education savings account and then lowering the 3 percent to 2.5 percent is like going back in their bedroom and taking their piggy bank as well. So maybe you've concluded, and if you haven't, I'll help you. I'm not at all happy with doing that. And I'm not going to run back home and brag to all the people there that what I did has really helped them, but I can tell you this, this budget will not work. This budget will not work. Okay? So that's what it is. There's a lot of people back home that pay a lot of taxes, they'll be happy if their taxes were lower. You can agree with that or you can disagree. It's up to you. But anyway, Senator Chambers, I don't appreciate being called a fool. Thank you. [LB331]

PRESIDENT FOLEY: Thank you, Senator Erdman. Senator Vargas. [LB331]

SENATOR VARGAS: Question. Call the question. [LB331]

PRESIDENT FOLEY: We still have 20 Senators in the queue. I think we ought to let this debate continue. Senator Friesen. [LB331]

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SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. You can stand in the back and yell at me, and you can call me names. Other people have been called worse names. I can handle it. I don't think what we're doing is irresponsible. I don't think anything happened here that anybody planned, it just happened. People weren't here, people didn't show up, didn't vote. I laid out that I was going to vote against every one of the line item budgets the other night when we were going late. And I did. I had a motion that dealt with the budget. Talked about a transfer from the Roads Department. I had agreed to a \$30 million...or a \$15 million transfer and they took \$30 (million) without talking to me, without holding a hearing. They just did it. And that's the process we use to build our budget, and I'm not supposed to be angry? I have said consistently, we're spending too much money, we're not cutting enough, we have a budget shortfall, we should show responsible budgeting in cutting some spending instead of just sweeping our cash funds which puts us in a hole down the road. If we want to talk about responsible, let's talk about responsible spending. When we have a \$900 million dollar shortfall, you don't increase spending by 1 percent. You cut spending. And I don't need to yell, I'm not angry, so to speak, I'm upset. I'm disappointed. I've got lots of bills stuck in committee. We hear a lot about we want cooperation, we want to do everything, but nobody wants to give anything and all we want to do is take. We have rural schools that don't receive any equalization aid whatsoever, and \$900 million dollars goes elsewhere. Those kids aren't important? We talk about funding lots of programs. But when we wanted to make cuts, there's not much for cuts. We still keep spending. Senator Watermeier, would you yield to a question? [LB331]

PRESIDENT FOLEY: Senator Watermeier, would you yield, please? [LB331]

SENATOR WATERMEIER: Yes, I would. [LB331]

SENATOR FRIESEN: So in the budget process, do you take input from other Senators when you get suggestions? Do you bring them in front of the Appropriations Committee? [LB331]

SENATOR WATERMEIER: Yeah, I do. If there's questions, I will seek out and go talk to those members if they're, you know, not a close (inaudible) ally of mine, I'll go talk to them and ask them the questions about certain issues. [LB331]

SENATOR FRIESEN: Generally do those carry much weight versus when you get all the witnesses that come in and talk...bring in their budgets, where do you, I guess, give me a little process of how you go about the budgeting. [LB331]

SENATOR WATERMEIER: Well, in my opinion what I've done as far as taking input from outside of the committee, I put first preference on constituents, not a lobbyist necessarily but

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constituents. Then it would prioritize another senator because especially if there's...their expertise. [LB331]

SENATOR FRIESEN: Okay. And I take it the votes were not unanimous coming out of Appropriations? [LB331]

SENATOR WATERMEIER: No, you know I could add maybe a little bit to that. At the beginning of the session, I say we were really deadlocked and not getting much done. It was hard to cut any one dollar on even items that I thought were an easy cause. As we got two-thirds through the way of the process I thought, man, we really got into this serious part where we're going to get ready to cut something and then it would always come out, you know, split, pretty much five to four. [LB331]

SENATOR FRIESEN: So it was a...thank you, Senator Watermeier. So it was kind of a contentious budget to start with. You know the first year we spent no time talking about it. [LB331]

PRESIDENT FOLEY: One minute. [LB331]

SENATOR FRIESEN: This year, I think we finally spent some time talking about it, but again, I did have a motion to change some funding. It didn't win. I didn't like the process they used. I think when we start to change state policy, things like that should have a hearing. So this is my protest, but we will get a budget passed. I know we will. I'm not concerned about that without all the shaming and calling names, we will pass the budget. And we'll pass it on time. Thank you Mr. Speaker. [LB331]

PRESIDENT FOLEY: Thank you, Senator Friesen. Senator Hilkemann. [LB331]

SENATOR HILKEMANN: Thank you, Mr. Lieutenant Governor. I had a great weekend this weekend. Friday, I had the opportunity to visit with a group of business leaders from China who were in for the Berkshire Hathaway weekend. And I talked with them about Nebraska and how they should consider investing in Nebraska. And I talked with them about how an investment in Nebraska might even be better than an investment in Berkshire Hathaway. Well, we're happy to have Berkshire here, Nebraska is more than Berkshire Hathaway. Then on Saturday afternoon, it was one of those absolutely gorgeous days as you well know and I had the opportunity to get out on my bicycle and I road a 50-mile ride in the rural areas of Douglas County. And I was thinking about what I had talked about with those Chinese business leaders and I was seeing the tilling of the earth and I thought, you know, people around here are saying, you know, we're going to lose

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money this year in farming. I've seen all these farmers planting and I'm thinking, well, if you know you're going to lose money, why are you planting? We're going to lose \$1 or \$2 an acre just...a bushel, because our commodity prices are low. But then I was thinking of my father, a leader at his time in agriculture, and I thought about his land and I thought about the land of Nebraska; 91 percent of Nebraska's land is usable. My dad, when he passed away in 1965, if he received 70 bushels to the acre on his farm for corn ground overall, he was really happy. That was a good year. If you ever got to 100, that was a bumper crop. For the last five years, that land has been doing over 200 bushels an acre just like that. And I thought of the water that we have in Nebraska. This wonderful Ogallala aquifer that we have that covers over two-thirds of Nebraska. We have enough water that if we put a border around Nebraska, we've got enough water to fill it almost 40 feet of water. When my dad was farming, he put in four tries at irrigation, and not once were one of those wells successful. They all say, well, Herb, you've got another good farm well, but it's not enough for irrigation. That land is now irrigated because of the new technologies. That's why we're getting 200 bushels to the acre. In 50 years, our land is going to be doing 350 bushels to the acre because of the new technologies and the new hybrids and the new developments that we'll have coming on down the line. I'm absolutely convinced of that. And you think what's happening in the world? We're having this growth of population and we're going to need to feed that population. And Nebraska with our agriculture, our land and our water... [LB331]

PRESIDENT FOLEY: One minute. [LB331]

SENATOR HILKEMANN: ...we're going to be able to meet that world need. I told those Chinese investors that Warren Buffett can find the next great company to add to his portfolio, but Warren Buffett can't make any more land. Let's be a people of hope and encouragement. Does that mean that everything is going to be hunky-dory, that this budget is going to be perfect? There are certainly areas where we can be, but let's look. Turn to page 23 of your budget book. The adjusted gross tax receipts of 1995 to 2016. The historical average... [LB331]

PRESIDENT FOLEY: Time, Senator. [LB331]

SENATOR HILKEMANN: Thank you. [LB331]

PRESIDENT FOLEY: Thank you, Senator Hilkemann. Senator Morfeld. [LB331]

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I rise in support of Senator Stinner's motion, MO126, for reconsideration and I think that we all need to take a moment to sit back and reflect upon the purpose of government. And I think that we all need to look at ourselves in the mirror because all too often, I hear people disparaging government, particularly

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in this body and disparaging a budget that helps support working families, children, and other individuals in our state that benefit from that same government. One of the members that got up today and talked about how we need to cut more and how we haven't done a good enough job of cutting, received \$972,864 since 1995 in federal subsidies and that's fine. I support those federal subsidies. I support farmers being able to provide products and for us to have a stable and steady food supply. I support those subsidies. I'll stand up and support them. I will vote for people that support them. But what I can't support is the hypocrisy, the hypocrisy in this body, the hypocrisy on this floor, that you can take a million dollars in subsidies and then vote against people who are working and need affordable healthcare, or families that are working and need affordable child care. Because the farmer that is working hard every day to ensure that our communities are fed and that we have a stable food source, their work is just as important as the factory worker in my district. My factory worker deserves to make sure that their family member with developmental disabilities can receive the services that they need but they can't afford themselves. My mother who was a single mother deserved to be able to have affordable federally subsidized housing so that she could make sure that three kids, myself included, had the ability to have a safe home and environment, that they could be fed and that they could be raised so that they could eventually go to college for the first time in their family, then go to law school, then sit here in this body with you and then listen to the hypocrisy behind me about how we need to cut more and more and more and more, and then watch that same person vote against working families when they have benefited from the same tax dollars, the same tax dollars that people in my district deserve to have as a social safety net so they can be productive and so that they can be like my mother and then get off those government benefits and be a productive member of society and raise three children who are just as productive. That's the kind of hypocrisy that I keep hearing on this floor and it's not just limited to this budget. I'm going to start calling it out and I'm going to start using names too. Colleagues, we need to pass this budget. It's a responsible budget. It's a responsible budget that makes cuts. It makes cuts to the base. And it puts us in a position to make more cuts if we need to and be responsible and move our state forward. Thank you, Mr. President. [LB331]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Schumacher. [LB331]

SENATOR SCHUMACHER: Question. [LB331]

PRESIDENT FOLEY: Members, as a point of reference, we've heard from 12 speakers, ten are still in the queue. Do I see five hands to cease debate? I do. The question is, shall debate cease? All those in favor of ceasing debate vote aye. Those opposed, vote nay. Record, please. [LB331]

CLERK: 29 ayes...excuse me, 30 ayes, 9 nays, Mr. President, to cease debate. [LB331]

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PRESIDENT FOLEY: Debate does cease. Senator Stinner, you're recognized to close on your reconsideration motion. He waives closing. The question for the body is the adoption of the reconsideration motion. Pursuant to the rules, this motion requires 33 votes. All those in favor vote aye; those opposed vote nay. Record, please. [LB331]

CLERK: 36 ayes, 5 nays, Mr. President, on the motion to reconsider. [LB331]

PRESIDENT FOLEY: The reconsideration motion is adopted. All provisions of law relative to procedure having been complied with, the question is shall LB331E pass with the emergency clause attached? Those in favor vote aye. Those opposed vote nay. Have you all voted who care to? Record, please. [LB331]

CLERK: (Roll call vote taken.) 36 ayes, 12 nays, 1 present and not voting, Mr. President. [LB331]

PRESIDENT FOLEY: LB331E passes with the emergency clause attached. Proceeding now to LB327E. Mr. Clerk, the first vote is to dispense with the...Mr. Clerk. [LB331]

CLERK: Mr. President, Senator Erdman would move to return the bill for a specific amendment, that amendment being AM1375. (Legislative Journal page 1412.) [LB327]

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

SENATOR ERDMAN: Thank you, Mr. Lieutenant Governor. So here we are again. The amendment that I put in today is similar to the one I had last Wednesday evening except I included this one to include the TEEOSA payments that we need to make and the funds for Corrections. It will go forward with paying the salaries that were negotiated, as well as the health insurance increase. I've handed out, to each of you had handed out the Erdman amendment, and the Fiscal Office was nice enough to put this together to show what this amendment would actually do. And so, Senator Crawford, I did have a plan. I introduced that plan on Select File and I'm doing it again today. In my comments earlier you understand that I'm not at all appreciative of the fact that we're going to have such a budget shortfall and we're going to have to deal with that later and it'll be more difficult to deal with it later than making the decision now. And so I'm asking you to consider bringing this bill back to Select and making the amendment, and this is the amendment that I have passed out. As you look on the final page, at the very bottom right of the document that I passed out, you will see that if it were adopted in '17 and '18, it would be \$50 million less revenue spent and in '18 and '19 it would be about \$107 million. So those two added together would be the difference between our budget now and what this



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amendment proposes. We, as I said earlier, have taken a significant portion of our rainy-day fund. We have transferred. We have reduced the Reserve from 3 percent to 2.5 percent. And when you fall on difficult times, I understand what the rainy-day fund is for and I understand why it's there. But at some point in time, you have to protect against the future. And I think this procedure of taking it from 3 percent to 2.5 percent was not a logical one. I disagree with that one. And so as we go forward, we have to make decisions that fund everything that needed to be funded. There are things that we could do to make this budget more conducive to what the income is going to be, or revenue. And as was alluded to earlier, I believe Senator Hughes commented on what the revenue has been coming in. And as near as I can tell, the revenue for this year is going to be less, is going to be less than last year. In fact, it's my understanding that if we had a \$15 million increase over the revenue in May of last year and June, we still wouldn't make back what the revenue was last year. So we're significantly down in revenue from where we were projected to be. And as you've seen on page 23, and Senator Hilkemann brought your attention to page 23 and that's where the revenue sources are, and you will see there that if, in fact, this year's number is less than last year's number, it'll be the third, third consecutive year in revenues where we have been the same or less. And they talk about the 30-year average or the 20-year average and all of those things that have happened. These are different times. And perhaps, as Senator Schumacher said a week ago, maybe this is the new norm. We don't know what that is. But those three years of revenue being what they are, I ask you to consider bringing this back and putting this amendment in place and allow us to go forward with a bill that has a chance, a better chance. I'm not saying that this is enough to stop a special session or make more cuts. I don't know that that is. But it's a try to bring together what the revenue is going to be and what the appropriations should be. And I believe that sometimes here in the Legislature we make decisions on our spending, and I'll give you this example. For those of you who understand agriculture at all, let's assume you're a farmer and you've delivered your grain to the elevator. You arrive at the elevator and you ask the elevator manager, how much grain, how many bushels did I deliver? And he may tell you. And you'll say, I want my corn to make 200 bushel, would you please divide those bushels by 200 to see how many acres I had? And that's kind of how we do it here. We add up all the things that we want to spend money on and then we figure out what kind of revenue is needed, what kind of estimated revenue is needed to cover all those expenditures. And then that's the budget that we adopt and we call it structural balance based on what we think the revenue is going to be, not what the reality may be. And so if you're comfortable, if you're fine with approving a budget that probably doesn't have much of a chance to make it based on the revenue that we see...and I have some other information that I've seen in the media. For example, Wyoming has fallen on a little hard times as well. They cut \$250 million out of their budget earlier this year and last week the Governor said there may be another layoff of people from the state of Wyoming because their revenue is down. I also read a grain report the other day that said 70 percent of all the grain that was produced in South America is still in the elevator. Those farmers are waiting for higher prices. So there's a glut of grain around the world. We're in a global market now. We're not just competing against our neighbor on the other side or

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on the other side of the border of...in Iowa or Illinois or wherever we are. It's a global market. And so it's going to be a while before this economy turns around on the agricultural sector. And if, in fact, that's the case, and I've already explained to you that agriculture is, it is the engine that drives the state of Nebraska, and if that, in fact, is the case, we will be a while working our way out of this. So I'm not nearly as optimistic as Senator Williams or some of the others who may think that this revenue is going to turn around and we're going to be fine. But this budget will pass. This bill will pass as well. I believe that to be the case because, as I said the other evening, I don't know that there's the will in this body to make any cuts because, if there were, the Appropriations Committee would already have made those. Instead of taking the Cash Reserve from 3 to 2.5 percent, they'd have made a tough decision on what to cut. They didn't do anything, so, consequently, we have what we have because some people weren't willing to step up and say we got to make the hard decisions. So I'd ask you to reconsider. I mean vote to bring this bill back on Final Reading to Select so we can amend it. Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senator Erdman. (Doctor of the day introduced.) Senator Groene. [LB327]

SENATOR GROENE: Thank you, Mr. President. As Education Chair I sat in the background busy not having time to pay attention much to the budget. I made a commitment to Senator Stinner that I would not vote against...I would make sure there was no filibuster. We don't want to turn into Washington. I didn't catch that that was an E bill and we needed 33. I don't know of the Speaker mentioned that to all of us one- or two-year-old rookies here. I think the idea was to have 16 no votes and the rest of the people would show up for work. But things happened. But maybe it was fortuitous that that happened. People in Nebraska are asking me what's going on down here. You know, it's one thing to raid the savings. We all do when we have a downturn in our income. We have a rainy-day fund. That's expected. You cut your budget then, and then if you still don't have enough, but we didn't do that. We didn't cut the budget. Then you raid the piggy banks and the cash under the mattress, and that's the cash funds. That's the stuff we use for special projects, vacation, Brand Committee. We raided that. Still we did not cut the budget. Then my ire got up when I'd seen \$55 million come and I said we're going to start cutting now. No. No. We raided the money market account, went from 3 percent to 2 percent. Now we're going to pay fees on our money because the bank is going to say you went below your minimum level. You know what fees are in government? Increased taxes, folks, because we had lack of will here. I would almost bet that we come back in a year and there's going to be a panic and they're going to talk about tax increases because we emptied the fuel tank, because we couldn't cut 1 percent. Let me tell you, folks, friends, we talk about children, we talk about the elderly, we talk about the poor. We forget about the...in the middle: the teachers union who got a 4 and 5 percent raise this year, the administrators who took a \$10,000 raise, the administrators at the universities who are the conduit between us and the poor and the children are using us and the children and the poor to line their pockets. They haven't learned that they need to be part of this, a university

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president who takes 6 percent raises, an ex-chancellor who takes \$350,000 at 73 to go on a sabbatical. Those are the ones we need to answer. And do you know who the Appropriations Committee listened to? It wasn't the poor. It wasn't the children. It was them who told them where to spend and where to cut, that they couldn't cut. That is my frustration. And it's only a few. Ninety-nine percent of the people who work in government are public servants. They understand that they have to take cuts. But we have a problem here, folks. We're looking at a tax increase in the eyes. We've driven this thing down in one year. We had an unbelievable rainy-day fund. We've driven it down so far in one year that we even had to take our Cash Reserves down because we can't control the budget. One senator on the Appropriations came back and wanted \$10 million for underpaid doctors and the hospitals because they needed that \$10 million in HHS. The Governor wanted to take the Water Sustainability Fund. Three years ago the thing didn't exist. Now it's so important to our government we can't live without it. That's a problem, folks. We couldn't cut it from \$11 million a year to \$5 million for a couple of years? No. The roads? We couldn't take a little bit out of the roads after we just gave them millions of increases? We're too parochial here, folks. This is not a good budget. We're looking at a tax increase next year because, as Senator Erdman keeps reminding people, the revenue are projections, that's all they are, and where I live those projections are too high. We have a projection that we're going to lower our Cash Reserves to 2.5 percent based on projections that might not show up. What if they don't? You're talking about a call by the Governor of a special session and they'll be screaming for tax increases. Look at the history of this body. Tax increases have happened in situations like this because nobody can tell, say no. Nobody can say no to 1,000 University of Nebraska employees that make nearly...over \$100,000. [LB327]

PRESIDENT FOLEY: Time, Senator. Time, Senator. [LB327]

SENATOR GROENE: Thank you. [LB327]

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

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. Now we have an opportunity to amend the budget. Up until now it seems like mostly it's been six people who have dictated the budget. And I still, I will look at our revenue projections coming forward and I have serious questions. Senator Stinner, would you yield to a question? [LB327]

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

SENATOR STINNER: Yes, I will. [LB327]

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SENATOR FRIESEN: What are your budget projections in this next biennium in revenue income? [LB327]

SENATOR STINNER: The next biennium? [LB327]

SENATOR FRIESEN: This biennium that our budget is dealing with. What are the budget revenue projections? [LB327]

SENATOR STINNER: Well, they're down about \$1.1 billion in the next biennium, inclusive of this. [LB327]

SENATOR FRIESEN: And so looking ahead, how far out do they project revenues when you're building the budget? Do you go out two years, three years, four years? [LB327]

SENATOR STINNER: Forecast Board is two years. [LB327]

SENATOR FRIESEN: And so when you look forward two years, what is your projection there? [LB327]

SENATOR STINNER: The Forecast Board projects...I can't recall, to tell you the truth. I'd have to refresh my memory. [LB327]

SENATOR FRIESEN: Okay. And looking forward past then, revenue projections are...they're expected to grow around 5 percent? [LB327]

SENATOR STINNER: I'm sorry, Senator. I was listening to something. Rephrase that? [LB327]

SENATOR FRIESEN: Yeah. Just looking ahead past that, then revenue projects are...I think you were projecting a 5-some percent increase two years from...three years from now? [LB327]

SENATOR STINNER: Actually, for this biennium, it was 0.3 spending growth, revenue projections of 5 and 5.2, 5.9, 5.9 in the next, and if you read through the...how they come up with the projections, they're rolling to an average all the time. They also...the driver of the expenses that you're looking at is like 9 percent increase, 9.4 percent increase in TEEOSA. You and I know that isn't right. There is also different types of spends that are forecasted in here, bringing them up to normal conditions. You and I know that won't work. [LB327]

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SENATOR FRIESEN: Yeah. I'm just kind of focusing on the revenue side of it, I guess, the expenses. I get that. So thank you, Senator Stinner. So we're looking ahead saying that we're expecting, you know, almost 5.5-6 percent revenue increases in the future. And again, if ag is...you know, I've heard that the university is the number one stimulator of the economy. But if ag is the number one industry in this state, when I look forward over my past 40 years of farming history, whenever we've had these good times in agriculture, whether they be three years long or five years long, we always...it seems like the longer the rise in prices, the longer we stay down at the bottom. And so I look ahead and I see agriculture, we haven't even probably hit the bottom yet, and so after that I would expect two to three years probably of low prices with maybe a spike possibility, totally dependent on weather and international markets. And so if you're expecting a revenue bump from ag, it's not going to happen. And if you can in your mind justify a 5-some percent revenue increase with ag not participating, that's fine. Show me. Show me the path. I'll buy into it. But I haven't seen that. And so what I see is revenue projections, when we actually get there, they're going to be in that 2-3 percent range, and we've painted ourselves into a hole with expenses increasing faster than our revenue is coming in and somewhere there's going to be some painful cuts made. And to me as a businessperson, and right now in rural Nebraska, all business, all small businesses are hurting. We are going to severely damage that economy and it's not going to turn around right away. So I look at the...going forward and we see...we may see a spike but, in the end, that will not show up here in Lincoln as a spike in income. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR FRIESEN: And so I'm concerned that in longer term what we have done by sweeping these reserves and moving cash around and not actually trimming a little here and there and still going with a 1 percent increase when we're short of revenue that far, we've made a mistake. Thank you, Mr. Lieutenant Governor. [LB327]

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

SENATOR BOLZ: Thank you, Mr. President. I just wanted to make sure that the body understood the consequences of changing the work that the committee has done so far because there will be consequences if we go back to the way it was or if we undo what the Appropriations Committee has done. And there are consequences in all kinds of ways that are wrapped up into this budget package. So if we change the package and go back to the way it used to be, we won't be taking the cuts to things like the information technology initiative in our Department of Education. That was a difficult cut to make but it was a cut that we made a compromise on and those funds would go back into the base if we went back to the way that it used to be. We made some difficult cuts in the Legislative Council, for example. Travel will be

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limited in the future years. So even our own sacrifices would be undone if we went back to the way that it was in previous years. If we don't move forward the budget package as the Appropriations Committee has brought it to the floor, we'll miss opportunities; we'll miss opportunities for federal funds for things such as transportation, jobs training through Department of Labor, and veterans services through now the combined Department of Veterans Affairs and Department of Health and Human Services. We have to authorize those appropriations in order for those initiatives to move forward. Similarly, there would be no opportunity for the Department of Motor Vehicles to implement their rapid response project because we would not have authorized the cash funds. We wouldn't be able to take advantage of philanthropic funds because we do have to authorize the expenditures of those funds. So there's \$3.8 in juvenile justice-based best practices, thanks to the Sherwood Foundation, that's wrapped up into our budget. We also, if we went back to the way that it was before or if we don't move forward this budget package, we wouldn't take care of our responsibilities for tax relief. Specifically, as an example, we have tax relief under the homestead exemption for individuals with developmental disabilities that would not be funded if we were not to move forward with this package. But perhaps most importantly, and to address the issue of why in a year where we have a fiscal shortfall we would still have 1.1 percent budget growth, there are two significant driving factors that wouldn't be acknowledged if we were to undo what the Appropriations Committee has already done. One of those things is an increase in the school aid formula, which is already significantly below the statutorily required obligation that we came into the session with. But perhaps more importantly is the growth in spending for health insurance and salaries. So each one of us has an opportunity to buy into the state health insurance plan and any of us who considered that know that those costs have increased. Every one of us has a staff member who gets a salary from the Legislative Council. And so it's part of our responsibility every year to look at the increased costs in health insurance and salaries and to appropriately appropriate for those costs. So in spite of those significant and large cost drivers, the Appropriations Committee still was able to identify \$160 million in cuts through the deficit budget package. And I want to refresh everyone's memory how difficult that was. That was across-the-board cuts to many agencies. It was specific cuts, such as a cut to the storm water grant program, which it was one of the things that flows to my community. Cuts were made both in appropriations and in aid, meaning that we're both cutting staff and cutting programs that serve individuals. In the preliminary budget we cut targeted Medicaid provider rates by negative 3 percent, including hospitals and reimbursements for items such as durable medical equipment, hearing, and prosthetics. We cut the university at that point. We even cut smaller agencies, like cutting staff to the Library Commission. And post-April, after the most recent forecast, we made cuts and adjustments in the Water Sustainability Fund, the state disability program, the Department of Health and Human Services and Veterans Affairs, Game and Parks. We pulled in some unclaimed property from the State Treasurer and we grabbed reappropriated funds from the underutilization of the Nebraska Emergency Management System. Colleagues, my point is that there has been a number of choices that come together... [LB327]

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PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR BOLZ: ...into a combined package that is responsible and brought to this floor. Thank you, Mr. President. [LB327]

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

SENATOR WILLIAMS: Good morning again. And to quote my famous Yogi Berra, "deja vu all over again." We continue discussing the same types of things. I do appreciate Senator Erdman who has presented an approach, an approach that I don't believe works well, an approach that I disagree with myself and will not vote for. And I certainly support the underlying budget that the Appropriations Committee has brought forward. Again, we are now starting to hear discussions about specific things, like the University of Nebraska, like our community college system, like the Water Sustainability Funds and those people that are providing services to our most vulnerable state citizens. I believe wholeheartedly in full and fair debate. I believe that those people had their opportunities in front of the Appropriations Committee to make the case, and I think they were questioned hard by an Appropriations Committee that recognized that we have a significant revenue shortfall. And we can sit here as 49 prognosticators of the future and guess, and I said guess, on which direction this is going to go, or we can rely on those that are more expert than us in this category. I view this as a question of faith and trust in our process and system. And yet, as President Reagan said, we certainly need to verify our trust and belief, and that's what we are doing debating these issues. But again, I have cautioned each one of us, when we allow our beliefs and our opinions to all of a sudden transform into that area of being facts, they are not facts. We aren't dealing with facts in many cases. So here we are, nearing the close of this legislative session, and it is imperative on us to at the end of the day adopt a budget. We cannot allow our employees, whether they be at the University of Nebraska or at DHHS or the Department of Roads, the uncertainty of a budget that does not pass with the emergency clause. That is at the end of the day our responsibility. Each one of us as senators has our priorities. Each one of us as senators should fight for what we believe are the necessary things that state government should provide to its citizens. But at the end of the day, thoughtful compromise brings us to the place of making a decision. Earlier this session I quoted one of my famous ancient philosophers when he said there is only do or not do, "There is no try." It's time to do. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Williams. Senator Hilkemann. [LB327]

SENATOR HILKEMANN: Thank you, Mr. Lieutenant Governor. Let's go back and look at that page 23. I referred to that a little earlier. If you look at that average growth over the last 35 years in tax revenue, it's been 4.9 percent. If you look how many negative years we've had, we're

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looking at three in the last 25 years. And I checked with the Fiscal Office this morning just to confirm how many tax increases that we've had during that period of time to help substantiate that growth. There was a minimal tax increase in 2001 that was on to that. So let's go on to looking at some of the positives that are happening here in our financial situation. Let's look at that rainy-day fund that we've referred to here. I'd refer you to [governing.com](http://governing.com) where I got this information. Thirty-one states have a rainy-day fund and their...and of those 31 states, Nebraska is number four at its level compared to its budget. Now Wyoming is at the very top. They have over 100.4 percent in their rainy-day fund and we know that's changing because certainly their economy is changing. Texas is at 19.3, West Virginia at 17.5, and then comes in Nebraska. We had 14.5 percent at the time that this...of our annual budget considered in our rainy-day fund. Let's look at some of our surrounding states. Colorado was sitting at 3.5, South Dakota at 9.8, Iowa at 10, Missouri at 3.1, Kansas is zeroed out at this point, Minnesota at 7.5, Wisconsin at 1.7. So, folks, we have a pretty good rainy-day fund. Well, I'll have to say as a member of the Appropriations Committee I prefer taking money out of the rainy-day fund, not going into the Cash Reserve. But when you think about it, we at least have plenty of money in the rainy-day...we have money in the rainy-day fund provided that that 0.5 percent isn't made up. But let's look. That is an asset. Let's look at what we have, not what we may not have. Senator Hadley provided a list that over...since 2006 we have had \$754 million of direct or indirect tax cuts. And our revenue during that period of time, and if you look on 23, it's still been positive throughout. Let's look at our property tax relief fund. It's at over \$240 million. I looked at my tax statement. Over 10 percent of the property tax liability on my farm is being paid for by the property tax relief fund. Let's look at Nebraska's future. We have a solid base. And, yes, we're going to have ups and downs in agriculture business. It has always been, but it is one of the foundations of Nebraska. But look at the diversification that's beginning to happen in this state. Let's look at the Hudls here in Lincoln. Let's look at Bulu Box. We have PayPal. We're going to be getting a Facebook. We've got... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR HILKEMANN: ...Yahoo. Think of the technology that is coming and then finding, as we develop, into the "Silicon Prairie" that we have. That is going to do nothing but continue to improve and it's going to diversify our economy. Let's be optimistic. And let's talk about that university system. As I mentioned earlier, my dear father was considered kind of a leader in agriculture. He won the Wayne County Conservation Soil District back several times. He always looked forward to going to the university's programs at Concord and Mead to find the newest things in agriculture. Our university is striving... [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]



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SENATOR HILKEMANN: Thank you, Mister... [LB327]

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

CLERK: Mr. President, a priority motion. Senator Chambers would move to bracket the bill until June 2, 2017. [LB327]

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

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm going to pull this motion but somebody might call the question and there are a couple of things that I want to be sure and get into the record. When I used the term "fools," I didn't call any names. I talked about people behaving foolishly. Those who voted no at that time were Albrecht, Bostelman, Brasch, Briese, Clements, Erdman, Friesen, Groene, Halloran, Hughes, Kuehn, Lowe. I did not call a name. So I think I need to read something to remind people. This poem is about something that I'd put out earlier: This poem is a verbal hat and problems it can spawn / only if it fits one's head and that one puts it on. / Sure as shooting, that's the truth, / for I've no cause to lie. / Each does know his/her own head, / better far than I. / I did pen my little poem / only for my pleasure. / Unlike literal hat makers, / heads I do not measure. / Metered rhyme is all it is, / rhyme compressed in meter. / If one sees oneself herein, / 'tis in the eye of the reader. If I make a description and somebody applies it to self, that's on them, not me. Senator Hilkemann was giving a very interesting presentation and I enjoyed it until he started talking about how much corn is going to be produced an acre down the line as though that's something good. If corn is produced at the rate that Senator Hilkemann talked about thanks to technology and other things, corn will be 39 cents a bushel. These things that people say may sound good but they make no sense whatsoever if you're trying to be realistic, if you're trying to be practical. The Nebraska way is not a way that's imitated by anybody. People of my race see the racism. Latino children experience it throughout this state. And I'm going to bring an article that was written by a coach or a former coach about the insults hurled at young Latino children by the white people when these kids are participating in athletics in Nebraska, good Nebraska, the good life. The hatred is palpable if you are not white. And to be in a body like this and watch the kind of votes that are taken, listen to the kind of things that are said, it's enough to make somebody wretch. That means vomit. But I won't give you that satisfaction. What about the...that Forecasting Board? I told you that they use tea leaves and fortune cookies. They couldn't even agree among themselves, couldn't agree between themselves, which means Senator Friesen's guess is as good as theirs because all it is, is a guess if you are dealing with things over which you have no control. But those things are changeable, mutable. You cannot predict with precision what is going to happen even tomorrow. You don't even know if you'll be here tomorrow. So for people

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to get caught up in what that Forecasting Board has done, it's a waste of energy and emotional capital. One thing you can do if you want to take the time to do it, go back and look at the history compiled by the Forecasting Board and how accurate their forecasts were or how close they came to the mark. We know that nobody is going to land right on the mark. What I wanted to say is that I kill or cure. Some of my children got angry this morning. I told you I know my children. We're going to pass that bill and we get 33 votes and we're going to pass this one. People are just venting now. And you have until 12:00 to do it. But I don't have that much time to waste on this bill so I wanted to get mine into the record, especially the part about the fools, and then I can go down in my office and do some productive work. If Senator Harr were here, I would ask him to state what it is that I indicate. I said on numerous occasions if there are a group of jackasses in the field and I throw a rock, the only one that's going to go heehaw is the one that's hit. The only one that heehaws is the one that is hit. If you're not hit, you look at that one and say, what's the matter with him, is he crazy? They'd say, no, he's a jackass. And you'd say, oh, now I understand. Then the one who is hit say, well, so are you. And then that one says, well, don't insult me. Well, how am I insulting you? And it goes on and on and on and the real point is lost. Somebody wants the chance to make a point. But it's like twice-told tales and thrice-chewed cud. Nobody is saying anything that hasn't been heard already. Amendments were proposed earlier that everybody knew would not be accepted. This is the last opportunity to take the stick and swing at the pinata and maybe some members of the Appropriations Committee. But it's pointless. This time tomorrow, you won't even be thinking about this with the pain that some of you might be feeling now. And I'm giving you advice again and I'm prefacing it by telling you it's advice. Don't go out to these little towns where you know people are looking for a miracle and tell them you're going to change the Legislature, you're going to make the Legislature behave like this. And if you were on a county board, you couldn't run the county board and make it do what you're going to try to make it do. You're going to go to Washington and change what's happening in Washington and you cannot change the mind of your next-door neighbor. How stupid do you think people are? Pretty stupid? And you're right because they sent you down here. Now you can like it or lump it but there is a reality. And some of you, after you've been here awhile, you're going to learn the reality of being in this Legislature and you're going to learn how it operates and you're going to learn how things are done and you're going to learn that you're controlled by people outside of this room. And I would never let anybody put me in a position that you all have allowed yourself to be put in where it's clear that you are owned by the Governor. He cracks the whip and you jump. All we need to do is get the list of those of you who got the money and then check your voting record and it's clear. You ought to think about those lyrics that Whitney Houston sang but she didn't apply. Ultimately she said learning yourself... "learning to love yourself... is the greatest love of all," which she did not do. But she says: I decided long ago, never to walk in anyone's shadow / If I fail, if I succeed, / At least I lived as I believe / No matter what they take from me / They'll never take my dignity. They'll take... they won't take my dignity. You all have none. You have no self-respect. You walk around here pretending that you respect each other and you don't. You pretend that your feelings are hurt

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when you've made...a promise has been made to you and is violated. You know that these people can't stand. How did they get here? If they got here crawling, you think they're going to suddenly learn how to stand up? No, they're going to become even more expert at crawling. I don't count on anybody's word around here. But as an adult, as a politician, as anything, you can change your mind if you want to and you don't have to be accountable to anybody, but you got to be accountable to the Governor. And when I see you all popping up like jacks-in-the-box, running out there and being told what you better do, one thing that I'm glad that happened...my young brother, Senator Wayne, understands, as people in my community understand, why I behave as I do. [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR CHAMBERS: He saw what these people will do, the promises that are made, and they count for nothing. So sometimes we who are black have to be taught by the enemy what those who are older and have experienced things cannot teach because they don't think things could possibly be that bad. Things have to have changed. This is 2017. They can't be that bad. Then bam! And he says, good golly, Miss Molly, things are that bad and worse. Mr. President, I withdraw that motion. [LB327]

PRESIDENT FOLEY: The bracket motion is withdrawn. Senator Stinner. [LB327]

SENATOR STINNER: Thank you, Mr. President. Members of the Legislature, you know, there's things that happened here that is really a head scratcher for me. One of them happened yesterday. LB149 had nine votes against it. Do you know what LB149 did? It cut \$2.2 million of expenses. Yet I look at this and I've got nine members that say we need to cut more but voted against it? That's a head scratcher for me. It's really kind of unusual, I guess. But I'm going to go back to my original comments and I hope that today, if you take one thing away, one thing away, it's a thoughtful, deliberative process. We have to go through it. We did go through it on Appropriations. I talked about when we started the process we had to set priorities, especially when money is short. So we took the Governor's proposal and he said property tax relief, \$40 million, is a priority. We kept that priority, K-12 was a priority. We cut his priority money down to \$62 million but it still remains the biggest item of increase in our budget because we believe in K-12 education. Corrections was another Governor priority. We kept that predominantly intact. I mean we had a \$55 million shortfall. We went back, looked at our priorities, and started to cut from there. But with that we also, as an Appropriations Committee, understood that the Legislature told us the front door/back door to our overcrowding was justice reinvestment, and we put that as a priority, \$27 million combined increase for justice reinvestment, prison overcrowding, Corrections. That's how you build a budget, folks. The other thing that we heard was provider rates. Why? Why provider rates? We actually had them at 1 percent increase across

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the board, which is well below inflation, which was well below their cost. And I'll pull your attention to something that came up in the discussions at the committee level. And this is Medicaid underfunding of nursing facility cost. Our biggest provider is nursing homes. Our biggest demographic, folks, is aging--do you get that?--is aging, and I'm telling you the nursing homes in rural Nebraska are in trouble. But anyhow, this study says Medicaid underfunding of nursing facility costs, of the 33 states that are reporting, Nebraska is sixth lowest, let me repeat that, sixth lowest. And with a flat rate, I'll bet you we go to the bottom. Is that what we want to represent ourselves in the Legislature doing? That's a flat rate. That's the best we can do and I apologize to them. People that talk about, well, we haven't cut enough, \$700 million in cuts, there's a ton of pain in this and I'm really, really sorry to those agencies that we are cutting. I'm sorry that we're also cutting the University of Nebraska, which everybody says, well, we ought to cut them. Well, we cut them \$13 million. [LB327 LB149]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR STINNER: They are an economic generator. Go to UNMC. UNMC is going to be ninth, ninth in the country. Go to the cancer ward they're just putting in the hospital. How many good-paying jobs comes in with that? Start to go down the list of positive things that we may actually jeopardize or slow down and I get that. We're short. We're trying to figure out creative ways to bridge a gap. Some of that is rainy-day fund. Some of that is excess funds that lie within agencies. Some of it was reappropriations. We took a very thoughtful, deliberative approach to this budget. This budget here in front of me, I look at and I guess I have to add back \$75 million for TEEOSA but \$15 million comes out of justice reinvestment. Interestingly, the University of Nebraska, which I probably ought to vote for this, gets \$14 million more. [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR STINNER: Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senator Stinner. (Visitors introduced.) Continuing debate, Senator Wishart. [LB327]

SENATOR WISHART: Thank you, Mr. President. I rise today in opposition to Senator Erdman's motion to return LB327 to Select File and amend it with his amendment. I want to remind the body of the diligence that we went through when crafting this budget and of the metrics that I brought to the committee every day and the questions I asked myself when I was making decisions. Those questions were: What has the state already obligated dollars to that we must uphold? Is there a federal match that we would be losing if we cut? Is there a statutory requirement that an agency must comply with and, with us not funding that requirement, it puts

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the burden of raising dollars back on local communities? What is the economic impact of this cut? Are there short-term cuts creating long-term costs? An example of that would be cutting probation services that reduce recidivism. And finally, and to me most importantly, what is the human impact of the cuts we're making? Are we cutting important services to our most vulnerable community members, such as those with developmental disabilities, and are the cuts we're going to make going to cause significant cost in the future, like cutting preventative healthcare. I believe that what we have in front of you is a budget that does the best with an extraordinarily tough situation and I'm proud of the work that we bring to you today. I've heard from many colleagues today who have spoken about wanting to see additional cuts. I'm happy to look at efficiencies with all of my colleagues over the next four years of my service. There are many creative ways that we can reduce our expenses. In fact, Senator Stinner was talking about some of the access issues and the difficulties that nursing homes in rural areas are experiencing, and Senator Kolterman and I have been working on a piece of legislation that I see could have pretty significant cost savings by helping senior citizens to extend the time that they stay in assisted living facilities, instead of being moved to more expensive nursing homes. And so hopefully that's a bill that will be coming up next year. Those are the kind of creative solutions that we can find and hopefully see some efficiencies. I do want to turn our attention now to the amendment, Senator Erdman's amendment, AM1375 that we're looking at before us, and I do want to read the amendment and then walk you through a little bit some of the concerns I have when I'm looking at the intent of this amendment. So the amendment reads: "Strike the original sections, except for appropriations for the Tax Equity and Educational Opportunities Support Act and for programs of the Department of Correctional Services, and insert the budget amounts in effect for fiscal year 2016-17 as amended in LB22..." So basically this amendment would strip LB327 and replace it, most of LB327 and replace it with LB22. I had some time to speak with the Fiscal Office, and these are some of the concerns that I have when speaking with the Fiscal Office and hearing from them that I would hope that every member in this body would want to find a solution to before feeling comfortable with voting on this. From the way that we read the intent of this amendment, it could potentially remove all appropriations to cash-funded programs such as the Brand Committee, the corn checkoff. It could roll back the property tax credit appropriation. It could also potentially shut down the Lottery and Charitable Gaming and Unemployment Division of the Department of Labor. So I just want to make sure that we are being very careful, in terms of the decisions we're making and the intent we have, and I would hope the entire body would be thinking about that before moving forward when they vote on AM1375. Thank you. [LB327 LB22]

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

SENATOR WATERMEIER: Thank you, Mr. President, and good morning, Nebraska. I have yet to rise and explain some of the votes that I've taken in the Appropriations Committee and then again on the floor. I did not vote the budget bill out, which was LB327, with the amendments

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that we had offered, mainly because I felt like I needed to make a statement. And I appreciate the fact that, well, you made a statement but you didn't offer anything. But through the appropriations process keep in mind that we made several decisions and to me it's all about prioritization. It's all about deciding what's important. And there was another senator on the floor that got up and made a very eloquent speech this morning about this is the most important thing, we need to do this, and, by God, how can we possibly not take provider rates, on and on and on. For me, government should be prioritized in very small boxes: security, security of the state, meaning State Patrol, prisons, and supporting those police officers in the cities and the counties; education, and that's a big decision. What is education? What is a free education? Should it be to everybody? But keep in mind today we spend about \$1.5 billion on our education in this state, every year \$600 million, just short \$600 million, university, short a billion dollars to K-12 plus special ed. I think it actually adds up to \$1.7 billion a year. Third prioritization is helping those who can't help themselves, and that's a hard thing to talk about. I have always supported shortening up the waiting list for those individuals on the waiting list in the DD population. But supporting those who can't help themselves does not mean everything. And the fourth thing that I think is the most important thing the state should have a responsibility of doing is infrastructure. Infrastructure means a lot of things to me. It doesn't just mean roads and pavement. It doesn't just mean water. It means more than that. It means data. It means what we do with broadband. So everything we do in this body to me has to be prioritized. Let me give you an example of what happened after the \$55 million shortfall we had. Appropriations went back and worked and we had a list of things in there to cut. And one of them was Water Sustainability Fund, which has been something I've worked on for 25 years in this body to get, finally get enough dollars in there. And we appropriate \$10 million a year to the Water Sustainability Fund. A million dollars goes straight to the Omaha sewer system. I hate to say it's down a rat hole, but it's straight to the Omaha Heath Mello sewer system. So that's what we spend every year is \$10 million on that. Well, there was a cut in there that proposed 55 percent of that cut, and I thought that was a little irresponsible, so I had offered a cut based off the interest that was in that cut of one-point...or, excuse me, of 6 percent. Well, that was immediately taken up. I thought, okay, I've started the process, everybody can take 6 percent off something. Well, the committee went flat. No one cut in that committee anything that was of importance to themselves. That's what's difficult about appropriating. I don't want to call it leadership, but no one stood up and said, I'd be willing to cut something that's really important to me. That's how hard it is inside of Appropriations. We probably took, I'm going to guess, 200 votes. Senator Stinner has done a good job. He manages the budget as best he could. I commend him for that. But the phrase in Appropriations is, do I see five hands? You can do anything you want with five hands. You can change intent language, which is fair game. You can change any motion, amendment, you can change dollars and how they're spent. So just a couple examples, I had offered the \$1.2 million out of Water Sustainability. That was 6 percent. Six percent to the university in a biennium situation would have been \$70 million. One percent to provider rates in a biennium situation is about \$30

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million. Prioritization, it's all about prioritization. With that, I would like to yield the rest of my time to Senator Erdman. [LB327]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Senator Erdman, one minute. [LB327]

SENATOR ERDMAN: Thank you so much, Senator Watermeier. Thank you, Lieutenant Governor. We've had pretty robust discussion this morning and I appreciate that. The information that you got from the Fiscal Office, and I appreciate Michael Calvert and those people putting that together for me, was an estimate. It was a rough estimate. It was not intended to be the final draft. It was an explanation of or an example of what would happen. It leaves a lot of things out. I did have a plan, though. I didn't come here without a plan. I did have one. So I appreciate all the support. I appreciated the 19 votes I got last Wednesday night. And so, after saying that, I withdraw my amendment. [LB327]

PRESIDENT FOLEY: The return motion is withdrawn. Mr. Clerk. [LB327]

CLERK: Mr. President, Senator Albrecht would move to return the bill for specific amendment, that amendment being AM1369. (Legislative Journal page 1413.) [LB327]

PRESIDENT FOLEY: Senator Albrecht, you're recognized to open on AM...excuse me, on your return motion. [LB327]

SENATOR ALBRECHT: Thank you, President Foley. Colleagues, I offer up my AM1369 to you today. I certainly don't want to be accused of not lending a solution to the problem. I also don't like to be scolded. I don't like to be pushed into making a decision just because everyone else is. I, myself, have come here to be the voice of the farm and ranchers of our state. I've come here to be the voice of the people in District 17 and the voice of everyone in this state. And it makes no political sense to me when people stand up here and decide to pick on one line item or another, so I offer up to you today 1 percent across the board, and in doing so we make sure that everyone realizes how critical this budget is to us. I'm extremely uncomfortable with \$173 million taken out of our rainy-day fund. But I'll tell you what, when it gets to this point in the budget, there, again, remember our 18 brand-new senators, several of which are serving on the Appropriations Committee. So if this is difficult enough to wrap your arms around, when you have a committee that this budget didn't come out unanimous...this was either 5-4 or whatever. You know, it was never unanimous on any of these decisions. And it's very difficult for the people of Nebraska to know and understand what a tough situation we're in. But when I understand that there are different pockets that are being protected, at that point I say enough is enough. I've served on a city council and a county board where you had to make very difficult cuts. It becomes very emotional when you're listening to all the testimony of everybody wanting their area to be

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protected, but I'm here to tell you it doesn't do the state of Nebraska any good to have those rainy-day funds to take the kind of money that we are going to be taking away from that knowing full well that it's not going to get any better. You know, forecasts are forecasts but 5 percent is entirely too generous. I really want you to think about what we're doing here. Everybody has wants and needs. You can't have that need when you're allowing yourself to have all the benefits that you could possibly want and all of the increases in salaries and you...people of Nebraska must realize that we have got to make these cuts. We're going to be right back here next year. And I can assure you that I'm probably not going to have 25 votes to get this done, but we're going to talk about it. And I appreciate Senator Chambers giving me the opportunity to understand. If I put an amendment up there, at least I get to talk. I have been bounced out of the queue at least three to five times this year. I guess I'm not a real quick study when it came to that, that you have to get in there if you want to talk about something. But we also have not had a lot of time. You know, the nights that we were here till 9:30, we were discussing it. I appreciated what Senator Friesen and Senator Erdman, you know, were letting people know that the state of Nebraska...as a farmer, you know, we just wrote a \$55,000 check just, you know, to fertilize and put chemicals on our ground so that we could possibly have the crop we need and...but, you know, people don't understand the property tax part of it. I mean, we're really hurting in our state, and people do not understand. I would like to ask those in the body that are still here that have been here the last three to five years, how did we ever get here? It's very evident we get here from the economy that we're in today, but also from decisions that are made. As the Chair of Business and Labor, I was asked by the Speaker in our Chair meetings to do not let anything out of committee that has a fiscal note. Well, guess what, several things came to the floor with a fiscal note, and they are now funded. Is that fair or right for some of the programs that wanted to be looked at and be considered that haven't been? So, again, you know, I'm trying to play by the rules. I understand that if I want time I'm going to have to place an amendment. Thank you, Senator Chambers. But I'll yield the rest of my time to Senator Hilgers if he'd like it. [LB327]

PRESIDENT FOLEY: Thank you, Senator Albrecht. Senator Hilgers, 5:30. [LB327]

SENATOR HILGERS: Thank you, Mr. President. Thank you, Senator Albrecht. I rise this morning, colleagues, to note that I will be voting for LB327 but I do with serious reservations. My first comment is to a number of the comments from my...from our colleagues this morning talking about all the important things that our budget funds. And I don't think one can...it doesn't mean...even if one agrees with that, that there are important things, important uses for those money and people who rely on these services, even if you agree with that, it doesn't follow, colleagues, that all the money we're spending is wisely. And it doesn't follow that we couldn't cut more and it doesn't follow that we couldn't do more to be more efficient and we could do more with less. The reality is this budget has been growing, historically growing at a 3- to 4- to 5- to 6-percent clip every biennium. And when you grow that, when you grow in that way and you receive that kind of money, you tend to get undisciplined and you tend to waste money and you



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tend to expect that it's just going to keep growing and when that happens, colleagues, waste occurs, inefficiencies occur. And I do not believe that we can't cut more. Secondly, I think what we're doing here is taking a gigantic bet. We're betting that tax revenues are going to come in at a decent clip and that our resources are going to grow. And I'm not sure that that's a bet we ought to be taking. As Senator Erdman has laid out and Senator Friesen has laid out and Senator Groene has laid out, our ag economy is suffering. Our tax revenues are hurting. And if they come in worse than they have or at the same negative clip in two years, we're going to have serious issues to address. And what is that going to mean? Well, these are tax dollars we're talking about. Where does that come from? We could talk about the services that help hardworking families, and there are. But these dollars come from hardworking families, hardworking families in my district who are taxed as much as they can be, who are spending every dollar either on their own just to do everything they can to help their own families, and they are unable to save for the future or get ahead a little bit. We're taxing them too much. Now what happens in two years if we have to come back here and we have a significant shortfall, more than we had this time? Are we going to raise taxes on those families? Are we going to raise taxes on recent grads of the University of Nebraska with a high student loan debt who are barely making it by, can't save to buy their house and get their family started? Are we going to raise taxes on the blue-collar families working in my district at Kawasaki and other places who are just doing their best to save for their kids' college or save for their future or their retirement? At the same token, colleagues, if this gets worse, we're going to have a cliff effect on our services side, on our spending side. These are some...there are some cuts here that are painful. But in two years, if we have to come back, or in less time than that if we have a special session, and we have to...and we are forced to make cuts and we don't raise taxes but we're forced to make cuts and all of the things that I've heard about, all the great things that our state budget funds, what are we going to do when we have to take a draconian cut to those services instead of doing it gradually, painfully but gradually over time to be disciplined, we have to do a lot more in a lot less time? That's the bet. Now maybe the bet comes up our way and in two years tax revenues have rebounded and we don't have to face either of those two choices. But that's not a bet that I'm really willing to take and it's not a bet that we ought to be taking. What we ought to be doing is making the painful cuts now to help put us in a position that we can avoid those bad consequences and, in my view, much worse consequences down the road. That's what every family in Nebraska does. It's what every business owner in Nebraska does. When they face uncertain economic times, they cut back, they focus on saving money to ensure that they can weather the rainy day. And if this rainy day is just a few days and it's just a year or just this period of time, that's one thing, but you've got to be prepared for a much longer time. That's our responsibility. It's not just this budget. It's the next couple years. So I will be voting LB4... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

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SENATOR HILGERS: ...LB327--thank you, Mr. President--today because it is clear that the will to make further cuts through this process is not there. And I understand that and we have a process and I respect that process. But if we come back for a special session or if we have to do an interim deficit budget next year, remember the words that were spoken today on the floor from our colleagues. And I hope that we heed those warnings because, if the bet comes up wrong, we'll have much more difficult decisions to make. Thank you, Mr. President. [LB327]

PRESIDENT FOLEY: Thank you, Senator Hilgers. (Visitors introduced.) Continuing discussion, Senator Vargas. [LB327]

SENATOR VARGAS: Thank you very much, Lieutenant Governor. Colleagues, I rise in support of LB327. I also rise against AM1369. I do...I think what we are having is a good discussion and I commend Senator Albrecht and Senator Erdman for making sure we are being mindful of both the rules and how we make sure we have a fair or a free...a fair debate on all these issues. A couple things I wanted to respond to. The first is, while I think this goes without saying, but LB327 was a difficult task for our committee, one that required many different perspectives, many different individuals, different walks of life coming together and prioritizing how we spend money in state government. And I call that out. It seems like a very common, commonsense phrase, but that is what we did. In the same amount of time that we're spending in committees and, you know, working on specific policies, we spent all our time on a subset of small bills that have to do with how our government runs and how we fund it. I also do want to call out the fact that I think Senator Erdman earlier said that we did their...the Appropriations Committee did their work. I appreciate that. We did do our work. Our work meant that we debated issues. And as Senator Watermeier mentioned this, when you have five hands, that is what moved something forward. Those five hands weren't always the same. Sometimes they were, sometimes they weren't. We got divided on issues on urban and rural, just like we do sometimes in this body. We got issues on which agencies or departments warrant more prioritization versus less. And they were not easy conversations. We had multiple fail-safe mechanisms which included the different stages, included our first initial study of what we're going to do, our initial numbers, then our hearings, then coming back, then doing that again. And let's not forget that in LB22 we came....so people talk about the special session. I've gotten asked on the floor, you know, be expecting a special session. We did do a special session, folks. LB22 was a special session where we came together and we passed a cut to a previous biennium budget: \$137 million was cut that none of us on that committee took lightly. We did it responsibly because, at that time, it was the right thing to do to make sure that we are getting ahead. And then we always told ourselves in that committee that when we come to the biennium budget, this one coming up that we're debating right now, that we would be cautious, we would be pragmatic, we would prioritize, and as a result, we'd make decisions that are going to be in the best interest of Nebraska, and we did that. Now the prioritization didn't mean that it met every single person's need. And I heard Senator Erdman say this before that it's not what necessarily he would do, and that's okay

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because we represent different constituencies, we have different points of view, we have different ideology. But in our committee process, we did put forward what we prioritized. In fact, we prioritized justice reinvestment. We talk about public security. We talk about property tax, child welfare, education through TEEOSA. We prioritize Medicaid. We prioritize providers, higher education. In the same time we did do cuts. I don't want that to go away. We made significant cuts to university; in fact, we...about \$12 million. That was the original conversation we had. We made cuts to storm water grants. In education, and I had to even remind myself...I think some people think that we...our education system tends to be too much overfunded and we're doing too much for aid. We cut funding for IT Academy. We cut administrative funds for the Master Teacher education program, which we took the entire funds for the Master Teacher education program. We took reduced aid for early childhood education... [LB327 LB22]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR VARGAS: ...grant, something we prioritized. We took funds from ESUs, a 3 percent cut from ESUs. Colleagues, this is amounting to millions of dollars. We did that because we prioritized aid through TEEOSA. I think that was the right decision. And so I don't want to leave us here thinking that we didn't do our job. The other part of this I want to call out is just that not only did we prioritize, but the information that we're seeing in these bills, in this amendment, I think potentially undercuts the work that we've done. There are unintended consequences by not looking through and, you know, looking at our experts, our Fiscal Office as to what are going to be the consequences of some of these cuts that we are...that we're going to be making to agencies. We have contracts in place. We have growth that's happening. We have jobs. We have real people that are doing this work. And to address this issue about growth, the reason why we're growing part of our government but not by 5 percent every single year, is because we want to attract more people here. We want to make sure we're keeping up with our population growth in the state of Nebraska, and our business growth, to... [LB327]

PRESIDENT FOLEY: Time, Senator. [LB327]

SENATOR VARGAS: Thank you very much. [LB327]

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

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. First I want to start out with Senator Erdman's comment, and others', about special sessions. When I was Chair of the Executive Board, I chaired a committee called the no-name committee. That is a committee that receives the report from the Forecasting Board and tries to make some decisions and tries to make some recommendations to the Governor. At that time,

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both Senator Kuehn and I appealed to the Governor that it was time to have a special session when we were \$200 million down. He refused. He said it's...he's not going to do it. So, Senator Erdman, unless he changes his colors, he doesn't like special sessions, and the only way we get back here is with a two-thirds vote, 33 votes to say we want to come back into session. That will be up for grabs. But it's still constitutionally the requirement for the Governor to call us back after we then support that vote. So there's only two ways to get back here: we vote ourself back in and he allows us to come back in and signs the paperwork that he needs to; or he calls us back in. He has not shown the resolve to do that in the past and I don't think he'll do it in the future. My saving grace when I got here, and I was stupid and opened my mouth and said some things that I shouldn't have said, was a guy named John Harms, Dr. John Harms, who was a state senator, who was the Vice Chair of the Appropriations Committee. He sat me down and said, before you criticize a process, understand it, and when you make changes or propose changes, be constructive, educate those people that you want to make those changes in a way that brings them to the table, and you may not be right still but you will have compromise. That's the way to build the coalition. That's the way to move forward. Now many of you have criticized the process. Many of you have said, oh, but they didn't tell me that. Senator Groene, with all due respect, in your first indoctrination, in your first symposium at Offutt, and here on the floor twice since we've been back in session, I have said it has always taken 33 votes for a biennium budget. It has always taken 33 votes. That hasn't changed. So what manual did you not read, folks? Wanted to clear that up. Then I want to talk about something that you have in your hands, and it is indisputable. I don't know how many people have crystal balls and you can look into the future and say this is what has happened, but what we have is a Forecasting Board. And I won't embarrass anybody by asking them what it's comprised of. I'm just going to educate you in terms of what it is comprised of. It's made up of four members, a Forecasting Board, four members who are appointed by the Governor and five by this Legislature, nine people who sit down around a table and grade, potentially for hours, and come to a point. And guess what, this time they came to a point where they could have gone zero, they could have gone slightly positive, they could have gone a little bit more negative, but what we ended up with was a \$55 million deficit again. So the prognosticators of the bunch, people who can look into your crystal ball and you can say this is what's going to happen, take a look at that historical General Fund revenue growth paperwork that I handed out to you just a few minutes ago. And if you look at a point...I will ask one question. Senator Friesen, will you yield to a question, please? [LB327]

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

SENATOR FRIESEN: Yes, I would. [LB327]

SENATOR KRIST: I know you have this historical General Fund revenue growth in front of you or...but you probably haven't looked at it; maybe you have. At what point in that list, 2005-2015,

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did the corn prices start to go down and go back into the blend of where they had been prior to a huge growth in years past? [LB327]

SENATOR FRIESEN: I don't have the... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR FRIESEN: ...the list in front of me, but I think if I go back to when it started to rise, it was probably about in that 2007 time frame. [LB327]

SENATOR KRIST: (Two thousand and) seven, and it started to come back into the blend about where we were before 2007 in about what year? [LB327]

SENATOR FRIESEN: On its way down? [LB327]

SENATOR KRIST: Right. Correct. [LB327]

SENATOR FRIESEN: Probably in...two years ago we were headed in that direction and now we... [LB327]

SENATOR KRIST: Okay, folks, so I want...thank you, Senator Friesen. I want you to look at the '07 time frame: 7.3, 7.7. Then we drop down in the next few years--minus 4, minus 4--and then in that time when we're stabilized again, 0.3 and 1.3. And look what happens right after we take a dip. That's the historical perspective that forecasting is based on, that and many other factors. I am a believer in "Professor" Schumacher's guidance in terms of be careful, but I'm not going to stop spending money to make money. [LB327]

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

SENATOR BRIESE: Thank you, Mr. President, and good morning, colleagues. I rise today to comment on AM1369, and I thank Senator Albrecht for bringing this and generating the discussion. Last week I heard Senator Hughes, and also this morning, say that we have a spending problem in Nebraska, so I looked into that. And as you can see from a handout I sent out earlier here, Nebraska is 12th in the nation in per capita state and local spending. That's in the top 25th percentile. And I'll note on that handout we left out three zeros on the column of total spending, and so that was my mistake there, but you get the point. You can see where we're 12th in the nation in per capita state and local spending. We're higher than five of our six

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surrounding states in per capita state and local spending. And then from page 75 in the budget book you can see that the average annual increase in General Fund appropriations from fiscal year '12-13 to fiscal year '15-16 is 4.43 percent per year. At the same time, our population grew less than 1 percent a year and the Consumer Price Index increased only about 1.1 percent per year. The point is, our General Fund appropriations the last several years have far exceeded both population growth and inflation. So I agree with Senator Hughes and many others who have said the same thing. We do have a spending issue in Nebraska. But more importantly for today is the fact that we have a spending problem coupled with a revenue shortfall. And as Senator Erdman has so ably pointed out, there's no guarantee that this shortfall is going to get any better. Agriculture is one of the economic drivers in our state, and those of us involved in agriculture know that it's certainly not rebounding. Only a few years ago we had \$700-plus million in our Cash Reserve Fund. Now we're down to less than \$400 million. Our General Fund reserve, previously at 3 percent, is proposed to go to 2.5 percent. We're relying on one-time sweeps or transfers from several agencies to help bail us out. Colleagues, we are in serious trouble if this thing doesn't turn around. And again, I thank Senator Stinner and members of the Appropriations Committee for their hard work. They had a tough job to do in a very difficult environment. I like the approach of AM1369. I think it's a responsible approach. It spreads the pain of any further cuts. It lessens the likelihood of the need for a special session. It lessens the likelihood of the need for draconian cuts down the road. And again, I thank Senator Albrecht for bringing this and generating the discussion on this type of approach to shoring up our budget issue. But with that, I'd yield the balance of my time to Senator Albrecht. Thank you. [LB327]

PRESIDENT FOLEY: Thank you, Senator Briese. Senator Albrecht, 2:00. [LB327]

SENATOR ALBRECHT: Thank you. Thank you, President Foley. Again, I just rise to really make us all sit back and think about how important the money that comes into our state. We are here to be good stewards for the people and for their money. They work very hard. We're trying to do the same thing. But I'll tell you what, next year, if we have another deficit here in October, the message has to be loud and clear from the Appropriations Committee and everyone on this floor that we will be making deep cuts next year, not because we want to but because we have to. With all of the items that everyone had to look through with the appropriations, I've been there, I've done that, but unless you let people and put people on notice that it's not going to be so nice next year, get them thinking about it now, but at the same time, if we don't sit back and think about how we're managing, too, the deficits that we have been seeing this past year,... [LB327]

PRESIDENT FOLEY: One minute. [LB327]

SENATOR ALBRECHT: ...we're going to find ourselves in a situation that we have to go back to the taxpayer and ask for more. And they will not be happy with us. We don't have to worry about

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what we're going to put on our information when we go out to our election the next time. They'll make that decision for us very quickly and very clearly. Again, that 1 percent across the board could have generated \$50-60 million, maybe more, but the \$173 million out of our rainy-day fund just doesn't sit well with me. While I understand and I know I don't have 25 votes, I get that, but thank you for the opportunity to get up, when I can't get up in the queue, to say what I needed to say. And at this point I'll pull the motion, if you will. Thank you. [LB327]

PRESIDENT FOLEY: The return motion is withdrawn. Members, we're back on Final Reading. Mr. Clerk, the fist vote is to dispense with the at-large reading. All those in favor vote aye; those opposed vote nay. Record, please. [LB327]

CLERK: 41 ayes, 3 nays, Mr. President, to dispense with the at-large reading. [LB327]

PRESIDENT FOLEY: Senator Stinner, for what purpose do you rise? [LB327]

SENATOR STINNER: I would like to ask the body for check-in, please. [LB327]

PRESIDENT FOLEY: Could all members please check in so we can see who is absent. Senators Larson, Chambers, and Wayne have not checked in. Everyone else is here. Think I see Senator Larson coming. Senator Chambers and Wayne, if you could please check in. Senator Wayne, please return to the floor. All members are now present. We have dispensed with the at-large reading. Mr. Clerk, please read the title. [LB327]

CLERK: (Read title of LB327.) [LB327]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB327E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, please. [LB327]

CLERK: (Record vote read, Legislative Journal page 1414.) 36 ayes, 12 nays, 1 present and not voting, Mr. President. [LB327]

PRESIDENT FOLEY: LB327E passes with the emergency clause attached. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB332E, LB331E, LB327E. Items for the record, Mr. Clerk. [LB327 LB332 LB331]

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CLERK: Mr. President, Enrollment and Review reports LB335, LB289A, LB512A as correctly engrossed. Enrollment and Review also reports LB415 to Select File with Enrollment and Review amendments attached. New A Bill, LB415A by Senator Kolterman. (Read LB415A by title for the first time.) And a series of study resolutions: Senator Bolz, LR139 and LR140, LR141, LR142; Senator Kolowski, LR143; Senator Howard, LR144 and LR145; Senator Murante, LR146; Senator Crawford, LR147; Senator Walz, LR148; Senator Linehan, LR149. Those are all study resolutions. (Legislative Journal pages 1414-1421.) [LB335 LB289A LB512A LB415 LB415A LR139 LR140 LR141 LR142 LR143 LR144 LR145 LR146 LR147 LR148 LR149]

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

PRESIDENT FOLEY: Members, you heard the motion to recess. Those in favor say aye. Those opposed say nay. We are in recess. [LB327]

RECESS

PRESIDENT FOLEY PRESIDING

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

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

PRESIDENT FOLEY: Thank you, Mr. Clerk. Any items for the record?

CLERK: I do, Mr. President. Bills read on Final Reading this morning were presented to the Governor at 11:50 a.m. (re LB332E, LB331E, and LB327E). New resolutions: Senator Hughes, LR150, interim study resolution. Senator Pansing Brooks offers LR151, that will be laid over. But I have a communique from the Speaker directing that LR151 be referred to committee for purposes of conducting a public hearing. LR152 and LR153 are study resolutions. Both will be referred to the Executive Board. An announcement, Mr. President: The Performance Audit Committee will meet at 2:00 in Room 2022, the Performance Audit at 2:00 in Room 2022. That's all that I have, Mr. President. (Legislative Journal pages 1422-1425.) [LB332 LB331 LB327 LR150 LR151 LR152 LR153]



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PRESIDENT FOLEY: Thank you, Mr. Clerk. Members, pursuant to the agenda, we will move to the 1:30 item, General File, 2017 Speaker priority bill. Mr. Clerk.

CLERK: Mr. President, LR1CA, originally introduced by Senator Murante, pursuant to Rule 6, Section 3(f), Senator Wayne would move to indefinitely postpone the bill. [LR1CA]

PRESIDENT FOLEY: Senator Wayne, you're welcome to open on your motion. [LR1CA]

SENATOR WAYNE: Thank you, Mr. President. Good afternoon. It's a wonderful day to be here again today. And today we're here to talk about, discuss, and possibly vote on what we all know as voter ID. I find it ironic that this is scheduled the day after the override vote of yesterday. While this body chose to allow disenfranchising...disenfranchisement to occur yesterday, we come back today with a motion on the floor to do the same thing or a bill on the floor to do the same thing. But I know there's not a...people are still talking, so I can take a pause and let people gather themselves, because we're going to be here for a long time. I'm not in a rush to just talk while nobody is listening. So I'll wait a second or two. [LR1CA]

PRESIDENT FOLEY: Members, please come to order. [LR1CA]

SENATOR WAYNE: Mr. President, I don't necessarily need a gavel. I know really this is a issue where most people know where they're at on. Prior to 2006, there were no states who had voter ID laws. We all know why voter ID laws came, the history is clear. It was an attempt and is attempt to disenfranchise minority voters. While people may not want to believe that, where the movement started, it was clear on the record when they started it, just like it was clear on the record 150 years ago when disenfranchisement laws in Nebraska became law affecting freed slaves and African-Americans. So after 2006 when this movement started to occur, there were many court cases and most of the court cases all struck down voter ID. And they did it because the disenfranchisement was so blatant and so obvious, just as our disenfranchisement of ex-felons are today. Today we have roughly 33 states that have different varying of photo ID, but the reason I say that is because most of the strict ones have been found unconstitutional. The reason I have objections to this constitutional amendment is beyond the history, but I think we shouldn't escape the history, but as many voted yesterday you all can often ignore history. But that's something I can't. So the history is one part, but the current data, the current data suggests that there is a clear discrimination. Study after study of voter ID laws that came into existence after 2006 show that Hispanics where voter ID laws are in place are less than...two to three times less likely to vote than their white counterparts. I don't think that's by happenstance because the nonvoter ID states, that number is cut by over a half as far as the gap. Same thing goes for African-Americans where voter ID laws have been passed. There is a two-to-one gap between African-Americans and Caucasian counterparts. Where those laws do not exist, that gap is also

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cut in half. The other concern I have is the uncertainty in this amendment. The uncertainty is what does this actually mean? What does the presentation of ID, identification, mean? See, in Missouri when this was done they also had a companion bill where everybody in the public can go out and talk to and see what exactly ID in this situation would be. But in this current amendment, there is no definition. Some places use just a citizenship card. Some places use birth certificates. Some places use mailing addresses where utilities are. There are all types of different identification. And without the public knowing that, without the actual statute and definition of knowing that, it's hard to tell what this means. And without knowing what it means when we look at a budget crisis, which I continue to hear about...in fact, there were a group of senators who had a press conference saying their care and concerns. Well, I have concerns about the budget impact of this amendment, because right now it's unknown. That's what happened in Indiana. Indiana passed a law where they thought it only cost \$230,000 to \$300,000 to provide free IDs to everybody. Actually, there was a lost revenue of over \$2.3 million and it cost the state additional money of about another million, because what the courts have said--and I would love to debate this at one point with Senator Hilgers because everybody in the freshman class has been waiting for Hilgers and Wayne showdown, but it won't be on this issue because the laws are pretty clear. But the courts have said that you have to provide access, free access, unburdened access. There is a cost there that our state has to come up with. So, yes, there will be a budget impact. But we don't know, because we're going to say that we have to do it, shall do it--not may--shall do it, and we have to be able to fulfill that obligation. So the reason that's important, because currently we think there's about 150,000, a little bit over 150,000, closer to 160,000 that we have been able to kind of identify don't have identification. There is a cost. There is roughly about 10 percent nationwide, so there actually is going to be more than that. And we think that could be a cost of lost revenue around \$3.7 million to Nebraska. That is a real cost that we have to deal with. A real cost that we have to deal with when there doesn't seem to be an issue. And it's just not the cost of providing an ID, it's also the cost of making sure there's access to get that ID. Some places in rural Nebraska, we might have to establish more offices to get IDs because it has to be unburdened. Some places we might have to extend hours to make sure they can get their ID, because it has to be unburdened. So when the DMV has to go through this extra cost, plus the lost revenue of around \$3.7 million, there's some serious problems we have to address and some serious concerns. That is the problem that this amendment is vague on itself on its face and statutorily we have to define, and yet we don't know what those definitions mean. Those are the initial concerns that I have and why I think this bill should go ahead and have a quick death today, so we can move forward with the business of this body. I recognize the fact is we are not going to change anybody's mind on this floor. If I was in a classroom in front of a whole bunch of children I would say, raise your hand if you already...if you haven't made up your opinion on this voter ID. And everybody would keep their hands down, because I talked to most of you and you already had a position on this. So my belief is, rather than spend three hours today and another three hours later, let's just put this to bed now. Let's move forward and let's not go back like we did yesterday. Not just yesterday, but back 150 years. Let's stop disenfranchising people

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and let's get back to what all the people out there on the capitol floor by next to the Abe statue about how to make the budget better. Even though we approve it, we still got things we have to work on. [LR1CA]

PRESIDENT FOLEY: One minute. [LR1CA]

SENATOR WAYNE: We still have third grade reading we're going to talk about. We still have a TIF bill that I can't wait to talk about. We have a lot of other pressing issues and rather than spend six hours not changing anybody's mind but giving floor speeches so we can hope to have some press, let's just move forward. Let's move forward in a nice fashion. We ain't got to start calling people by names and calling anybody out, let's just take the vote and move forward. Clearly, this law is not needed. Clearly, this law by the data disenfranchises. And clearly, it's time for the body to move forward and do something else. How much time do I have left? [LR1CA]

PRESIDENT FOLEY: Ten seconds. [LR1CA]

SENATOR WAYNE: Nine, eight, seven. No. Thank you, Mr. President. [LR1CA]

PRESIDENT FOLEY: Thank you, Senator Wayne. (Visitors introduced.) Senator Murante, pursuant to the rules, you are recognized first. You may proceed. [LR1CA]

SENATOR MURANTE: Thank you, Mr. President. And, members, good afternoon. I do rise in opposition to Senator Wayne's motion to indefinitely postpone and in support of LR1CA. And I do appreciate the ongoing discussion that I've had with Senator Wayne, going back even before this was introduced, on the issue of voter identification. And I think he led with what I believe to be the most compelling argument against voter identification laws generally, which is to say, as he articulated, that election laws broadly and at times voter identification laws specifically have been used to target minority voters and to suppress their vote. And to that I will respond by saying, what he said is absolutely correct. It is an objective reality and to deny that these sort of election laws have been used in the past to suppress minority votes would be to deny history. It is part of our history. And, unfortunately, in some parts of the country we don't have to go back very far to identify it. Now, you've all heard me speak now for years on the importance of the election integrity of the state, of the priority that I place on ensuring that our elections are conducted in a way that is appropriate and which has access to all voters in this state. So how could it be that those two priorities can go together? And it is because I believe in my heart of hearts that voter identification laws do not inherently suppress any turnout, that there are right ways and wrong ways to advance voter identification legislation, and that there has been a history of states doing it the wrong way, of states specifically targeting minorities in the effort to suppress them from voting. But I also know that states have done it the right way. And to me it

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comes down to three fundamental questions. If you want to use a voter identification law, if you want to pass one without turning away a single voter from the polls who is legally entitled to be there, in my opinion you have to answer three questions correctly. First, what sort of identification qualifies? Second...and with that first point, you can cover 95 percent of the population. The second question is to that 5 percent--because 95 percent is not good enough--to that 5 percent who does not have qualifying identification, how do you provide that identification for them? And third, if all else fails, what's the remedy? If someone shows up to the polls without ID, how are they able to cast their ballot if they are legally entitled to vote? If you answer those three questions the right way, not a single person will be turned away from the polls. That's my belief. And I believe that despite that historical context, Senator Wayne, Senator Morfeld, and I could sit down in a room absent the historical context and come up with a way in an even-tempered discussion to do this bill, which the overwhelming majority of our constituents support, in a way that we are confident that (a) we are defending the integrity of our elections; and (b) doing so without disenfranchising a single voter. I believe that can be done. The policy question you have before you today... [LR1CA]

PRESIDENT FOLEY: One minute. [LR1CA]

SENATOR MURANTE: ...is, should the people of Nebraska have an opportunity to vote about whether or not voter identification laws should be enacted in the state of Nebraska? And if the answer is, yes, then we will come with a piece of legislation, perhaps numerous pieces of legislation to effectuate that constitutional amendment. Eighty percent of this country--and I have statistics that I will talk about at length--but 80 percent of this country believes in voter identification laws. They believe it's a common-sense proposal. Most of the First World has voter identification laws, so what I'm committed to doing is to...if I believed I could sit down and craft an identification proposal with the opponents of LR1CA, I would tell the Speaker to put a Speaker's hold on it and we would begin working today. [LR1CA]

PRESIDENT FOLEY: Time, Senator. [LR1CA]

SENATOR MURANTE: Thank you, Mr. President. [LR1CA]

PRESIDENT FOLEY: Thank you, Senator Murante. Senator Blood. [LR1CA]

SENATOR BLOOD: Thank you, Mr. President. Fellow senators, friends, I am going to say as much as I possibly can say in the next five minutes and so I wrote this down. I looked at the committee summary and the very last sentence in that summary says: It directs the Legislature to make exceptions as are necessary to ensure an individual's rights under the Constitution of the United States. I found this bill, which I stand against, to be the polar opposite of what it is truly

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about, because there's the equal protection clause of the Fourteenth Amendment in the United States Constitution that clearly says that a state is not allowed to pass laws that unduly burden the right to vote. The Supreme Court has clearly stated that even very minor burdens have to be justified as sufficiently weighty to justify the limitation. The Supreme Court has ruled that states cannot burden voters based on the prevention of dangers that are very unlikely and only possible but not proven. Meanwhile, the Voting Rights Act of 1965 says that the denial or abridgment of the right to vote for any citizens based on race or color, regardless of the existence of discriminating intent, is illegal. Only the outcome matters when it comes to invalidating such statutes. Logically speaking, the potential costs of a in-person voter fraud are not high compared to the benefits. There are penalties here in Nebraska that includes fines and imprisonment. It is not rational to risk such penalties for something that isn't going to change the outcome of an election. Think about it. Committing voter fraud is difficult. You need to know the name of another person registered at a polling place, know the address of that person, know they have yet to vote, and also know that nobody at the polls realized that the impersonator is not the person. Especially in small towns, how is that possible? However, according to our Secretary of State there are 1,187,777 registered voters in Nebraska. If we were to take the lowest probable amount of voters who lack qualifying ID, which is 6 percent, that would be well over 71,000 potential voters that this is will affect. This is more than enough to change the outcome of many of Nebraska's elections. That has given me great pause for thought, and it should to you as well. Of this population, approximately three-fourths of these voters lack transportation or have no access to transportation to get to DMV for an ID. These are people who make less than \$20,000 a year. The cost of this transportation or obtaining documents such as birth certificates shifts funds away from feeding their family or paying their rent or utilities. You're going to hear today that this is constitutional. There may be one or a small handful of cases that in a small way help support this cause. With that said, there are many, many more cases that set a precedent that shows a law can be invalidated if it places an undue and disproportionate burden on subgroups. If the burden placed is not outweighed by the state's justification for the law that places these burdens on the voter subgroup--that would be the poor, the disabled, the elderly, people of color and we forget those who choose to live off the grid, especially out west. Some of these same judges said that cases of potential voter impersonation fraud occurs so infrequently that no rational person familiar with the role of an act could be concerned about them. I'd like to think of everybody on this floor as being very rational. And unlike Senator Wayne, I believe that we have a lot of compassionate, intelligent people on this floor who hopefully are listening to the debate and not just playing games on their phones... [LR1CA]

PRESIDENT FOLEY: One minute. [LR1CA]

SENATOR BLOOD: ...and are listening intently and possibly changing their minds. You're going to hear that you need an ID to buy a plane ticket, rent a car, and write a check. That, my friends, is a privilege, not a right. Voting is a right. The people in my district have fought for you to have

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this right and it is insult to them and their families when you take that for granted. Thank you, Mr. President. [LR1CA]

PRESIDENT FOLEY: Thank you, Senator Blood. Senator Morfeld. [LR1CA]

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I rise in support of the motion to indefinitely postpone and in opposition to LR1CA. I've worked on voting rights issues and it was one of the reasons why I got involved in the Legislature and decided to run for the last ten years now. And voter ID is not only unnecessary, it is truly a burden on many people's right to vote. And don't just take my word for it. Go look at the court records in both conservative and liberal district courts across the country. They have clearly found that these types of laws are a burden that prevent eligible voters, eligible voters, oftentimes the elderly, veterans, and other individuals who should have the right to vote. Now, it's important to note that particularly in Nebraska, voting is a fundamental constitutional right. Why I say particularly is because Nebraska has one of the strongest protections of the right to vote. If you open up your Constitution, Article I, Section 22, that is one of the most stringent protections of the right to vote in all of our country. And that's probably why Senator Murante decided that after years of trying to get voter ID enacted, that we needed to have a constitutional amendment. Now, because it is a fundamental right, there must be a compelling state interest, a compelling state interest in order to infringe upon that constitutional right. And in order for there to be a compelling state interest there must be evidence of an actual problem, not just perceived. As Senator Blood referenced and mentioned, some people say, well, you need an ID to get on a plane, you need an ID to get a prescription, you need an ID to cash a check. None of those are fundamental rights. Those are all privileges. And even if they were fundamental rights, there's an actual problem with prescription drug abuse. There's an actual problem with check fraud. There's an actual problem with terrorists overtaking planes and using them as weapons. So even if those were fundamental rights, which they're not, there likely would be a compelling state interest to infringe upon, unlike voting fraud, particularly voter impersonation. And that's the next distinction that I want to make. With voter impersonation, it is the most rare form of fraud. And a lot of people say, well, voter impersonations happen, we just don't know about it. If voter impersonation was happening we would know about it, because we have one of the largest sample sizes to detect voter fraud in the entire country and it's called the American election. It is such a large sample size that if people were being impersonated, we would know about it. Why? Because if Senator Linehan went up to her polling location one day and said, my name is Senator Linehan, I'd like to vote and they said, oh no, Senator Linehan, you've already voted. See, look right here. Senator Linehan wouldn't walk out of her polling location smiling and going, oh, I already voted. No, Senator Linehan would likely tell somebody, listen, something is wrong. I haven't voted already, I've been impersonated. We would know if voter impersonation was a problem because people would be turned away. Now, some people say, oh, dead voters, and in some other states they have found that people who are dead voted. But you know what they did once they actually investigated?

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They found out that these were individuals that voted early and died before the election. But that's not sexy so you don't see that on the front page of the newspaper as a follow-up story. The bottom line is voter impersonation is nearly nonexistent. Even our own Secretary of State has admitted that our elections are secure and that this isn't a problem. [LR1CA]

PRESIDENT FOLEY: One minute. [LR1CA]

SENATOR MORFELD: Voting is a fundamental right. It requires a compelling state interest to infringe upon that fundamental right. And in order for there to be a compelling state interest, there must be an actual problem, not just a perceived one, not just a boogie man sitting out there and wondering, well, maybe this could be a problem, we don't know. There isn't a problem with voter impersonation. We should spend our time focusing on problems that actually exist. We should spend our resources on problems that actually exist. Senator Murante brought up that 80 percent of people polled feel as though we should have voter identification. Well, 80 percent of the people that you polled, once you start narrowing it down and talking about the barriers and talking about how it's not generally just any ID, it's got to be an ID with your current, valid address, something that many... []

PRESIDENT FOLEY: Time, Senator. [LR1CA]

SENATOR MORFELD: Thank you, Mr. President. [LR1CA]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Vargas. [LR1CA]

SENATOR VARGAS: Thank you very much, Lieutenant Governor. I'll try to keep this short. I think Senator Wayne and Senator Morfeld touched upon many things, Senator Blood as well, that are some of the issues that I have with this. I am in support of this IPP motion. First is one, I think we've heard this and I appreciate...I actually appreciate Senator Murante calling out the reality that to deny that this is an issue, it is a part of our history that there are laws that disenfranchise people. And that's the reality. And we have seen time and time again there are court cases that are upholding this opinion that voter ID is disenfranchising those individuals that are from lower income backgrounds or are African-American, Latino, or other people of color like myself. And these are people that are eligible voters. And so I appreciate calling out the fact that this is a reality, this is something that we're facing. And that's a reason actually for me not to support something like this, because inherently if it is impeding and it is a barrier to somebody's ability to vote--which is a constitutional right--we should not be doing anything that supports putting additional barriers on individuals that are just trying to exercise their right to vote and have their opinion voiced. The second is, actually what Senator Morfeld claimed or stated is that there is not a compelling state interest, which me not being a lawyer, to me tells me that there is

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not a reason why we should do this. It's very, very simple folks, there's not a reason why we should do it. If there is not a reason, then why are we going down a route of instituting something when there's no inherent problem that we're seeing in a significant amount of pragmatic data. We should be making data-driven policy decisions. And the third reason I'm against this is because of cost. I think we've heard in not only this bill, many bills coming through elections through the Government Committee that cost is when there's an undue burden on counties and this will do that, that that cost is going to be on the taxpayers. And I want to do everything we can to make sure that we are weighing times when we are going to put something on the taxpayers. And in this instance, it wouldn't be a choice because it would be something that we'd be constitutionally required to do if it would be implemented in our constitution. So I'm against this. I hope you'll stand with me against the IPP motion. And I will yield the rest of the remainder of my time to Senator Chambers. [LR1CA]

PRESIDENT FOLEY: Thank you, Senator Vargas. Senator Chambers, 2:40. [LR1CA]

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. That's not nearly enough time for me, but I will say this. This proposal is an affront to the constitution. It clutters it. It degrades it. It demeans the dignity of that document which is the fundamental law of this state. It is the embodiment in this constitution of white, racist supremacy. As for trying to determine the rights of black people by means of an opinion poll or popularity contest, that was done with term limits aimed at a black man. And these white racists had their opinion poll and they put it in the constitution. It was against a black man. And for three decades I was the only black person in this Legislature and everybody in this state knew I'm a black man. And you know what every article in the white media said? Ernie Chambers, only African-American in the Legislature. It wasn't for identification purposes. Everybody knew that I'm black, so why did they bring it up? They're the ones who do it. Then they say I'm the racist because I object. They're out of their minds. Now, I understand that they worked something out on this bill, but when I consider the sleazy, sliminess of the bringing of this I don't trust them. But I'm going to see what they do. And I'm shocked that Senator Murante, an Italian, an "Eye-talian," (phonetically) as they call him, doing the dirty work for these racists. He's looking for a higher office and he's showing them, I may be "Etaliano" (phonetically) but I'm "Americano". Look at the bills I brought. I brought a voter identification bill. I've been against everything that would benefit black people and other minorities. I'm one of you as much as I can be. What more do you want from me? You got the wrong blood and that's what he'll find out. And if he ever runs, I will campaign against him and I will point out his record. And you know why I'm so blunt with this? This is serious for black people. Black people have died by trying to register to vote. And you white people going to sit here and play with it? Not with this man. My time is probably up, but I'm going to...he hasn't said one minute yet. I don't care if we talk about this all day today, all the rest of the session. I'm going to see if the deal that they worked out is really going to be carried through. They know that the thing is not going anywhere; we're going to find out if that's the way



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it is. But they are not going to trick me into saying I'll go along with something without having to feel safe. [LR1CA]

PRESIDENT FOLEY: Time, Senator. [LR1CA]

SENATOR CHAMBERS: Thank you, Mr. President. [LR1CA]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Hilgers. [LR1CA]

SENATOR HILGERS: Thank you, Mr. President. Good afternoon, colleagues. I rise...I do rise in support of LR1CA and against the motion to IPP this resolution. And I will say preliminarily though, I agree with much of what Senator Wayne had to say, although I do disagree with one point that he said, which is that our minds are always made up. It may be true that in many cases the debate doesn't change our ultimate vote, but speaking for myself personally, I listened to Senator Wayne's comments or Senator Morfeld's or Senator Chambers and I can tell you that when you hear new arguments, you hear new information, I listen, I adjust my thinking where necessary, I test my arguments where necessary, and I think steel does sharpen steel. So I always appreciate the thoughtful comments on the floor and I always try to listen as best as I am able. I do want to talk a little bit about the constitutional framework in which this bill is coming forward. But before I do that I do want to address some points made by Senator Morfeld and others regarding the need for this type of legislation. I do strongly disagree with that, because I think it's very plain for a couple of different reasons that voter impersonation and voter fraud is a real issue. One, it happens and we know it happens. It happens here in Nebraska and it's happened in other states. And two, we should know based on centuries of human history that this will happen. And I think in that regard, those who say that the license or the ID requirements for check cashing or opening a bank account or plane travel I think take the wrong lesson from those examples. It's not that we require IDs in all sorts of places so we should require them here, it's the reason for those IDs in the first place. And what I mean by that is in each of those instances we are talking about important end goals. We're talking about where there's human upside to deception: check fraud, money laundering, hijacking a plane. And we know when the barriers to action are low and the upside to human deception are high that fraud occurs. We know that to be the case. That's why we impose some of these requirements. And it is no doubt in this case, in my view, that there is high upside to fraud in elections. Tens of millions...hundreds of millions of dollars are spent on our elections every year. Billions of dollar, as we've shown on this floor this morning, are spent in Legislatures here in Nebraska and around the country. And we know that people will go to great ends to win elections legitimately or illegitimately. And I don't think it's enough to say that we haven't had or that because we've had elections that therefore we've had...there is no fraud. As Senator Morfeld said earlier, he said, well, we've had the greatest test case that we've ever had, and that's the American election. And I think it is true that we have had

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voters, we've had voting, but it's not clear that we've had...it's not indication that we haven't had voter fraud. So what I want to talk about is the constitutional framework that we've been dealing with. And this...and by the way, you don't have to take me word for it, you can take the opinion of Justice Stevens--who is no reactionary conservative--who said in the Crawford decision, which I'll reference in a second, "It remains true, however, that flagrant examples of such fraud in other parts of the country have been documented throughout this Nation's history by respected historians and journalists...". Now, it is absolutely true, and Senator Chambers has pointed that out, that there have been examples of voter ID laws that have gone too far and that have discriminated and have been brought with discriminatory intent. And with that, Senator Chambers and I will have no disagreement at all. But it is also true that under our constitutional framework that a nondiscriminatory voter ID law, one that does not infringe on the right to vote, can be constitutional. And I know that because the Crawford decision that I referenced was a six-three decision by Justice Stevens, in which they dealt with a facial challenge to an Indiana voter law. And in that case, colleagues, the Supreme Court did not say that any and all ID laws would be unconstitutional. [LR1CA]

PRESIDENT FOLEY: One minute. [LR1CA]

SENATOR HILGERS: Thank you, Mr. President. To the contrary, what they said was you could have a voter ID law that was constitutional and the devil is in the details. It is absolutely true that we could create a voter ID law that would be discriminatory and unconstitutional. There's no doubt about it, there's no doubt about it, Senator Chambers. But I believe the intent of this constitutional amendment is to allow us to go within the framework of the constitution and have a voter ID law that does not discriminate, that does not take away the right to the franchise, and that is ultimately constitutional. So with that, Mr. President, I would yield the rest of my time to Senator Chambers if he would like it. [LR1CA]

PRESIDENT FOLEY: Senator Chambers, you have 20 seconds and you're next in the queue, so you've got 5:20. [LR1CA]

SENATOR CHAMBERS: Thank you, Senator Hilgers. Did you say I had 20 seconds? [LR1CA]

PRESIDENT FOLEY: It's now lapsed, but you're next in the queue. You have 5:00 now. [LR1CA]

SENATOR CHAMBERS: Oh, thank you. Members of the Legislature, I cannot talk about this like I talk about anything else. This voting has resulted in black people being lynched. And what I'm going to do, I'm going to bring and read to you all the way some were lynched. They had their teeth knocked out. They were covered with kerosene. They were set afire and when they got

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out of the fire, they were knocked down and put back in the fire. Then before they died, they were strung up and these white racists came and cut their testicle and their penis off. That's what was happening to black people. And you, you all stand here...first of all, anything that you say is going to be constitutional can be done now without defaming the constitution and putting your racism here. Murante brought this, the Italian trying to be white. He's tricking you white people. Senator Hilgers knows you don't have to amend the constitution and dirty it up. Why should a black man be interested in maintaining the integrity of the constitution? It ain't much, but it's all that we've got. It's all that we've got and it's clear it ain't much. Why are there term limits in your white constitution? Because these white people that Senator Murante is trying to cheese up to put it there. And my name was used to get people to sign the petitions to put it on the ballot. Then my name was used to try to provoke people into voting for it. And it was written in all the newspapers and the editorials. And now these white people are trying to say it wasn't done against me, because they do their dirt then they don't want to own it. They want to say it didn't happen like this. Well, it happened to me. And I'm a black man who is going to say it to the face of the ones who did it. You sit up here and make these stupid remarks, like Senator Brasch saying ex-felons shouldn't vote because they haven't been driving cars in the street long enough. Haven't been driving cars? What does she think they did before they went to prison? Oh, well, they don't know how to live in the society. Crazy. Then she said, they don't know enough about the candidates and the issues. They don't know anything about the candidates and the issues. See how she does? And that's the craziness I have to stand up here and listen to. You know why I use these words? Because I use the label that fits what I'm talking about. Was what she said intelligent? It embarrassed some of the white people because I got phone calls from her district, how embarrassed they were, they had never heard anything like it. But they probably didn't...maybe they called her, but if you say it on the floor I'm going to counteract it on the floor and I'm not just using words. Some of these racists who hate me, let them confront me. I don't hide from anybody. I don't carry guns like you all; Senator Halloran packs. They don't mind saying they carry guns. But you're brave when you got bombs. You're brave when you got tanks. You're brave when you got a whole lot of company along with you. But then in Vietnam, as Malcolm X said, that little rice farmer, that rice eater, all he had was a bowl of rice, gym shoes, and a blade. All he had was a blade. But when the sun went down and it was dark, it was even-stein and they whipped your rear end in Vietnam just like they whipped the French at Dien Vien Phu. You have the kill power, then you're courageous. And you've got the votes here to do your dirt. But I'm going to call it what it is. [LR1CA]

PRESIDENT FOLEY: One minute. [LR1CA]

SENATOR CHAMBERS: And it may not be worth anything, but as I quoted Whitney Houston saying, no matter what you take from me, you can't take away my dignity. And I'll be the man you wish you were. And I won't do it in secret and I won't do it with a lot of company and I won't go hiding behind pillars and in these corners doing it. I will do it right here. You will see

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me and you will hear me. And I won't be like my good friend Senator Geist. Well, I believe in compassion and so forth, but I'm not going to do it. I hear that all the time. All these nice statements, then that eraser word "but" to erase everything that was said to justify not doing what you yourself out of your own mouth said you ought to do. Then you're going to sit here in your sanctimonious hypocrisy and ignorance and stupidity. Some people had children in prison and voted against that bill. [LR1CA]

PRESIDENT FOLEY: Time, Senator. Time, Senator. Thank you, Senator Chambers. Senator Murante. [LR1CA]

SENATOR MURANTE: Question. [LR1CA]

PRESIDENT FOLEY: The question has been called. Do I see five hands? I do. The question is, shall debate cease? Those in favor of ceasing debate vote aye; those opposed vote nay. Senator Murante, for what purpose do you rise? [LR1CA]

SENATOR MURANTE: You're wearing a great tie today, Mr. Lieutenant Governor. [LR1CA]

PRESIDENT FOLEY: Thank you, Senator Murante. Record, please. [LR1CA]

CLERK: 26 ayes, 8 nays to cease debate, Mr. President. [LR1CA]

PRESIDENT FOLEY: Debate does cease. Senator Wayne, you're recognized to close on your motion. [LR1CA]

SENATOR WAYNE: For the people at home who see me disappear when Senator Chambers is talking, it's because I got numerous phone calls and my head is like right in the middle of Senator Chambers when he talks. So I move so the camera can focus on him instead of the top of my forehead. And the reason I'm kind of smiling is because yesterday I got a little upset talking about voting rights, and for the same structure and reasons Senator Chambers said what he said today. Years ago someone said the biggest problem facing America--and I'm not going to quote him exactly--is the color line. And although I don't run on social issues, although I don't bring up race, those who know me very often, this year has been one of the most interesting years from a policy perspective because we know the history of how we got here. We know the history of this movement. And because that history has not been cleansed yet, because we know every study shows, Senator Hilgers, the effects that laws like this have. I can't in good conscience vote that way. And when we talk about constitutional amendments, particularly this one, this one is not self-executing. And as an attorney, there is a case that tells you and then talked about self-

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executing amendments and it says basically, anything else the Legislature wants to do there's another provision in the constitution, it has to pass by a threshold of 30 votes. And when we put this on the ballot of photo identification, there are 50,000 different photo identifications. So as much as I would like to sit down in a room with Senator Murante and negotiate, the reality is that any definition we come up with will be litigated because the voters walking into the voting box will think it is just a driver's ID. And that is not the reality of every photo identification that may happen. And because the voters didn't think of that, you have to bring it back. And even if we were to negotiate an agreement, Senator Murante, it would take a super majority of 30 or more votes to pass any statutes regarding any referendum that this state would pass. We actually are making the process a lot more complicated and a lot more litigious through this amendment. So we can continue to talk about the history. And it's interesting, I had a conversation the other day with a mentee and he said, I don't know how you do it. It's like sometimes we don't care. And I said, no, they do. Everybody in here cares. We just got to figure out how to get there. And maybe they don't understand the importance because they haven't visited our community. But I can't wait to go to a branding with Senator Hughes. I can't wait to go to western Nebraska with Senator Brewer, because I think once we get out of this body and stop talking to the lobbyists and the people in the halls and see the people we affect every day, the people who have been here who are 85, 95 years old who don't have an ID...I can take you to one. You can talk to her. She's voted in every election but hasn't has an ID since she was a maid in the early '60s. Go talk to them. Meet them where they are. And we can't ignore the reality and the implications and the practice of what happens... [LR1CA]

PRESIDENT FOLEY: One minute. [LR1CA]

SENATOR WAYNE: ...when we pass laws and when we pass constitutional amendments. This is exactly what we're talking about. This...we're not ready for this. Our country is not all the way ready for this. I got up and listened all this time about LB44 and all the litigation going on about taxes and Senator Hilgers was arguing we should wait because it's being litigated. Why aren't you arguing that this time? This is being litigated all throughout the country. We do not have a clear, defined pathway of what is constitutional. But when it's a tax and we don't like it, we make that constitutional argument. I told you years ago--I say years ago, I feel like I have been here years--weeks ago, I will be the conscience of this body trying to keep us on the same consistency. And that is what we're doing here. Let's be consistent. There's problems in the constitution as far as the constitutionality of this, I mean, and there's problems with this amendment and the historical precedent should be a no vote. [LR1CA]

PRESIDENT FOLEY: Time, Senator. [LR1CA]

SENATOR WAYNE: Thank you. [LR1CA]

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PRESIDENT FOLEY: Thank you, Senator Wayne. Members, you've heard the debate...  
[LR1CA]

SENATOR WAYNE: I ask for a call of the house and a roll call vote. [LR1CA]

PRESIDENT FOLEY: There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, please.  
[LR1CA]

CLERK: 35 ayes, 1 nay, to place the house under call, Mr. President. [LR1CA]

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Groene, if you could check in. Senator Morfeld, check in, please. All unexcused members are now present. The question before the body is the pending motion to indefinitely postpone LR1CA. A roll call vote has been requested. Mr. Clerk. [LR1CA]

CLERK: (Roll call vote taken, Legislative Journal page 1426.) 18 ayes, 25 nays, Mr. President, to indefinitely postpone the bill. [LR1CA]

PRESIDENT FOLEY: The IPP motion is not adopted. I raise the call. Senator Murante, you're recognized to open on LR1CA. [LR1CA]

SENATOR MURANTE: Thank you, Mr. President... [LR1CA]

PRESIDENT FOLEY: Excuse me, Senator. Just a moment. Speaker Scheer, you're recognized.  
[LR1CA]

SPEAKER SCHEER: Excuse me, Senator Murante. Colleagues, I just wanted to do a couple of things. First, before I forget, my office erred in putting LB519 on the agenda this morning. There is a day layover that we neglected when we put it on. So for the record, members, LB519 was placed on the Final Reading today in error, as it was correctly engrossed yesterday and ineligible for Final Reading until Wednesday, May 10, after the constitutionally required one-day layover. Because of this, the Journal will reflect that no Final Reading vote was taken on the bill; and LB519 will reappear on the agenda the next time we take up Final Reading. Having taken care of LB519, in relationship to the agenda and the rest of the year, we have done quite well. We are at the point where we are not on the downhill, we are at the bottom of the hill. And my expectation,

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looking at what we have left to work with and the amount of things that are in front, realizing we will probably have some vetoes in front of us, it will be my intent to go sine die on May 23, the 86th day. We are at the point where probably next week I will have to dig down into General File to find things for us to do during the day. All bills that have...all bills have received time on the floor. There are bills that have not been back because of lack of support, but each and every bill, including those with General Fund implications, all received their time on the floor. The only bills that were not heard on the floor are those bills that are still in committee. We have done an extremely efficient time on the floor. You are to be commended. We have worked through quite probably one of the hardest sessions that I've been involved in, in the five years that I've been here, but we've done it very well. I think we have taken the time to thoroughly discuss bills. And one thing that I would note, although I think there was apprehension on our three-hour block system, those bills that were placed on the three-hour blocks had, in my opinion, really good discussion. We actually debated the topic. We weren't worried about trying to kill a bill so we listened and we talked about the merits of each and every bill. That has never happened in the four years that I have been here previously. Those bills that may not have been able to get back on the floor still served their introducers well because it has set the groundwork for those in the future because we actually listened to what was being said and had good dialogue in relationship to those. As far as scheduling, tomorrow we will take up LB632 in the morning, LB496 and LB415 in the afternoon. There possibly may be others, but right now that would be what I would be looking at for Wednesday. Thursday morning will be LB651 and, again, I anticipate that one probably running a three-hour period. We will then adjourn for a long weekend and well deserved. Coming back Monday, I have blocked off two complete days for veto overrides. Monday may have some General File in it. We have at least two legislative resolutions that need to be debated on the floor that have come out of the committees. There may be a few more as committees meet and perhaps bring some out, but we will have discussion on those. I have talked to the Governor in relationship to all the bills that are left in the process, and there does not seem to be a conflict with any of those. So there will not need to be any type of a five-day layover. So what is still in front of us we can adequately debate. If we pass, I do not believe there is a threat of any veto on any of the remaining bills. So with that, I thank you for all your hard work. Hopefully, most of you will appreciate the early out. And I appreciate everyone's time and dedication during the session. Thank you, Mr. Lieutenant Governor.

PRESIDENT FOLEY: Thank you, Mr. Speaker. Senator Murante, you're recognized to open on LR1CA. [LR1CA]

SENATOR MURANTE: Thank you, Mr. President and members. Good afternoon. I think the last vote shows us where we are in terms of the support in the body. And so I think we know where we are going. I will just respond a little bit to some of the remarks that have been stated on the floor. First of all, it has been...it was stated on a couple different instances that study after study show that all voter identification laws demonstrate a suppressant effect towards minority

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turnout. That is factually inaccurate. First of all, there is a wide variety...studies have concluded different things and the reason for that is not all voter identification laws are the same. The intent for the establishment of many of those voter identification laws are very different. And depending on how restrictive or how flexible those voter identification laws are, determine the suppressant effect. I believe that there is not a single person on the floor of this Legislature that would vote for an overly restrictive voter identification law which would suppress the turnout of any voter, regardless of their color. That's my belief. But second, colleagues, especially the members of my class who have been...unfortunately, they've had to listen to me talk about election policy for the last five sessions. You know my record. When it became apparent to me that the MUD board had never elected a person of color by the virtue of the fact of having at-large elections I went to work, recognized that as a civil rights problem, introduced, passed, and the Governor signed a bill to move them to district elections. The OPPD board also had never elected a person of color. They also had at-large elections. I introduced, passed...this Legislature passed and the Governor signed a bill moving OPPD to district elections. I'm currently working with my friends in Lincoln who have identified...I have a map sitting right next to me which identifies that fully half the geographic area of the city of Lincoln does not have a person elected to the city council for their at-large seats; hasn't been elected since 1999. The precincts incorporated in the parts of town which have never had a person elected from it just happen to be among the highest concentration of minority voters. Senator Hansen introduced last year a legislative resolution to study our election technology. That committee was chaired by me and issued a report, and in that report among the highest principles was ensuring that not a single person, when we buy election technology, when we replace the equipment that we have--and that day is coming soon--it is going to have to take into account, especially the disabled community, in ensuring that not a single person is deprived of the right to vote because of the equipment that we buy. And it's not just election law, it's also when redistricting. Look at the redistricting bills that I've introduced. Among the highest principles in those bills, we rank in those bills the order of priority of the traditional redistricting principles. At the top of that list is defending the rights of minority individuals to have districts of their own when appropriate under the constitution. My record on this is clear. I do not and will not support legislation which inhibits the rights of any voter, including minority voters, to vote. Every person who is legally entitled to vote ought to be allowed to cast a ballot, and we should fight for that. But I do not believe that a well-crafted voter identification law that is supported overwhelmingly by our constituents has that deterrent effect. Responsible legislators can get together and pass that legislation. And the issue that there's no problem, folks, whether or not you believe the voter identification laws are appropriate or not, we have a problem with voter confidence in this country. You don't have to take my word for it. Look at the 2016 Presidential election. Prior to that election you had a Presidential candidate telling the American people that the election was rigged and a majority of his supporters believed it. And after that election when the opposite side lost, a candidate raised millions of dollars for the purposes of conducting a recount because she sold a bill of goods to her constituency that the election was hacked, that the results were not what they said they were.



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Millions of dollars raised from people on the left who believed that fraud resulted in the outcome that it did. Both sides of this country have a trust gap and that has two fundamental problems. First, if people tell us that they do not believe in the election systems, that they do not have confidence that their votes will count, they are telling us that they will not vote. It is among the top reasons why individuals say they won't vote. And second, it was before the election when Donald Trump was saying the election was rigged, it was Hillary Clinton and her team who correctly identified that if you don't accept the election results, if you don't have confidence in the election system, we are jeopardizing the peaceful transfer of power in this nation. That is the lack of confidence that the American people have in our election systems; millions of dollars. The polls are clear. We could choose to do nothing. We can choose to believe that the problem doesn't exist. This is one simple step to improve that confidence, to help the American people believe that everyone who is at the polls casting a ballot is who they say they are, that they live where they say they live, and that they are legally entitled to vote. I will spend the next eight months of this year traveling around the state of Nebraska discussing this with county election administrators about how we can better identify and improve our election systems. I have spoken with Senator Bolz, Senator Stinner about the need for investing in election technology, because there will come a day where the issue of driver's licenses and which form of government issued photo identifications are appropriate becomes obsolete with technology. It's probably not that far down the road. But that's an investment we are going to have to make. And I am going to continue fighting to make sure that our election systems are something that the people of Nebraska can be proud of and have confidence in. We can't continue to have a situation where election offices are still counting ballots at 5:30 the following morning. To me, to the vast majority of my constituents, to the vast majority of Nebraskans, to the vast majority of Americans, they see this as a common-sense approach. They don't see the deterrent effect. And you know what's interesting about those polling numbers? That crosses across racial lines. It's not just 80 percent of whites, but 77 percent of nonwhites support voter identification laws, after all the conflict, after all the history that's been stated on this floor, everything that's been stated here today has been stated in legislatures across the country. And 77 percent still believe that it's the right thing to do, even in states where voter identification laws have been imposed. They don't see it. I don't understand it. I realize that other states, particularly in the South, have done things the wrong way and far too recently. It's true. That doesn't mean it can't be done. We can do it. We could lead by example. We can be the state where this doesn't become the wedge issue and drive people apart, where reasonable people can sit down and figure out... [LR1CA]

PRESIDENT FOLEY: One minute. [LR1CA]

SENATOR MURANTE: ...what identification is appropriate, what's the remediation if they don't have that identification? I think we can do it. I think if you put this on the ballot, 75 percent of Nebraskans vote for it, overwhelmingly. I don't think it's even close. And if the voters of the state of Nebraska support it, I'll be back here with you crafting a voter identification law that does not

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suppress a single vote. That's my commitment. So whether this passes today or not, I think it's unfortunate but I think we know where it's going. But my commitment to the election systems in this state will continue regardless of the outcome of this vote. Thank you, Mr. President.  
[LR1CA]

PRESIDENT FOLEY: Thank you, Senator Murante. Mr. Clerk, you have a motion on the desk.  
[LR1CA]

CLERK: Mr. President, I do. Senator Murante would move to invoke cloture pursuant to Rule 7, Section 10. [LR1CA]

PRESIDENT FOLEY: Senator Murante, for what purpose do you rise? [LR1CA]

SENATOR MURANTE: Mr. President, I'd ask for a call of the house and a roll call vote.  
[LR1CA]

PRESIDENT FOLEY: There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please.  
[LR1CA]

CLERK: 25 ayes, 0 nays, Mr. President, to place the house under call. [LR1CA]

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. The house is under call. Senator Stinner, the house is under call. Please return to the Chamber. All unexcused members are now present. Pursuant to an agreement between the parties and the Speaker, it's the ruling of the Chair that there has been a full and fair debate afforded to LR1CA. The first vote, members, is a motion to invoke cloture. A roll call vote has been requested. Mr. Clerk. [LR1CA]

CLERK: (Roll call vote taken, Legislative Journal pages 1426-1427.) 25 ayes, 17 nays, Mr. President, on the motion to invoke cloture. [LR1CA]

PRESIDENT FOLEY: Excuse me, Mr. Clerk. I think it's 26 ayes. [LR1CA]

CLERK: I'm sorry. 26 ayes, 17 nays, yes, sir. [LR1CA]

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PRESIDENT FOLEY: The motion is not adopted. Items for the record, Mr. Clerk. I raise the call. [LR1CA]

CLERK: Mr. President, items. A communication from the Governor to the Clerk: (Read re: LB97, LB152, LB172, LB223, LB253, LB257, LB300, LB323, LB346, LB478, LB481, LB509, LB509A and LB605.) Mr. President, a series of study resolutions: LR154, LR155, LR156, by Senator Howard; LR157 by Senator Bolz; LR158 by Senator Williams; LR159 and LR160 by Senator Hughes; LR161, LR162, LR163 by Senator Smith; LR164 by Senator Quick; Senator Brasch offers LR165, that will be laid over; LR166, LR167 by Senator Morfeld; LR168 by Senator Lowe; LR169, Senator Williams; LR170 by Senator Groene; LR171 by Senator Brewer; LR172 and LR173 by Senator Wishart. Mr. President, I have a Reference report referring LR151 to Judiciary Committee for purposes of a public hearing. (Legislative Journal pages 1427-1439.) [LB97 LB152 LB172 LB223 LB253 LB257 LB300 LB323 LB346 LB478 LB481 LB509 LB509A LB605 LR154 LR155 LR156 LR157 LR158 LR159 LR160 LR161 LR162 LR163 LR164 LR165 LR166 LR167 LR168 LR169 LR170 LR171 LR172 LR173]

And, Mr. President, Senator Ebke would move the body adjourn until Wednesday morning, May 10, at 9:00 a.m.

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