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Floor Debate  
March 23, 2018

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[LB295 LB389 LB640 LB731 LB738 LB738A LB827 LB841 LB845 LB865 LB902 LB906  
LB940A LB940 LB944 LB947 LB994 LB1009 LB1040 LB1089 LB1091 LB1103 LB1132  
LR366 LR367]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-eighth day of the One Hundred Fifth Legislature, Second Session. Our chaplain for today is Pastor Gregg Gahan from the Craig-Alder Grove Parish in Craig, Nebraska, Senator Brasch's district. Please rise.

PASTOR GAHAN: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Pastor Gahan. I call to order the forty-eighth day of the One Hundred Fifth Legislature, Second 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.

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

CLERK: Mr. President, your Committee on Enrollment and Review reports LB1132, LB1009, LB1091, LB865, LB827 to Select File. Senator Harr, amendments to be printed to LB947, and lobby report, as well as the acknowledgment of receipt of agency reports. That's all that I have, Mr. President. (Legislative Journal pages 1121-1133.) [LB1132 LB1009 LB1091 LB865 LB827 LB947]

PRESIDENT FOLEY: Members, the speaking queue always opens as soon as the Clerk announces a bill, just for your information. Members, the cookies distributed on the floor of the Legislature today are in celebration of the birthday of Senator Brett Lindstrom. Happy birthday, Senator Lindstrom. Thank you for the cookies. We'll go right to the first bill. Mr. Clerk.

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CLERK: Mr. President, LB944 is on Select File. Has been considered. Two amendments adopted. I do have an amendment as ordered by the Speaker pursuant to his authority under the major proposal rule, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Stinner, if you would like to take a couple of minutes, then we'll go directly to the first amendment that the Speaker has ordered. If you care to use this, Senator Stinner, you're welcome to a couple of minutes. [LB944]

SENATOR STINNER: Thank you, Mr. President. LB944 is the mainline budget. Today, we're going to discuss Title X. Title X has been one that we've spent a lot of time on. People have had opportunities on the mike. We will have an up and down vote on this Title X today. After that, we are going to have a vote probably on cloture for this part of the budget. We need 33 votes to get it passed. I'm not sure that I'm going to be capable enough to convince everybody in here, or 33 people in here, that passing the budget is absolutely critical. Lots of bad things will happen, can happen. Certainly, the uncertainty that we leave agencies with, the \$83 million of deficit requests. There's DD funding adjustments in there and reimbursements. There's a lot of things in play. And so I would hope that we could figure out a way forward and use...try to use our judgment as it relates to proportionality. This is \$1.7 million. I didn't know last year about Title X. And I led the charge along with Kate Bolz, I led the charge to remove Title X simply because we didn't go through the process, simply because I didn't know about Title X and it was my fault, I took blame for it. And we did that, we pulled it out. We had a hearing this year. The hearing went for most of the afternoon. And it clarified a lot of things in my mind about Title X. It's \$1.7 million. There's 40 some providers. Planned Parenthood, who obviously is the center of attention, gets \$250,000 or so dollars. And it's important to them and I think Planned Parenthood on the clinical side is an important function. I think they had passionate people at our hearing. I think it's important. And I think it's important everybody listen to the amendment and try to measure what that all means. But at the end of the day, at the end of the day, we really do need to pass this budget. Lots of bad things happen and the further on we go, the more emboldened people get in their positions. My fears are that we end up at the end of the session and then the Governor will dictate what we look at in a special session. It will take away from people running for election in your time to get around before the primary. There is just a lot of bad things can happen. So I would appreciate a robust discussion today on Title X, an up and down vote to see where we're at on Title X. I don't know precisely what the amendment is. And then we move to the budget and let's find 33 votes to get that to Final. Thank you. [LB944]

PRESIDENT FOLEY: Thank you, Senator Stinner. Mr. Clerk. [LB944]

CLERK: Mr. President, Senator Pansing Brooks would move to amend with AM2346. (Legislative Journal page 961.) [LB944]

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PRESIDENT FOLEY: Senator Pansing Brooks, you're recognized to open on AM2346. [LB944]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. Well, I want to thank the members and the people who have been working hard to negotiate and to try to come up with a positive solution on how to move forward. And, of course, this is a difficult issue and we haven't had sufficient time. It has been very difficult for people to come together and find common ground. So what's left? Get it out of the budget. That's what we said last year. That's what this bill does, this amendment. This amendment says take the Title X language out of the budget, bring a bill next year. We said that last year many times. Those of you who believe that this should happen and that Title X should be cut from any kind of interjection of dollars into our state, then bring a bill and do that. And if not, then what we are allowing, if we move forward on this, is an ability for the executive branch to reach into this legislative branch and start telling us what we will or will not do. Senator Murante brought a bill saying that all of those bills that we passed in the past, we're going to change those "shalls" to "mays". Again, that was brought on behalf of the executive branch. The executive branch knows better than the Legislature and here we asked last year about whether or not, whether this should go forward as a bill. Everybody decided it should go forward as a bill last year, and that we should remove it. But again, it was brought back within the budget. And it's being couched as, oh, well, these people if they vote for it are pro-abortion. I resent that. I resent that. To say this is a pro-life amendment, what about the lives of those women that have cervical cancer? When you vote, that's part of what you're voting against, their access to healthcare. But that's okay, because we haven't expanded Medicaid. We haven't done a lot of things. And you know, this is more of the Marie Antoinette let them eat cake theory. Oh, they can't afford it? Well, let's just...how it is. Too bad they couldn't pull themselves up by their bootstraps. This is about women. This is about access to healthcare. We all know it. We know that there's separation. If the federal government saw any kind of infraction, they would deny Title X dollars to Nebraska. There are all 40 clinics out there....40 that handle 29,000 women and men in Nebraska, 29,000. That's almost one of our legislative districts. Whose district? Which one of you is willing to give up healthcare for one whole section of your district, one whole part of the district? We represent about 34,000 to 36,000. So basically that's the same as saying one whole district of our state does not deserve healthcare, women's healthcare, access to all sorts of healthcare entities. And Nebraska, no matter what you think about this flash point and this fact that we want to inject this into the budget, what is it next year? What are we going to be discussing next year? And how is it going to change as Governor's change? Remember, not too long ago the body was split among progressives and conservatives about equally, 24, 25. So are you ready for what could happen? Shall we inject guns into the budget? Shall we inject...what is your flash point? Water Sustainability is in there. Nebraska, we haven't even had a chance to talk about that. We haven't had a chance to talk about many of the important things because they know, the executive branch knows that this is a flash point and that we will talk about it. So what is it that we aren't talking about that is the goal, because there is no question that this was placed in here fully knowing that we would not get to the discussion, the

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actual discussion of the budget. And by the way, we passed...others will speak to it, but we did pass the biennial budget last year. So we did follow our constitutional duty. Should it be adjusted? Yes. Should we discuss those adjustments? Definitely. But instead, we have to stand on principle, on the principle that we are the legislative branch. We are separate from the other two branches. And yeah, there is a flash point here and I understand that flash point about pro-choice versus antichoice and whether or not Planned Parenthood should be in there or not. But again, these are pass-through dollars. If there is something illegal going on, the federal government will say, that's it, Nebraska no longer gets Title X dollars. So instead, we're using smoke and mirrors and making this about, oh, this is really terrible for our state and we need to be going forward and, you know, get this out of our budget. We're a pro-life state. I would say we are a pro-birth state because the lives of these women that are helped and aided, the 29,000 people that are helped that are low-income, where is that discussion by the executive branch? Where is the discussion about, yeah, we know that 29,000 people are really in trouble and could be hurt. We can do this instead. No, there's nothing...no talk about that. There is no talk about helping the 29,000 other people. So this is not pro-life. It's about pro-birth. And fine, I believe in birth, too, and I'll protect it. I voted for that pro-birth, pro-choice license plate last year because I do believe in a choice. But I also believe in protecting the lives of our citizens, protecting the lives of the people that elected us that are in need. I came here not to represent my colleagues professionally. I didn't come here to represent all the lawyers. I did not come here to represent the people in my district...well, I did come partially to represent some lawyers at different times on different issues and...but I mostly came here to represent those who are voiceless, those who are in need, those who are hurting, those who do not have appropriate access to healthcare. And so I say to you, let's move this out and move on, or meet us at the table and really try to give some substantive negotiation. There has been no effort. I've been probably one of the strongest opponents to this. No one has communicated with me. Nobody has pulled me into a meeting. I trust those who are working heartily on this. I appreciate the efforts of Senator Wishart, Senator Vargas, Senator Bolz who are working hard to help remind people of the... [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR PANSING BROOKS: ...importance of healthcare for women and poor women and poor men in our state. I appreciate that. But no one is coming to the table with an intention to try to work on this. Right now, no one has a concern that there is a reach into our legislative body from the executive branch. I don't think it's appropriate. I think it's a pernicious and determined attempt to discriminate against women's healthcare. We know we're not talking about very many and how it's separated, we know all that. This is about women's healthcare, women's lives, and I will continue to stand up every year to battle this if this is brought into the budget and whatever else is brought in, even if I agree to it. This is a reach...an overreach by the executive branch into our process. Thank you, Mr. Lieutenant Governor. [LB944]

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PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Debate is now open on LB944 and the pending amendment. Senator Krist. [LB944]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. I hope we'll have a robust discussion about this issue today. And let me be perfectly frank and restate those things that I have stated before. If, Mr. Governor, you want to make this a permanent change in policy in the state of Nebraska, there is a right way to do that. That is to have someone submit a bill on behalf of yourself, take it to the right committee of jurisdiction, and make a permanent change if they bring it out of committee and bring it here to the floor for three rounds of debate. I disagree with Senator Stinner that they had all the debate, all the committee hearings that they needed to have to bring it to the floor, that it was a proper thing to do. It was not. It was not. And let me tell you, the press and the media and how the administration is twisting up three of my colleagues. Folks, you all know that that budget came out 9-0. Nine members of the Appropriations Committee voted to bring the budget out. Internal to Appropriations in the process that they take, they can take straw votes and they can take nonrecord votes. Now, think about that in terms of the standing committees in this body. Every vote I take, everything I put out of the committees that I belong to is a matter of public record. Not so in Appropriations. So throwing those three members under the bus was inappropriate and it again was the lack of understanding on the Governor's part about how this branch of government works. It was disingenuous. Those three members voted not to bring this issue to this floor. They did it in committee. So let's set the record straight. They didn't flip-flop. They didn't change their mind. They haven't been convinced yet that they will vote for cloture and move this bill forward. I will not vote for cloture until this particular item is taken out of this budget. We've got 12 days left. And the art of negotiation, as has been said on this floor many times, is that no one is really happy at the end of the day. There are other amendments that have been discussed and dismissed. And for Senator Hilgers who said he was going to have an active discussion and he was going to negotiate, shame on you. Everything that's been brought before Senator Hilgers and this administration and they're out here, you can ask them, they've dismissed. They don't want to talk about it. They don't want to talk about negotiation. They want what they want. This reminds me very heartily of the death penalty debate that we had in this body several years ago. I want what I want, and I'm going to pay for it, and I'm going to get it and by God, I'm going to finance the campaign to tell all of you in the Legislature you did the wrong thing and I'm going to get rid of you. And I'm going to go out and throw Republicans under the bus. I was in the room when he called out several of us, 12 or 13 Republicans, Senator Hilkemann being one of them. You didn't do what I wanted you to do. Shame on you. Voters of Nebraska, give me the Legislature that I need and I can lead this state. No, I can get my way. Translation, I can get my way. When the Governor will come to the table and talk about this and negotiate in good faith, I will vote for a budget. Until then, I am still not one of 33 votes that will move it forward. Now, am I being obstructionist? No. Because I believe in this branch of government. I believe after ten years of service that you don't circumvent the system. This is a

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single subject matter for me. We talked about that several times. There is a right process and there is the wrong process. [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR KRIST: Thank you, Mr. President. It's time to lead. And I am standing up here on the floor today and I'm saying, I am leading. Just like I went for a veto override when the Governor took away funds from my daughter and her community and the disabled community and those providers and it's still happening today. I've got a list and Senator Crawford and Senator Howard have been brought into a discussion, we have a list of people that, oh, it's too late to do anything about it. We're going to take all of your SSI money. You're going to be okay. You're going to have \$400 a month, \$400 a month. Let me not get off track. It's time to lead. And if you could stand up on this floor and you can tell me that this is the right thing to do, I hope your constituents are listening to you. We've got 12 days. Let's bring them to the table. Let's have a discussion. Let's get this thing out of the budget. Let's have a negotiation and have a fair result. Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Crawford. [LB944]

SENATOR CRAWFORD: Thank you, Mr. President, and good morning, colleagues. I rise in support of AM2346 and I tell you, colleagues, I do not want any taxpayer dollars spent for abortion. I have no zeal for abortion in any way. I do have zeal for our federally qualified health clinics who provide care to so many people who fall through the cracks, so many people who fall through the cracks who would not get care otherwise. I have a zeal for people who are victims of rape or incest, who need someplace to go to get care, to have someone to help them take their needed tests, get their physical care that they need. One of the concerns in addition to the single subject, constitutional concern that we've been talking about over and over again, colleagues, I just ask you to pay attention to a couple of pragmatic issues that arise as you address...if you try to put this language in the budget. One of the challenges that's been happening over the past two days, as people have been working very hard on possible amendments, is that it's very complicated and when you're trying to put up some kind of separation language, you can often end up harming someone you don't intend to harm. And that's a fundamental problem with the language that's in the budget already. It is language that harms what it's not intended to harm. There are already federal laws against any of this money being used for abortion. There also already federal regulations that require financial and physical separation in Title X services. So we already have those guidelines in place to protect and make sure the money is going where it's intended to go. When we try to complicate that by adding state level language, again, there are complications in terms of how it gets interpreted in terms of the ability of our FQHC's and other clinics all across the state to comply with those regulations and meet the healthcare needs that

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they're trying to meet. That's why having this policy in an actual bill is so critical, so that there is time and effort to iron out all of those complications. In a budget, we have so many other pieces and parts to discuss, the time line gets very compressed. It is not a time or a place when you can actually make sure that you do what you're trying to accomplish and not harm anyone else that is simply providing important critical care for our low-income patients, for our men and women and children all across the state. And colleagues, I am happy to work on additional firewall language or other kinds of language to make people feel more comfortable if it comes in the form of a bill to Health and Human Services Committee where there's actually an opportunity to work on that language and make sure it accomplishes what it's intending to accomplish. So I ask you to be patient. Don't try... [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR CRAWFORD: ...to put this language in the budget as unintended consequences. Recognize we do already have regulations and protections to prevent taxpayer dollars from going to abortion. We have federal regulations to protect financial and physical separation in Title X dollars. And so, let's make sure that we address all those other things that we have in our budget. And including services...support for our providers, support for our services DD, families. Let's make sure we're getting those things done and then let's talk about what kinds of firewalls or protections or barriers that you want to put in place in an actual bill where there is actual conversation and debate and discussion, in Health and Human Services and with people who are able to really focus on that question and that question alone in the form of a bill. I ask you to please vote for AM2346. Let's postpone this conversation to when we have a focused arena... [LB944]

PRESIDENT FOLEY: Time, Senator. [LB944]

SENATOR CRAWFORD: ...and time to talk about how to do that, how to accomplish those purposes that may be desired... [LB944]

PRESIDENT FOLEY: Time, Senator. [LB944]

SENATOR CRAWFORD: ...in a more effective way. Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Howard. [LB944]

SENATOR HOWARD: Thank you, Mr. President. I didn't sleep very well last night because I was really nervous about today. I have seen a variety of versions of amendments to this Title X

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language and I've tried to be invested in that partially because I think I'm the only person in the room who has ever worked Title X, worked a Title X grant, written a Title X subcontract, and reported on Title X in the room and spent any time with the federal regulations. But I also wanted to make sure that everyone understood that the language as written excludes the federally qualified health centers. So the language as written even if we move the budget today, does an incredible amount of harm to about 20,000 patients who are served by Title X right now today. And for that reason, I will vote for AM2346 and I will not be voting for cloture today. And it is heartbreaking to me that this type of politics has been inserted into our budget because this is our one obligation that we have to do every year, every other year, actually. So there has been some confusion specifically about what this is. Is it a budget, is it a budget adjustment? There's a 50-day rule and I didn't quite understand it. And so I was hoping Senator Morfeld would yield to a question. [LB944]

PRESIDENT FOLEY: Senator Morfeld, would you yield, please? [LB944]

SENATOR MORFELD: Yes. [LB944]

SENATOR HOWARD: Senator Morfeld, what are the consequences of us not moving this bill today, or not meeting the 50-day deadline that's in the rules? [LB944]

SENATOR MORFELD: I talked to the Clerk's Office and the Fiscal Office and my understanding is that there are no consequences. And, in fact, this has happened many times before in both the short session and a long session. [LB944]

SENATOR HOWARD: And so have we ever missed that 50-day deadline before in a long session? [LB944]

SENATOR MORFELD: Yes, we've missed it nine different times over the last 33 years in a long session. [LB944]

SENATOR HOWARD: And how many times have we missed it in a short session? [LB944]

SENATOR MORFELD: Eight times in the last 33 years we've missed the deadline in the rules in the short session. [LB944]

SENATOR HOWARD: So colleagues, if this bill doesn't move on cloture today, it will not be the end of the world. We have done it before. We can do it again. My intention will always be to ultimately vote for this budget because it has a lot of good things for Health and Human Services

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and for children and families. But I would never want to harm the FQHCs in the meantime because somebody tried to play politics with our beloved Unicameral Legislature. And I'm going to yield the balance of my time to Senator Schumacher because he has really been talking to me a little bit about the affront of substantive legislation...substantive language being inserted into a budget document in order to stall out essential government functions. And so with that, I will yield the balance of my time to Senator Schumacher. [LB944]

PRESIDENT FOLEY: Thank you, Senator Howard. Senator Schumacher, 2:00. [LB944]

SENATOR SCHUMACHER: Thank you, Mr. President, and thank you, Senator Howard. Very few days in the past eight years when we've been in session have I not been in my seat. And often when the chatter starts, I look up at those murals and try to think what those people are thinking. They were coming for free land under the Homestead Act. But more than that, they were escaping the tyranny of kings and bishops and arrangements between kings and bishops. They were distrustful of government and didn't like it. That's why in their constitution they expressly said, the rule-making authority, the legislative authority shall be vested in a Legislature and they knew that Legislature would fight like cats and dogs and do only what was necessary and clearly in the public interest. We are being asked by the executive branch, essentially, to make a change in policy and there has not been a good case made. The Title X thing has been the way it's been for years and everything has worked fine. So what is really going on here? [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR SCHUMACHER: The Legislature is strong in our Constitution. The Governor is weak, and people battle for power. Our Supreme Court has addressed the issue way back in 1947, so this is not a new thing. The purpose of constitutional provision was designed to prevent...was to prevent designing legislators, concentration of power, and the governor and the lieutenant governor, that keep formation of kings from including in bills appropriating money to carry on the government of the state, measures and objects foreign to that purpose and thus taking advantage of the necessities of the state, force the Legislature to adopt them, or defeat them or defeat the appropriation, and thereby stop the entire machinery of government... [LB944]

PRESIDENT FOLEY: Time, Senator. [LB944]

SENATOR SCHUMACHER: ...for want of funds. [LB944]

PRESIDENT FOLEY: Time, Senator. [LB944]

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SENATOR SCHUMACHER: Thank you. [LB944]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Hansen. [LB944]

SENATOR HANSEN: Thank you, Mr. President, and good morning, colleagues. Colleagues, I'm going to rise in support of Senator Pansing Brooks's amendment. But I need to talk about process a little bit. A couple times it's been said we've had a full and fair debate on the budget. Colleagues, this is my second time being able to speak on the budget. We've gone to cloture twice and I've been down in the queue. At one point I was 25 or 26 down in the queue. I looked today, if I turn on my light again, I might be there again. If we get two hours to debate and 26 people want to talk, two of them don't get to. That's how that math works. Maybe three or four, depending how long the motion or how long the introduction gets to go. When we get two hours to discuss four and a half billion dollars, I challenge any of you to say that is enough. That is enough time to do the business of people of the state. Now, I know we've been tunnel-visioned on one particular subject of the bill, and I think that goes to show how complex that subject is. I took exception to some of the things we took and I was going to object when I got knocked out of the queue because of cloture on Wednesday when we talked about the budget. They were talking about supporters of removing the Title X language were filibustering the budget. How can we filibuster the budget if we're not even in the queue to talk? I will challenge everybody to think back and reflect on all of the hours we've spent on the budget. Who have you heard getting up and talking? I'm going to say there is one person who has gotten up and talked the most and that is Senator Hilgers. Senator Hilgers has gotten in the queue early and I give him credit for that, and he's gotten people to yield him time and I give him credit for that. Those are good...those are smart tactics. But when he gets just to talk a dozen or so times and then all of a sudden the allies of his get up and accuse other people of filibustering the budget, I don't think that's fair. If he wants to get up and talk a dozen or so times about the complexities, the statutory interpretation, federal law, supremacy, and all that, that's fair. That's a good debate to have on the budget, except it isn't because that goes to show how inappropriate it is for this language to be in the budget. We have to spend an hour or so of the nine hours we're allowed on four and a half billion dollars just going over a basic summary of constitutional law and statutory interpretation, why on earth is that provision in there if we have to start off with the premise of, we have to explain it, it's in a pure justification for more time than people get up and criticize it. Colleagues, I don't think that's fair. I don't think that's full and fair debate. And that is one of the reasons I've been objecting to cloture. There is no rule that says when cloture has to come in the budget. It's when the presiding officer and functionally the Speaker decides full and fair debate has happened. Ask yourselves, have we actually gotten full and fair debate? Look at all of the amendments that have been filed and I believe a lot of them...all of them are sincere, that we haven't gotten to vote on. Think about that. I've been hearing rumors today that we're going to get two hours on this. Two hours before cloture. I know we've got to talk, but two hours before cloture, as I said before, is less than half the body getting to speak once. If people could yield the

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time or people whatnot, that's even less. Ask yourselves if we're really doing the business of the people when we say, no, it is time to just move on, we have to spend four and a half billion dollars. We have to spend all of this money and you don't even get to talk the third time, Senator Hansen. I'm going to turn on my light and, hopefully, will get back in the queue. But if I have any remainder time left, I think Senator Schumacher was mid-sentence when Senator Howard's time yielded out. So I yield my time to him. [LB944]

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Schumacher, 1:15. [LB944]

SENATOR SCHUMACHER: Thank you, Senator Hansen, and thank you, Mr. President, for the opportunity to speak. Basically, apart from any of the issues that we can imagine that might be interjected into the budget and have to be rehashed year after year after year, I guess biennium after biennium after biennium, because the budget language only lasts for a biennium, killing these, time taken away from the discussion destroying the process of focus on the budget and the appropriation of money, policies determined should be determined elsewhere. This is terrible precedent. A terrible change. A terrible power grab that can be used over and over again by those who seek to destroy a constitutional system that's been set up by the people of this state to vest the power in this room for us to haggle back and forth, and to make policy and try to do what's good. I don't have my light on. My dead hand is falling off the helm... [LB944]

PRESIDENT FOLEY: Time, Senator. [LB944]

SENATOR SCHUMACHER: ...and it's going into your hands. Thank you. [LB944]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Hilgers. [LB944]

SENATOR HILGERS: Thank you, Mr. President. Good morning, colleagues. I rise in opposition to AM2346 in support of the original language in LB944 as well as the rest of the budget, language in that bill, and I appreciate the conversation this morning. I want to refocus on a couple of things that I think...I think it's important to sort of clear up a little bit of what the status quo means for Title X funding and what the change in the language that's in LB944 would actually do. And that is, we've had a pretty significant conversation about what federal rules apply and what federal statutes apply and what might impact access to Title X funds and what might not. And we've had some, I think, good conversation and debate about the inner play between the Weldon Amendment and Federal Regulation 59.5 and which one applies and how do you interpret one versus the other. And we had this discussion on Wednesday and I want to sort of clarify the interpretation that I think matters the most. And there's an old saying that the one who controls the gold, controls the rules. And in this case, the one who gives the money, Title X, the federal government, controls the rules that apply to the recipients who receive those

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funds. And the federal government under this administration has said very clearly that the interpretation that matters is the interpretation that we have put forward, the proponents of the original language of this bill have put forward on the floor, which is the Weldon Amendment conflicts with 59.5 and that those grant recipients who follow the earlier in time regulation that's superseded by the Weldon Amendment put their funding at risk. And this is what I quoted from the federal register that was issued in January 2018. And maybe on another time on the mike we'll go through again that statutory interpretation. But federal DHHS has said that the Weldon Amendment applies and those recipients who do not abide by the antidiscrimination rules, which are broader than conscience rules, risk their funding. In fact, what DHHS has said, if they were to become aware of a potential violation of federal healthcare conscience and associated antidiscrimination laws, then they would take action and enforcement mechanisms would include termination of relevant funding in whole or in part, clawbacks referral to the Department of Justice or other measures. So I disagree with Senator Schumacher that this policy has worked for years because we have had a change in policy, which is what happens when you have a change in administration. We have heard on the floor that currently some, maybe all, maybe most federally qualified health centers follow the old regulation, the old regulation that says, they must refer. And they have said on the floor through the memo that was circulated that by passing this, that creates ambiguity. Colleagues, DHHS, federal DDHS has eliminated that ambiguity. If federally qualified health centers today are following the old regulation without regard to the antidiscrimination rules that are included within the Weldon Amendment, they are out of compliance with Title X. And if you are out of compliance with Title X, you are at risk of losing your funding. That's the status quo. So the notion that this change is what puts Title X funding at risk, I believe is out of step with the rules and the guidance provided by the entity that provides the funds, the federal government. Now, that may change. That may change with...either from this current administration or if there is a different administration in 2021 or 2024. And that is precisely why, colleagues, that this is appropriate in Appropriations bill. We have talked...we have spoken, I think, in-depth about other examples of where this body has included restrictions on abortion funding in our budget bill. [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR HILGERS: Thank you, Mr. President. I believe that is a significant reason why this is most naturally within the budget bill. But there is another very important reason, which is this Appropriations bill will expire next year at the end of the biennium. If we do put this into statute, we make it that much more difficult to react to changes in administrative guidance down the road. So if in three years a different administration or this current administration says, you know, we're going to interpret this differently and the guidance is going to be differently, it's going to be different, then we have to go through an entire process, an entire filibuster process, the whole standing committee process, and that may inhibit or restrict or make it much more difficult to be nimble in response to federal changes. So we should be clear about what the status quo is now

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and the status quo under this administration is that the antidiscrimination laws of the Weldon Amendment apply. And I believe we need to be thoughtful about that as we think about what really will restrict the funding to the 20,000...or to the healthcare providers in the state and the 20,000 individuals who receive the benefit of those funds. Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator Hilgers. Senator Wishart. [LB944]

SENATOR WISHART: Thank you, Mr. President. I rise in support of AM2346. I am one of the Appropriations Committee members who has fought pretty hard in committee...fought very hard in committee to try to take this language out and I did advance the budget, but for me, my work, once I advance the budget, doesn't stop after we've advanced the budget out of committee. I will continue to do this work. And the more I look into this issue, the more I become concerned that with the language as it currently stands, we are jeopardizing all Title X clinics in this state. And I just want to repeat that. This language from what I've heard from the providers...and I understand what Senator Hilgers is saying about his legal opinions and I get that. I've heard legal opinions on the opposite side as well. For me, what brings me the most clarity, and the people who have my ear the most are the providers, the people who provide these important services. And when I hear from the federally qualified health centers and when I hear from Planned Parenthood that this current language jeopardizes their ability to provide these important Title X services to Nebraskans, that concerns me and I cannot feel comfortable voting for a budget that does that. So with that said, I was basically raised in this Legislature. I was 24 years old when I started working here. I have watched throughout the years incredible compromise that has come about because of leadership in this legislative body. When people ask me, do you have higher aspirations for office? I say, I ran for office because I love this Legislature, because of the experiences I've had as a staff member watching my predecessors as they worked on tough issues. To me, as I said before, yesterday it seems like it's been a week, been two days in working on this issue, a compromise, a true compromise means, one, that everybody is at the table who should be at the table who cares about this issue. I reached out to the Governor yesterday by e-mail. I reached out to him by phone to try and set up a time where I could sit down and meet and talk with him on this issue. And unfortunately, he was not able to make time in his schedule for me to be there. So unfortunately, I was not able to be at a table, one of the most fundamental parts of a compromise, to be at the table and communicate with somebody who disagrees with me on a certain position. The other part of a compromise is it takes time. We still have time, colleagues. I understand that day-50 is a tradition, but we still have time. We have at least a week to really work on this issue, and let me tell you, it is very complicated. I have been up both nights until midnight working with my staff on trying to find language that is common sense, that will hold harmless the providers, and still make people feel more comfortable that no dollars, Title X dollars are being jeopardized by any inappropriate use, and that takes time to do that. And the last part of a compromise...and again, this is what I've learned from legislative colleagues before us, from colleagues who have taken incredibly tough stances

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and worked on very tough issues and came away as close as they could to a win-win situation, and that means that everybody has to move a little. [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR WISHART: Everybody is going to have to walk away from this issue having moved a little on this issue. And so far I have not seen any of those elements happen. So we need more time. I support LB...excuse me, I support AM2346 because we may need an entire summer to address this issue. And otherwise I would say we need some more time if this amendment doesn't work, to work on this issue. Thank you. [LB944]

PRESIDENT FOLEY: Thank you, Senator Wishart. Senator Morfeld. [LB944]

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I rise in support of AM2346 and for many of the reasons that have already been stated and noted. I think that there's a few things that I want to address very quickly. First, I think what Senator Hansen brought up earlier is one of the big concerns that I have, is that this body is supposed to be a deliberative body. It is not supposed to be an efficient body and it's not supposed to be a body that gets laws passed quickly. Anytime your Legislature becomes efficient, you should be scared. We are supposed to have debate. And many of the reasons why over the last 33 years we've blown past the 50-day deadline during a 60-day session, and a 80-day deadline in the 90-day session for the budget, is because this body used to be a deliberative body. There used to be substantive debates and you used to have to go through the amendments and come to compromise and work with other colleagues. That has not happened on this budget and it certainly hasn't happened on this issue. We must maintain the deliberative nature of this body, otherwise we become a rubber stamp. Senator Wishart has outlined the fact that there has not been full and fair negotiations in her mind and she's been at that table more than I have, so I will trust her word on that. In addition, I would just like to note for the record, I'm not going to spend a ton of time on it, federal regulations right now have not changed. Nothing has changed in the status quo since this administration has taken office. No regulations have changed. Quite to the contrary of what Senator Hilgers stated on the floor, no regulations have changed. The only thing that has maybe changed...it's not even changed. The only thing that's out there is Senator Hilgers' interpretation, misinterpretation of the Weldon Amendment as being broader than it is when it's clearly more narrow in the federal Congressional Record and in the intent and the statements on the floor of the Senator Weldon himself. I also think that it's so important to not forget that we are talking about people here. We're talking about 28,000, mostly women, low-income women that very likely will lose their access to these services, and not just very likely. When the federally qualified health centers themselves say we will not be able to provide these services if you pass this language that is currently in the budget, then we should probably take their word for it,

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because otherwise if they weren't scared of that, they wouldn't be down here trying to lobby against it. They'd be laying low and taking their funding. So to get up on the floor and say, well, you know, I don't think they're actually going to lose their funding when they're saying, yes, they will not be able to run this program. They will be in violation of federal law, that means that 28,000 low-income people will not have access to critical family planning services. Senator Bolz handed out, I think a great handout about the consequences of that on this floor this morning. Babies born to mothers that receive no prenatal care are three times more likely to be born at low-birth rate and five times more likely to die. For every one dollar spent on prenatal care, \$2.56 and \$3.38 in labor costs are avoided by reducing the numbers of premature and low birth-weight babies, preventable birth defects, and pregnancy complications. These are real people. These are real children. These are real infants in our state. And we cannot lose track of that. We are playing games with those lives. We are playing games with those mothers. The status quo has worked. It's worked because it's in compliance with federal regulations. It does not conflict with the Weldon Amendment. And this does not belong in the budget. [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR MORFELD: This has real consequences on real people, colleagues. And when the federally qualified health centers come to us and say we will not be able to provide these services, there is no reason not to disbelieve them, because they would not come to us and tell us that. I passed out a handout on the floor of Nebraskan stories who actually use these services. My mother used these services in this state when I was a young boy. She probably wouldn't have been able to afford them otherwise. These are critical services. These are critical services for mothers, for infants, for our own mothers, our own children. And we should not play games with them. I urge you to vote for AM2346. This is an issue that should not be in the budget and it's an issue that is dangerous and it's dangerous to the welfare of the people of Nebraska. Thank you, Mr. President. [LB944]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Thank you, Senator Morfeld. Senator Bostelman, you're recognized. [LB944]

SENATOR BOSTELMAN: Thank you, Mr. Speaker. Good morning, Nebraska, and good morning, colleagues. I would agree with many of the voices here today that this morning that LB944, we need to move on and we need to get some things taken care of with the budget and start talking about maybe some line items on the budget, some areas on the budget that we need to talk about beyond this. It is an important opportunity to understand that what is being discussed here is that Title X funding needs to remain available, but we need to make sure that

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we're following federal statutes in that state that we do the right thing and separate out funding so that we don't have an issue with it. And I would hate to see in the years to come that if there are issues that have been identified in previous audits, and that goes...and that's being brought back to the federal level, does that jeopardize Title X funding in the future. And that's something I don't want to see happen. So with that, I would like to yield the rest of my time to Senator Hilgers, if he would like it. [LB944]

SPEAKER SCHEER: Senator Hilgers, 3:55. [LB944]

SENATOR HILGERS: Thank you, Senator Bostelman. Thank you, Mr. President. I'm glad Senator Morfeld brought up the issue of interpretation because in some ways it is the core. If you believe Senator Morfeld's interpretation of the interplay between federal regulation and the Weldon amendment, then it might follow that we could lose our Title X funding if this bill were to pass. If you believe my interpretation of the Weldon Amendment and the federal regulation, then it would follow that only by passing language like this would we ensure that our Title X funding goes away. The thing about that debate is you don't necessarily have to believe my logic or Senator Morfeld's logic or reasoning because the decision maker that matters. The decision maker that matters. The federal government has already weighed in on that interpretative debate and has determined within the last two months that we have to follow the Weldon Amendment. So the dispute between Senator Morfeld and I and Senator Harr and I and others on this issue is that the Weldon Amendment only applies in their view to conscience restrictions, it's not a broader antidiscrimination law and the reason they say that is because there's congressional, there's intent language from the sponsor himself. Well, that exact argument was raised, considered, and rejected by federal DHHS. And I'm quoting from the federal register from January 26 of '18 and what they said is, after citing and quoting the Weldon Amendment, here's what it says and I'm quoting, while Weldon certainly protects objections based on conscious religion, which is what Senator Morfeld's argument is and others, nothing in the text limits its protection to those contexts. Nothing in the text limits it. That's what I've been saying. That's what the federal government had said. The legislative history, it goes on, of the Weldon Amendment cannot be used to contradict or limit the plain text of the statute. We have a clear statute. You can't use legislative history to undermine it. Nevertheless, the federal government goes on to say, in any event the legislative history in the form of a floor statement from the Amendment's sponsor, representative Dave Weldon, if you recall this is the individual who sponsored the Weldon Amendment and some of the comments of whom have been cited on this floor in support of the opposing viewpoint. Those comments reinforce the plain meaning at the Amendment. Representative Weldon stated that his amendment simply states, you cannot force the unwilling to participate in abortion and that it protects those who choose not to provide abortion services including health professionals who say they are pro-choice and supportive of Roe v. Wade but would rather not perform abortions themselves. This isn't me, this is in a court,

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this isn't some other unauthoritative interpreter of the interplay of these federal regulations. This is direct guidance from the only entity right now that matters. [LB944]

SPEAKER SCHEER: One minute. [LB944]

SENATOR HILGERS: Thank you, Mr. President. That entity is the entity that provides the Title X funds. And as I've cited before this morning and on Wednesday from the Federal Register, if you are not in compliance, you can have your funds called back. Colleagues, if a federal healthcare...qualified healthcare facility today is following 59.5 and not following the Weldon Amendment, according to the federal government, they are out of compliance. The language in LB944 helps ensure that we are in compliance with Title X. And you don't need to take my word for it, go to the place that matters, the federal government. Thank you, Mr. President. [LB944]

SPEAKER SCHEER: Thank you, Senator Bostelman and Senator Hilgers. (Visitors introduced.) Senator Chambers, you're recognized. [LB944]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I have not gotten into the legalisms, because it's gobbledygook. Ultimately, a court will resolve that matter. We're dealing with the position of the Catholic church today and that's what it is. The Governor's man should not be in the Chair on this debate and he shouldn't be on the debate of the Catholic bill that's coming up next. To say that we're going to have a short time to discuss this budget, and then have cloture, is to elevate form over substance, which I think is irresponsible and they need to stop talking about those of us who are opposed to this matter backing away so those who are carrying out the will of the Catholic church can prevail. Will the Governor be here to rescue you all and your bills for the rest of the session? I no longer will tell you in advance what I'm going to do. You'll find out when I do it. I think rather than talk to no purpose, I'm going to let a dead woman speak from the grave. She died when she was 74 years old. Her name was Abigail Adams. The years 1744 to 1818 comprised the years that she was on this earth. In a letter to her husband, John Adams, March 31, 1776, she wrote the following: In the new code of laws which I suppose it will be necessary for you to make, I desire you would remember the ladies and be more generous and favorable to them than your ancestors. Do not put such unlimited power into the hands of the husbands. Remember, all men would be tyrants if they could. If particular care and attention is not paid to the ladies, we are determined to foment a rebellion, and will not hold ourselves bound by any laws in which we have no voice or representation. In a letter to that same John Adams dated May 7, 1776: Whilst you are proclaiming peace and good-will to men, emancipating all nations, you insist upon retaining an absolute power over wives. But you must remember that arbitrary power is like most other things which are very hard, very liable to be broken; and, notwithstanding all your wise laws and maxims, we have it in our power, not only to free ourselves, but to subdue our masters, and without violence, throw both your natural and

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legal authority at our feet. And they can do that and it's been demonstrated during history by a certain door just being closed and access to a certain piece of furniture while the wife was there being off limits. In this letter dated August 14, 1776: If we mean to have heroes, statesmen and philosophers, we should have learned women. If much depends as is allowed upon the early education of youth and the first principles which are instilled take the deepest root, great benefit must arise from literary accomplishments in women. Then August 5, 1776, a few days prior to that: Deliver me from your cold phlegmatick preachers, politicians, friends, lovers and husbands. Then February 15, 1778: It is really mortifying, sir, when a woman possessed of a common share of understanding considers the difference of education between the male and the female sex, even in those families where education is attended to. Nay, why should your sex wish for such a disparity in those whom they, someday intend for companions and associates. Pardon me, sir, if I cannot help sometimes suspecting... [LB944]

SPEAKER SCHEER: One minute. [LB944]

SENATOR CHAMBERS: ...that this neglect arises in some measure from an ungenerous jealousy of rivals near the throne. I regret trifling narrow contracted education of females of my own country. Wrapping it up. Patriotism in the female sex is the most disinterested of all virtues, excluded from honors and from offices we cannot attach ourselves to the state or government from having held a place of eminence, even in the freest countries, our property is subject to the control and disposal of our partners, to whom the laws have given a sovereign authority. Delivered of a...deprived of a voice in legislation, obliged to submit to those laws which are imposed upon us, is it not sufficient to make us indifferent to the public welfare? Yet all history and every age exhibit instances of patriotic virtue in the female sex which considering our situation... [LB944]

SPEAKER SCHEER: Time, Senator. [LB944]

SENATOR CHAMBERS: ...equals the most heroic of yours. Thank you, Mr. President. [LB944]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Pansing Brooks, you're recognized. [LB944]

SENATOR PANSING BROOKS: Thank you, Mr. Speaker. I appreciate following on the heels of Senator Chambers. What I have written and attached to my desk is, quote, deliver me from your cold phlegmatic preachers, politicians, friends, lovers, and husbands, Abigail wrote to her husband, John, on August 5, 1776. Again, this is a part of a budget, the Title X part is being...is making our budget be held hostage by adding the Title X part in our budget. Our budget is being held hostage by social policies that doesn't belong. Again, due to this portion in the budget on

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Title X, we are not having discussions on TEEOSA. We are not having discussions that are in the budget, Nebraska, about Department of Health and Human Services General Fund dollars. They're now going to be delayed to the Norfolk sex offender unit. Seems pretty important to me. We are not discussing, Nebraska, how the budget is affected by the most massive changes to our tax code that were implemented by Congress. I can't...I will go on with this, but these are all things we are not discussing by the injection of this incendiary issue into our budget. And maybe Nebraskans are fine with that, but if I were you, I would not be okay with this. I would not be okay and I hope you write the senators and say, this is not appropriate that you are not discussing our budget. And you can say that we...and it has been said, that we're the ones holding the budget hostage, but we did not put that in. A way to handle it is to take it out and the budget will go forward. So, Nebraskans, do you care about the changes to the Water Sustainability Fund? Because that's part of the budget that we aren't discussing. What about the General Fund revenue growth and the comparative numbers over the past 30 to 40 years? Nebraskans, do you care about that? We're talking about a budget. And we warned last year that if this is in the budget, we will object and extend debate again. And let me make it clear, if this comes in again next year, we will extend debate. Don't be shocked. Don't be mortified, don't blame it on us, because it's not on us. Nebraskans, we aren't talking about the prior cuts last year to providers. I have many friends who are running various nonprofits to take care of Nebraskans, who have mental health issues, who have addictions. We're not talking about those cuts. This was a clear and intended decision to put this in the budget. We are eliminating the Superfund aid under the Department of Environmental Quality. Do you want that discussed, Nebraskans, because it's not happening? How about the Intern Nebraska Cash Fund under the Department of Economic Development. We're not discussing that, either, the cuts to that. That's about growth. That's about moving our state forward in economic development and work force. [LB944]

SPEAKER SCHEER: One minute. [LB944]

SENATOR PANSING BROOKS: We're not...this is just a quick perusal of issues that are important. We've talked about the university briefly, we talked about the rainy day fund briefly. But again, I will state, you want to bring it back again next year? Nebraskans, you will not hear anymore about our budget again. And if that's the decision, if that's the smoke and mirrors, let's cover up the budget. Why aren't we discussing the budget? This warning was given last year. What is it that we are hiding and not discussing in the budget. That's what worries me. And you can claim, it's, oh, it's all about this incendiary issue, Title X. Why aren't we discussing the budget, Nebraskans? Why is it that this needs to be in there rather than in the form of a bill. So I would ask you to vote yes on AM2346. Let's remove it, let's move forward... [LB944]

SPEAKER SCHEER: Time, Senator. [LB944]

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SENATOR PANSING BROOKS: ...and talk about important issues for our state... [LB944]

SPEAKER SCHEER: Time, Senator. [LB944]

SENATOR PANSING BROOKS: ...in the budget. Thank you, Mr. President. [LB944]

SPEAKER SCHEER: Thank you, Senator Pansing Brooks. Senator Geist, you're recognized. I'm sorry, excuse me, Senator, can we have...read some items, please. [LB944]

CLERK: Excuse me, Senator, real quickly. Enrollment and Review reports LB940, LB940A, LB906 to Select File. Amendments to LB947 to be printed, by Senator Harr. New A bill, LB738A by Senator Lindstrom. (Read LB738A by title for the first time.) And Senator Kolterman would offer LR366. That will be laid over. That's all that I have, Mr. President. Thank you. (Legislative Journal pages 1138.) [LB944 LB940 LB940A LB906 LB947 LB738A LR366]

SPEAKER SCHEER: Thank you, Mr. Clerk. Now, Senator Geist, you're recognized. Thank you. [LB944]

SENATOR GEIST: Thank you, Mr. President. I would just like to step back for a minute and say what this actually does. This ensures Title X funds go to federally qualified healthcare clinics, period. It only restricts funds, and those funds, remember, are taxpayer dollars. We have no money that does not belong to the government...I mean, to the people. All of the money that we use for our entire budget is given to us by the people, who have resoundingly said they do not want their hard-earned tax dollars going to pay for abortion services. This ensures they do not. We do know that some of the funds did go to abortion services in the 2015-2016 years. We know that. Our own state auditor showed us that. This language protects Title X dollars and those clinics that do not perform abortions. It's that simple. And we're talking about not putting social policy in the budget. Last week we voted to put antigambling funds in the budget. That's a social policy. This is not unprecedented. Thank you, Mr. President. [LB944]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Thank you, Senator Geist. Speaker Scheer, you're recognized. [LB944]

SPEAKER SCHEER: I apologize, colleagues. Thank you, Mr. Lieutenant Governor. Last day of the week, so I thought I would give you an idea of what we can look at for next week. First, there's been a lot of questions in regards to consent agenda. I will be trying something new this year. We will have consent agenda on Monday night at 8:00 and Tuesday night at 8:00. We will

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split the agenda in two for that purpose. And we will run that from 8:00 until adjournment. We will have Select File on Wednesday and Final Reading on Thursday morning, remembering that next week is a four-day week, Monday through Thursday. We have not finalized the consent agenda, so you will literally have to look at the agenda sometime this afternoon when we publish it for Monday in order to look at what that agenda might look like. I apologize, but we are still working on that. As far as bills that will be coming up on the agenda at some point, hopefully next week, and for those people that are watching, this would be your time to run and get a pencil and a piece of paper so that you can write them down. They are as follows, and these are not necessarily in order that they will show up. These are just the number of the bills that will be showing up: LB841, LB1089, LB994, LB731, LB640, LB738, LB845, LB947, LB1040 and LB902. My intention this morning would be to finish up with this at somewhere around a two-hour time limit, so that would be shortly after 11:00 sometime. Once we are done with this process on LB944, we will move back to LB295. It has one hour left of discussion. And we've had a long week, so I think that should be enough. So if you're trying to determine your travel schedule, I would somewhere assume between 12:15 to 12:30 we might be done. So if there's any questions, comments, please feel free to come back and check with me or my office, but that's sort of the picture of next week. Thank you. [LB841 LB1089 LB994 LB731 LB640 LB738 LB845 LB947 LB1040 LB902 LB944 LB295]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Continuing discussion of the bill. Senator Vargas. [LB944]

SENATOR VARGAS: Thank you, Lieutenant Governor. Colleagues, I'm in support of AM2346. And I want to tell you why. We've had a long discussion here, and we will continue to have a discussion. I've watched this over the last couple of weeks, have bills come to the floor that have been contentious, people are not informed, misinformed about the issues. I've also seen people kill each other's bills, put motions that would refer them back to committee, bracket them because they were deemed not ready for the consumption of this body, or not meeting an urgent need for the state, or messy, and then there's disagreements on a very important issue. And I've seen that, and I think part of that was to ensure that we move forward and make sure we're being pragmatic about time. What I find interesting, and I try my best, nobody is perfect, I'm definitely not perfect, to be as pragmatic as possible. And when I find that there is dissension on this, and this is not new, we've had dissension last year. Circumstances are sometimes different but the topic, the subject matter is still the same that we have an opportunity to move forward and work on everything that we want to work on on the remaining days. And that by simply removing this, we have the ability to move forward and also continue to be the Unicameral body, a nonpartisan body that everybody supports, loves, and wants to continue to uphold. I ran for this office for that...I ran for this office because I believed in the nonpartisan Legislature. I believed that we can solve more of our issues by building relationships with one another and finding ways to agree to disagree and coming together on the things that matter and prioritizing them and then when

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things that don't matter, we can't find a common ground, sometimes we de-prioritize them because it's for the good of the public. Even when I'm saying that the good of the public, I think we're at that impasse. I mean, if there are senators on the floor that haven't read the proposed language in the budget, I'd be concerned that we're not doing what we're supposed to for the good of the public. I'm concerned that if we don't understand the full consequences of the language and we're moving something forward, I believe we're not doing something for the good of the public. I know we can make assumptions on what the public needs, but I do know that we make decisions in this body for when we think something is not ready or something is not supported generally by the people in this body, that that might be an indicator that it's not ready for the public. I believe that these are one of those instances. And we had that happen in the committee as well. Senator Krist, which I really appreciate him calling this out, we had dissenting votes in the committee on this issue. We had dissenting votes on many issues but we had dissenting votes on this issue particularly. And I can speak for myself that when I had...I voted against it. This came from a place of how often do we create something in statute to hold something accountable without first trying to include internal program mechanisms and accountability structures, but we first go to the law. We don't do that here. We fight tooth and nail to make sure there are certain regulations that are not being burdensome or cumbersome and we try to work within the internal executive branch and structures. Those don't exist for this program. And if you think they do,... [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR VARGAS: ...please check. That is not what exists in this program. It is a lump sum of money and there's an audit in the back end. So let's make internal program mechanisms to make sure this doesn't happen like we do for every other program. Why are we treating it differently? Everything else, we try to say let's let executive management do what it needs to do to make sure that there's program integrity, but we're not doing it here. And if we can't come up with a good answer for why we're not doing it in this instance, then I'm afraid it feels political and that hurts me. It hurts me so much because that's not why we're here, that's not why we spend time trying to get to know each other, our families, discussing and debating on clear issues, if we can't explain why it's necessary. And that word necessary is needed for the urgent need, is something that we're still not seeing that this is the most proportional response that we need to move forward on this issue and this is the adequate response to addressing this policy need. [LB944]

PRESIDENT FOLEY: Time, Senator. [LB944]

SENATOR VARGAS: Thank you. [LB944]

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PRESIDENT FOLEY: Thank you, Senator Vargas. (Visitors introduced.) Continuing discussion, Senator Lowe. [LB944]

SENATOR LOWE: Thank you, Mr. President. You know, it's time we take a vote on this. We need to just settle down and I think we all know where we stand, but it's time to take a vote on it. I told the university, UNK and UNL that I would vote for this budget to keep their funding, and, you know, we're looking at \$574 million, a little over that, to help fund our university and higher education in Nebraska. It's time we do that. It's time we turn off our lights, I believe. I believe we've had plenty of discussion on this bill and whether or not to remove Title X funding out of the bill. I think we all know where we stand and with that, I'd like to yield the rest of my time to Senator Brasch. [LB944]

PRESIDENT FOLEY: Thank you, Senator Lowe. Senator Brasch, 4:00. [LB944]

SENATOR BRASCH: Thank you, Mr. President. And thank you, Senator Lowe, for the time given me. I am short on time this morning, I am going to go over to the Warner Chamber and be one of several senators presenting a merit mother award to constituents. But I...the merit mother, Sasha Shillcutt, from Blair, her biography and her wisdom and her words are very moving and very pertinent I think for our discussion today. She has four children and part of what she stresses are the concepts of giving space and extending grace. I think that's something we all need to do. Today, I do rise in support of LB944 and cloture, and not the amendment, AM2346. And it's so interesting, after eight years...and not even, I don't have to go back eight years. I'm going to go back to floor debate, May 4, 2017, last year, on how one thing is said one year and it's completely the opposite the next. And I don't know if it's because it's an election year and we have individuals running for different seats or maintaining their seats, but I do want to kindly say to Senator Wishart who I do respect and I admire her for many things, but I'm confused on why a year ago, and I quote from the floor transcript, she is appealing to us, and I recall she said, quote, I also want to tell you that if we go past the 90th day, which is early June, and we will either go into a special session, or if by the new fiscal year which begins July 1st, if we do not have a budget passed at that time, we will shut down. I am quoting Senator Wishart. She says, I want to be very, very clear about that. This is what we're working with. And I quote, continuing, and that means no heating, no lighting, no money to corrections, your staff salaries, no money appropriated to those. All cash funds, General Funds, federal funds, revolving funds will not be appropriated. And I also want to clarify that if this budget doesn't pass with 33 votes and only 25, if it does not pass with 33 votes, then, until September, if we do not have that E clause, no appropriations will occur. We will have a shut down. So I want everyone to be clear that this is what we're working with. And I personally do not want to be part of a team... [LB944]

PRESIDENT FOLEY: One minute. [LB944]

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SENATOR BRASCH: ...of people that causes government to shut down. So I hope we think logically about this. We work together and pass the budget. Thank you. So there are consequences, great ones, in not passing that. Let me be clear. Thank you, Mr. President. Thank you, colleagues. [LB944]

PRESIDENT FOLEY: Thank you, Senator Brasch. Senator Thibodeau. [LB944]

SENATOR THIBODEAU: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. As we are talking a lot about passing the budget versus not passing the budget, I do stand here in support of LB944. I want the budget to pass and the university to get what is currently in the budget as it is now. I do stand in opposition to the pending amendment. And as far as budget discussion goes, I was wondering if Senator Murante would yield to a few questions. [LB944]

PRESIDENT FOLEY: Senator Murante, would you yield, please? [LB944]

SENATOR MURANTE: I would. [LB944]

SENATOR THIBODEAU: Senator Murante, I'm assuming that you're pretty familiar with the budget process at this point, and what the budget looks like for our state? [LB944]

SENATOR MURANTE: Fair enough. [LB944]

SENATOR THIBODEAU: Okay. Could you please explain what would happen if we do not pass this budget? [LB944]

SENATOR MURANTE: Sure. So, Senator Thibodeau, I asked that same question to members of our Appropriations Committee, as well as members of the budget office. And I can tell you, the situation if we do nothing, is that we will continue to spend money as if we had passed the budget last year. There will come a point, probably at some point in May, that we will run out of money and we will stop having the ability to write further checks to the needs that are in the budget, and we won't be bouncing checks, but we won't be funding the priorities that we set forth in the budget from last year. [LB944]

SENATOR THIBODEAU: Thank you. And what particular agencies would be most affected by this? [LB944]

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SENATOR MURANTE: Certainly Health and Human Services would see a dramatic hit, the ability to write checks in the state aid to individual's category would be enormous. Child welfare would be severely...would see a dramatic impact by not passing anything. Really, it can't be understated, this would have enormous detrimental impact to the people of the state of Nebraska. And at some point, we will have to be...and if I may just elaborate a little bit, Senator Thibodeau, at some point if we want to start writing those checks again, which I think all responsible legislators would want to, we would then have to come into a special session. And to those folks who say that we don't want to give more authority to the executive branch, we will then be subject to whatever the Governor's call for a special session is. And we cannot exceed that scope. So if the Governor calls us into a special session for budget purposes and limits that call to a specific area for budget cuts, or whatever the Governor may choose, we are limited by that fact. So it seems to me that if we are going to take our responsibility seriously and not defer our judgment to the executive branch, we have to pass LB944 today. [LB944]

SENATOR THIBODEAU: Okay. Thank you. And I'm sorry, I just have one more question. When you say we're called into a special session and therefore we would have to go with whatever the executive branch provides at that time, does that mean there could be potential further cuts to the universities than what is currently in LB944 now? [LB944]

SENATOR MURANTE: Absolutely. That is a...that would be an option on the table, yes. [LB944]

SENATOR THIBODEAU: Thank you, Senator Murante. Thank you, Lieutenant Governor. [LB944]

PRESIDENT FOLEY: Thank you, Senator Thibodeau and Senator Murante. Senator Blood. [LB944]

SENATOR BLOOD: Thank you, Mr. President. Fellow Senators, friends all, even today, I got a lot I want to say and I want to try and get it done in five minutes. I'm really concerned that we're not getting to the budget. I stand in support of Senator Pansing Brooks's amendment and, hopefully, eventually, of LB944. I am always concerned when we hear people stand on the mike and they do the Chicken Little thing, the sky is falling and you have to hurry up and do things even if you don't support them because the sky is falling. We have time to discuss the budget, come to the table together, although I don't know how many people are left on the floor to come together, and decide and find our middle ground. That's what we're talking about. I want to tell you that I received a lot of e-mails when it came to this issue, and I responded personally to each and every e-mail and I explained the situation. And I explained to people, hey, as written, we're going to have to revisit this issue year after year after year. And if you are pro-life, as you have e-

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mailed me, I ask you why you would want to have this discussion year after year when we can sit at the table and resolve our issues today? And I can tell you that 90 percent of those e-mails that responded back to me said they were misinformed about what the topic was and what was going on, and that they appreciated the fact that I had explained and walked them through it and that this was indeed more than just a Title X and pro-life issue. And then we talk about what pro-life means, because I don't think there is anybody in this Chamber--and it's hard to know. Can I have a gavel, please, sir? I can't hear myself think. Thank you. I don't think there's a single person in this Chamber that isn't pro-life. We fight every day for what is right here in Nebraska. But do you know the bottom line is right now we're in the middle of what's called a cultural war and I just want everybody to be prepared because I'm going to say something vulgar on the mike right now and that word is "divisiveness." That is the most vulgar word ever. We are a body that is supposed to be nonpartisan. And I feel in my gut that what's going on right now is very partisan. And I don't like it, because I came here to do the people's works. I didn't come here to have petty policy arguments, not that I think the issue is petty. I think the argument is petty. I want to talk about things that are important, combating the real issues when it comes to women. I'm going to say it again: One in six women will be the victim of rape in her lifetime and 80 percent of those rape victims are going to know the person who did the crime. And those women, those men, those transgendered demographic, many live in small communities and are going to depend on these clinics. And who are you to put them in jeopardy? And the thing that I hate the most is right now in Legislatures across the United States, every year there are hundreds of bills that pertain to women's health. How many of you can name a bill that pertains to men's health in those Legislatures, because I couldn't find any. If these types of conversations continue where our health continues to be a political issue and not a personal issue, I think it's time that we start addressing men's health. You know, quite frankly, I don't know if ED medicine should be covered by health insurance,... [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR BLOOD: ...because that's God's will. I think there's a lot of issues we can start looking at when it comes to men and men's health that are probably more important than some of the issues we talk about here every day. And, guys, I want to remind you, too, that our transgendered friends, they're not the enemy. We need to make sure that we provide the same healthcare for them that we do for everybody else. But most of all what we need to do today is we need to get down to the budget. We need to talk about the things that are important. We need to stop the politics. We need to get the policy out of the budget. We need to stand here and do our jobs, work together, because we are all friends, friends with differences, but I'd invite each and every one of you into my home on any day. So let's all now get to the table here and be the friends that I know we are. Thank you, Mr. President. [LB944]

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PRESIDENT FOLEY: Thank you, Senator Blood. Senator Krist...oh, I apologize. Senator Groene, then Senator Krist. [LB944]

SENATOR GROENE: Thank you, Mr. President. Senator Stinner, would you take a question? [LB944]

PRESIDENT FOLEY: Senator Stinner, would you yield to a question? [LB944]

SENATOR STINNER: Yes, I will. [LB944]

SENATOR GROENE: I know a year ago there was a claim that there wasn't fair and open debate on the Title X money during the budget process, and that was somewhat admitted it wasn't. But this year I understand you had a hearing just for the Title X funding in your committee. Is that right? [LB944]

SENATOR STINNER: Yes, we did. It went from 1:30 to 6:00-7:00 at night. Yes. [LB944]

SENATOR GROENE: So there was a fair and open hearing on that section. [LB944]

SENATOR STINNER: I really feel there was, yes. [LB944]

SENATOR GROENE: Did your committee take a vote just on that issue? [LB944]

SENATOR STINNER: We took a straw vote. And what the straw vote is, is five hands, is how our committee, because we've got so many votes. I actually had three ideas and we passed it with a straw vote. [LB944]

SENATOR GROENE: So it was passed by the majority of the committee to stay in the budget, right? [LB944]

SENATOR STINNER: Yes. [LB944]

SENATOR GROENE: And then, when the budget, which included the Title X money, LB944 came out, what was the vote? [LB944]

SENATOR STINNER: 9-0. It was unanimous. [LB944]

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SENATOR GROENE: So the process was followed and there was fair and open debate, in your mind. [LB944]

SENATOR STINNER: Yes. [LB944]

SENATOR GROENE: Fully debated. Thank you. I'm still confused about what we're talking about here because we're not talking about abortion. We can't be talking about abortion. Title X funds cannot be used to anything related with abortions. It is about, Senator Blood, you mentioned males. The language of Title X does not mention females. It mentions, "voluntary family planning projects which shall offer a broad range of acceptable and effective family planning methods and services, including natural family planning methods, infertility services, and services for adolescents." Doesn't mention abortion. Males, men go use the clinic in North Platte for testicular cancer checks. They go in there for condoms. They go in there with their wives and their children for children's healthcare. Title X is not a female legislation. It is a family legislation, healthcare for poverty individuals. Let's make that clear. Also, if you want to bring a law next year, bring one. If you want to change something that we can control as a body, control the part where the state funding of \$653,000 can be used for abortion or abortion referrals. All you got to do is strike that last sentence that says, "None of the General Funds provided under this program shall be used to perform or facilitate the performance of abortion or to counsel or refer for abortion." That you could do. I won't support it. But you cannot change the dictates of the federal government on how we can apply and use Title X grant money. We can't do that here. What the Appropriations Committee did, and the Governor, in the budget was follow federal guidelines on how Title X money can be used. I don't understand the argument. And I don't appreciate the statements on the floor scaring my constituents out there that I have defended wholeheartedly on the family health services. Those poor women use that service, the poor men, and individuals, anybody, for pregnancy tests, and you are falsely scaring them that the Title X money will go away. That is completely false. We are ensuring that it stays for those clinics that follow the statutes and follow the regulations, and mine does. I've looked up in... [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR GROENE: ...federal law what the duty of a federally qualified health center is. It's not abortion, folks. It's not referral of abortions. So I stand in support of LB944. Let's go on, let's do it right. One last thing: A comment on the budget earlier was, I made a comment about the growth of Nebraska, because the university keeps claiming they're growing Nebraska. And Senator Hilkemann made the comment, stood up--and I'm not disputing him--that the state is growing. It is not growing, folks. It is growing by international immigration. Outward, outward immigration of our citizens, the ones that pay taxes, that are three and four generations into our immigration process, and established business people are moving out. It is growing a little bit

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because the immigrants are having children. Our young people are moving out. No, the university and our tax policy... [LB944]

PRESIDENT FOLEY: Time, Senator. [LB944]

SENATOR GROENE: ...is not growing the state. Thank you. [LB944]

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Krist. [LB944]

SENATOR KRIST: Thank you, Mr. President. Again, good morning to my colleagues and good morning, Nebraska. Again, I will say, Senator Groene, this is not about abortion. This is not about a specific clinic. This is about the manifestation of a product, the budget, that has constitutional requirements, single-subject requirements. And it is an attempt to take over our process and it's something I will stand very firmly on and make sure that my voice is heard in terms of showing leadership in this body for what is the correct way to do business. It's my last opportunity. Fourteen days is my last opportunity to be a member of this wonderful organization. We'll pass a budget after people come to the table and negotiate in good faith. This amendment may not be the only amendment that comes up. And today may not be the day we pass the budget. But we'll pass a budget because it's the right thing to do, but not until after there's some negotiation that goes on, on this particular subject matter. So if we have to be the grownup in the room and make sure that we're taking care of 1.9 million people instead of getting our way, that may happen. But it's not going to happen today, not with my vote. And I would encourage all those that want to extend this debate on this budget to do that. Who knows? We may actually have one more debate on this budget and actually talk about the items in the budget, which many of you have already brought the point up, so I won't belabor the point. I'm really concerned, I guess, that you dismiss the kinds of things that are being said about the right and the wrong way of doing business. I guess I've tried to convince you in the times on the mike. And I believe that the lawyers in the room have stood up and given us both sides of the issue. But you know, here's the difference. That's the judicial branch. You can go into a courtroom, lawyers, and you can argue what you want to argue and the judge will decide. This is the Legislature. We have measured discussions, usually, unless we inflame ourself with the passion that I had this morning or that Senator Harr had yesterday when he really believed in something. And we all have five minutes on the mike and we can fit into a discussion on the budget issues themselves. And the beauty of this body is also the curse in the fact that the rules are the rules, and if you know them you can use them. But I fundamentally believe in the constitutionality of the way we do business, and I have to, at some point, remind you of your responsibilities. And today your responsibility is to extend this debate. And for Senator Brasch, I just want to tell her and all the rest of you, this is not a filibuster. This is not a filibuster. This is an extended debate over one of the only things we have to do, and that's pass a budget. And it's not us that injected it in the system. It's the

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Governor. And he was warned by the Speaker and he was warned by the Chairman of Appropriations and many other people who he listens to, or doesn't understand when they talk, that this was going to happen. And I guarantee you, Senator Hilgers, it's going to happen again next year, because this bill has a one-year life. And you're going to talk about it next year and the year after and the year after,... [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR KRIST: ...because people are going to be passionate about this issue. It's a lightning rod. I honestly believe that you know what's right and that you will protect the integrity of this institution. And when it comes time for cloture, let's continue this debate by voting no on cloture or not voting and carry it to another day. Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Murante. [LB944]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. I have to say, I rise in opposition to AM2346 and in support of LB944. I think the narrative that not passing a budget has no practical impact, that responsible legislators can agree, that we can adjourn sine die without having a balanced budget, necessitating a special session called by the Governor, is a serious policy position I find to be laughable and ludicrous. Driving the budget to cloture, refusing to invoke cloture, and then standing up, throwing your arms in the air and saying, we're not filibustering, I have to assume that's some sort of attempt to get on "Saturday Night Live." As a general rule, when there's a motion to invoke cloture, the folks voting no are the ones doing the filibustering. The Rules of the Legislature are not that complicated. Now, there's been a lot of discussion about the practical impact of not advancing LB944, adjourning sine die without doing our job. I think Senator Riepe has a lot of real-world, practical impacts about the devastation that will be done by the reckless, irresponsible, political maneuvering that we are seeing on the floor right now. And I'll yield the remainder of my time to Senator Riepe. [LB944]

PRESIDENT FOLEY: Thank you, Senator Murante. Senator Riepe, 3:30. [LB944]

SENATOR RIEPE: Thank you, Senator Murante. I stand with concern, as Chairman of the Health and Human Services Committee, that if we do not pass a budget there will be a major effect on the Child Welfare Program, Program 354. Without a budget, the Child Welfare Program will most likely run out of funds sometime in May. The services that would be affected include agency foster care, family support services, adoption assistance, adoption and guardian subsidies, drug testing, and confirmation. The providers affected include Nebraska's Family Collaborative, now known as PromiseShip, located in Senator Thibodeau and Senator Blood's districts; Better Living Counseling Services located in Senator Bolz's district; CEDARS Youth

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Services located in Senator Geist's district; Pathfinder Support Services located in Senator Morfeld's district; Jenda Family Services located in Senator Wishart's district; and Prime Home Developmental Services located in Senator Howard's district. I see there being two options for the division to proceed forward in the budget...if the budget is not approved. The first option would be to try to keep operational for the rest of the fiscal year by reducing the amount of services to just providing the basic safety services for children and our families. The division would need to start now to reduce those services. This could lead to services providers drying up, and children and families would not get necessary services that have been provided throughout the year. The second option would be to keep allowing services to be provided but wait until the next fiscal year in July to process those claims. With the program running out of funds in May, the division would stop processing services rendered from April through June. These providers already run on very thin margins, financial, and these providers cannot wait until July for the division to pay for these services. Neither option is acceptable. Therefore, I urge the body to pass the budget so there is no stop in services for Nebraska's most vulnerable children. Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator Riepe. (Visitors introduced.) Continuing with discussion, Senator Crawford. [LB944]

SENATOR CRAWFORD: Thank you, Lieutenant Governor. And good morning, colleagues. I understand the importance of making sure that we get a budget...the importance of these deficit changes in the budget, and have every intention and desire that we make those changes. The concern is to make sure that we make those changes in a budget in a deficit bill that makes sure that we are not causing unintentional harm. Again, colleagues, it's critical that we protect our FQHCs and our clinics all across the state. It's critical that we're serving our men and women and children who have cervical cancer. It's critical that we're serving our patients who are desperately in need of care. It's all the more critical that we provide this care, because we have not expanded other options to provide care to many of these individuals. So these are real people, and you've had the stories of real people who need this care, real impacts on children when prenatal care is absent, real impacts on women who need cancer treatment, cancer screening. These are real people. And also, the budget includes a lot of other money that we need for real people in Nebraska who need our help. So I am very hopeful that we're able to come to some agreement we weren't able to come to by this time today, that we're able to work together and come to some agreement that allows the budget to pass, allows us to make sure we get that child welfare money where it goes and make sure that we are not causing unintentional harm in the process. Again, we've had debates over that. But in this we do not want to put those services at risk, put those people at risk, put the health of our Nebraskans at risk by not being very careful and attentive. There have been efforts in other states to make changes where it has put those dollars at risk. We do not want that to happen here. So I urge you to please continue to be committed to the budget, but please also be committed to women who have cervical cancer, be committed to children who

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need a healthy start with prenatal care, be committed as well to making sure that we have access, access to healthcare across our state. I yield the rest of my time to Senator Morfeld. [LB944]

PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Morfeld, 2:20. [LB944]

SENATOR MORFELD: Thank you, Mr. President. And thank you, Senator Crawford. I want to reiterate a few things after some of the comments that were made on the floor today. First, I would like to see the budget adjustments pass. And I am more than willing to sit down and work with people in finding some common ground on how we move forward. That being said, from what I have seen from the other folks that have sat down with the administration and folks on the other side, we have not had full negotiations on this issue. If this cloture motion fails today, I am more than happy to sit down with whoever is willing this afternoon and come to some common ground on some language that can protect the Title X funds, protect the current providers, and ensure that people receive the critical services that they need. I don't think that there's a person in this Legislature that does not want to see the budget adjustments pass. If there is, I haven't met them yet. There are more people in here on both sides of this issue that I think are willing to sit down and come to negotiations and come with a middle-of-the-road compromise... [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR MORFELD: ...to move forward. It hasn't happened yet. It needs to happen. And I'm committed to making it happen if this cloture motion fails. And I hope that we make it happen this afternoon so that we can start out the week next week moving the budget forward. Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Howard. [LB944]

SENATOR HOWARD: Thank you, Mr. President. I think we're getting close to what I will be...what I believe will be the cloture motion. And I wanted to highlight how dangerous it is and why I do believe that the federally qualified health centers will be removed from LB944 if we leave it as is. The language that's in there currently prohibits all referrals. Under Title X and for physicians, if a referral for an abortion is medically indicated they have to offer it. So the language, as stands right now, does prohibit the federally qualified health centers because they would not be allowed to offer a referral, even when it is medically indicated. So, colleagues, you may disagree with me on that finding, but the federally qualified health centers and their legal memo is very clear that if we leave LB944 as is, we're removing their ability to provide this type of care and to draw down these types of funds. It's also really important to know this is a competitive grant. It's opening up in about a month. And if we are not able to show that there are enough providers in the state and we've removed the federally qualified health centers and we

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removed Planned Parenthood, if we can't show that there are enough providers we really can't compete for this grant. My expectation is that there would be a nonprofit who would compete for this grant against the state. And because we have this prohibition, the nonprofit would get it and most likely they would give the majority of the funds to Planned Parenthood and the state would stop receiving them, would stop managing them, and we would no longer be able to guide the state in how they disburse them. Most importantly, though, I am deeply, deeply disappointed that having been the only person who knows a considerable amount about Title X, I have never been invited to have a conversation about language to fix that specific language for the federally qualified health centers. I have never been invited into a room, I have never been asked by a colleague on the opposite side of this issue to help fix this language. Because of that, it behooves the body to give this a moment to breathe. This bill may fail on cloture. That gives us the afternoon and the weekend to craft something that works for all providers so that no women lose access to these services that we all agree we want them to have. I think it's...I'll step aside from the politics of this, from how incredibly disappointed I am that we have politicized a budget with, Senator Riepe said, so many great things in it, so many things that I care so much about, that I fight for on this floor every day. I will step aside from that deep disappointment and try to remember that we're here to do the work and that if this bill fails on cloture today, I am committed to working and at the end of the day I will vote for the budget adjustments. But my expectation is that we will come to some type of an agreement and we just haven't been given that opportunity. And with that, I would yield the balance of my time to Senator Chambers. [LB944]

PRESIDENT FOLEY: Thank you, Senator Howard. Senator Chambers, 1:30. [LB944]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Howard. One and a half minutes is not a lot of time, so I will say this. When Senator Murante said he assumed something about those people who are continuing to talk but won't vote for cloture, he assumed what that meant. You know what they say about the word "assume": The first three letters are "ass" and the next one is "u." I'm just using grammar. I have a comment about the Speaker's announcement about consent calendar. I'm not promising or telling what I'm going to do, but all you'll get at a maximum is four consent calendar bills per hour because each one has a maximum time for debate of 15 minutes. So multiply how many hours we're going to be here by four and that's how many consent calendar bills you're going to get, not a threat, not a promise, just a little calculating that people ought to do who are practical. Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Watermeier. [LB944]

SENATOR WATERMEIER: Good morning, Nebraska, and good morning, colleagues. I've been quiet on the mike this morning here. And as many of you know, I'm usually not very active on

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the mike, but I feel compelled to talk a little bit about the process that we went through in Appropriations. To say that it wasn't discussed, specifically Title X, and I haven't had a chance to give my opinion, we clearly had a hearing. We had a debate inside of Appropriations. It was brought up at least four to five times for a reconsideration of what we had originally done in our initial assessment of the budget. Each one of those times it failed. The Appropriations Committee gave it a serious look, a serious discussion, and to say that it doesn't belong in the budget bill, I believe, is inaccurate because it clearly talks about federal dollars that are tied to our actions or inactions in the state of Nebraska. If we do certain things, it puts those at risk. I don't care whether it's an ag regulation in my industry or a banking regulation or a health industry and a regulation in that institution or industry, we all deal with and work with regulations, and which are tied to federal dollars. And clearly, clearly, this belongs and could be in the budget. It's an appropriations process. I appreciate the debate that we've had this morning. I think it's been good. The public is fully engaged, fully aware of what we're doing. It is an emotional issue, there's no doubt about it. But we are responsible for delivering a budget, even though this is a deficit year. We could just close your eyes, vote no, and say we'll just take care of it another day. We could have a special session. We ignore some of the work that we did inside of the Appropriations this year with several million dollars going to things that are needed in child welfare, DD. We did a lot of good work inside of Appropriations, and we'll go back to work and do it again if we have to, but I don't know what the outcome is going to be. I've lost a lot of votes in this building, in being here six years. And sometimes you just have to shake the hand of the person that beat you, or if you happen to be on the side that won, and say we just have to agree to disagree on this, and go on. I spent last weekend from Friday through Monday in debate over this particular language. Several of us reached out and we had lots of discussion. And I felt we actually worked close for a while and then at one point in time said, nope, I'm out; nope, we're going further away. The next proposal was further away. The people that I was relying on for advice, and I will never say that I'm an attorney, I've said this time and time again on this mike, but I have to rely on opinions that are given to me from different attorneys. Whether it's my business, from agronomy work, financial work, GPS work, and all the things that I do, I have to rely on opinions from attorneys. I'm not the attorney but I got to make the opinion, I'm the one writing the check. And that's similar to what we're deciding today. At some point in time you have to shake hands and agree to disagree. But I feel like I have done, thank you, Senator Brooks, the very best that I can. And I think the body has done the very best it can. Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Senator Hansen. [LB944]

SENATOR HANSEN: Thank you, Mr. President. And good afternoon, sorry, good morning, colleagues. It feels like afternoon, though. You know, I suppose this is why I'm like Senator Briese, not a betting man. I would have bet all of the money in my wallet, all \$2, on it that I would not have gotten a second chance to talk. And for the record and alluding to my comments

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earlier, this is my third time to talk on the budget. So we're averaging \$1.5 billion in appropriations just for this year for each time I've gotten up to speak. And I bring that up just to hammer home the point that a "no" vote on cloture or not supporting cloture right now isn't necessarily a vote on the underlying budget, because it isn't for me. It is saying that at 11:15 on Friday, March 22 (sic--23), I did not think the budget was in an appropriate place to move it to Final Reading. I think there are several amendments that people have worked tirelessly on that we haven't even gotten the chance to have introduced, let alone voted upon. The budget is its own animal. We've heard that. Appropriations works differently. There's whole special sections in the rules that we've been debating about the significance of. Having a limited amount of debate repeatedly just to move on cuts down our duty as the leaders of the state to pass a budget that we can agree upon. And I agree with Senator Watermeier in a sense that sometimes you got to, you know, we got to shake the other side's hand and understand the stakes. That would be nice to do once we actually had some votes on some amendments and understood what was happening. And with that, Mr. President, I would yield the balance of my time to Senator McCollister. [LB944]

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator McCollister, about three minutes. [LB944]

SENATOR MCCOLLISTER: Thank you very much, Senator Hansen. Good morning, colleagues. I support AM2346 and ultimately support LB944, passage of the budget. Like so many other senators, I do, I also contend that this policy question that we're discussing does not belong in the yearly appropriation budget, just does not. And this represents a major change for this body and I don't favor it and I won't ever, as long as I serve as a senator. Secondly, there is no compelling legal reason for us to take the position of Senator Hilgers or Senator...any other lawyer that we have in the body. I agree there's compelling evidence on both sides, so I'm not using that to determine what my position is. While I may have given ultimate assurances to people that I will vote for a budget, and I will do that, you know, I also gave assurances to some folks yesterday that I would vote for cloture today. Well, knowing that people didn't rely on that information to make a schedule, I do not feel bad about not voting for cloture this morning. So I would urge your support of AM2346 and ultimate support for LB944, the budget bill. Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator McCollister. (Visitors introduced.) Mr. Clerk, you have a motion at the desk? [LB944]

CLERK: I do, Mr. President. Senator Stinner would move to invoke cloture, pursuant to Rule 7, Section 10, on LB944. [LB944]

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PRESIDENT FOLEY: It's the ruling of the Chair that there has been a full and fair debate afforded to LB944. Senator Stinner, for what purpose do you rise? [LB944]

SENATOR STINNER: I would like a call to the house and a roll call in reverse order. [LB944]

PRESIDENT FOLEY: Thank you, Senator Stinner. 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. [LB944]

CLERK: 28 ayes, 0 nays, Mr. President, on the motion to place the house under call. [LB944]

PRESIDENT FOLEY: Senators, please return to your desks. The house is under call. All unauthorized personnel please leave the floor. The house is under call. Senator McCollister, could you check in? Senator Vargas, Senator Crawford, check in, please. Senator Brasch and Senator Wayne, please return to the Chamber and check in. The house is under call. Senator Hilkemann, please return to the Chamber. All unexcused members are now present. There's been a request for a roll call vote in reverse order. The first vote is on the motion to invoke cloture. Mr. Clerk. [LB944]

CLERK: (Roll call vote taken, Legislative Journal pages 1138-1139.) 31 ayes, 7 nays, Mr. President, on the motion to invoke cloture. [LB944]

PRESIDENT FOLEY: The motion fails. We are still under call. Speaker Scheer, you're recognized. [LB944]

SPEAKER SCHEER: Colleagues, I think we need to take a step back and take a little suggestion here. I'm very disappointed in what happened this morning because we have wasted two hours of your and the state's time regurgitating things that we have regurgitated no less than probably ten hours on this floor. It may be an important issue, but it really has received its fair amount of debate. This body has lost the concept of giving your word as your bond. The only reason this was on the agenda today is because I had individuals that told me, we want an amendment up, we want an up or down vote, and if we get that, regardless, we will vote for cloture and I'll vote for the budget. That didn't happen. It's immaterial who that was. I'm not calling individuals out. I am calling us all out because when we give our word, that is our bond. If I can't trust people when they say, yes, that it is a yes, this institution is in a world of hurt. Think about it. We need to grow up, act as adults, and when we give our word we give our word. I don't care if you think about it and ten other people came and talked to you. You gave your word. If you want to change your word then don't give your word to begin with. It's that simple. Don't placate people. Be

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honest with them. If you don't know, say, I don't know. If you say, yes, then, by God, a yes is a yes. I don't care if it's on this issue or any other. Quit playing games. You won't be trusted. Some of you aren't trusted simply because of that. We've got a budget to approve and we've got language we need to modify. We need to make some adjustments. That doesn't mean that those that would be on the left side go farther left, and it doesn't mean those that on the right side, you go farther right. That means you go in the middle. Does this come out? No, it doesn't come out altogether. That's not fair for the expectation. Can it be changed? Yes. And that's fair for their expectation. This has to be resolved. There are several that are going to be working over the weekend. I expect some type of compromise, some type of constructive language that will put this forward. We need to grow up. We need to do our jobs, quit isolating ourselves and start working together. That means everyone. I'm not looking at one group or another. I am looking at the whole floor here. We have limited amount of time left. Why am I upset? Because I was lied to. And when somebody doesn't keep their word, that's lying to me. I expect you to keep your word when you tell me something. Why am I upset? Because we just spent another two hours when we have tons of bills that have not seen the light of day. They're all your bills. They're not my bill. I don't have a bill this year that is a priority bill. They're yours. Quit asking me when they're going to come up if we're going to keep pulling this crap. We need to start working together. There are bills out there that are bad bills that still haven't been heard. We don't have to be nice about it. If it's a bad bill then let's dispense of it. Every bill does not have to go three hours. Every bill doesn't have to go six hours. Swallow your pride and be an adult. Not everything will be acceptable to the body. That's the way it's supposed to work. Go home for the week and come back as legislators. Come back as negotiators so we can get this done, get the rest of our legislative agenda done and go out knowing that we've accomplished something, not for ourselves but for the state of Nebraska. Thank you.

PRESIDENT FOLEY: Thank you, Mr. Speaker. I raise the call. We'll proceed to the next bill. It's General File, 2018 senator priority bill. Items for the record first, please.

CLERK: Thank you, Mr. President.

PRESIDENT FOLEY: Members, we always clear the speaking queue until the bill is called. We've got items for the record, then the queue will be opened.

CLERK: Mr. President, just quickly, some amendments to LB1103 by Senator Briese to be printed. Senator Groene, Senator Groene, do you still want your Exec Session now or when do you want it? I have a note that says Education Exec Session. Now? Okay. Education Committee will meet, Mr. President, under the south balcony now; Education Committee, under the south balcony now. (Legislative Journal page 1139.) [LB1103]

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Mr. President, the next bill, LB295, a bill originally introduced by Senator Smith relates to revenue and taxation, adopts the Opportunity Scholarships Act. Considered last night. Before Senator Smith had an opportunity to open, a motion was offered to indefinitely postpone. That motion failed. I now have a motion to reconsider that by Senator Burke Harr. That motion is pending, Mr. President. [LB295]

PRESIDENT FOLEY: Thank you, Mr. Clerk. I think we'll just proceed right into the debate. Senator Krist. [LB295]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska, again. I did not have an opportunity to speak on LB295 when it came up before and I wanted to make a couple remarks for the record. Senator Geist came and asked me for a yes on cloture, and I said I could not give it to her. And let me explain why. Can I have a gavel, please? Let me explain why. Senator Tony Fulton carried a bill very similar to this for several years. I picked the bill up for another three times consistently. In all of our attempts in carrying bills similar to this, it never came out of Revenue. And it never came out of Revenue because it costs money. Now you've heard the description by Senator Harr and others that the tax deductions that come out of this particular bill can actually make you money. I'm not going to dispute and not going to talk about the revenue, and I'm not going to talk about whether or not we once again...we once again should be talking about another tax giveaway. I think it's a focus that I'll talk about at the end of my time. But in the entire time that I carried this, I was told that it was about our existing school system...systems in the state of Nebraska. It became more and more and more clear that particularly the one organization that currently has the capability of carrying out this kind of funding is more about charter schools. So I'm concerned. There is no provision in this regulation, Senator Linehan, there's no provision in this bill that excludes the money from being used as charter that I have seen. Now, I may be wrong, and you may point it out to me and that's fine. I'm happy to hear the discussion. But I want us all to focus on the experiment that happened in Minnesota and what's happened to the school system in St. Paul-Minneapolis based upon a huge charter movement up there, because I don't think the results or intent...the unintended consequence of that particular piece of legislation are worth noting and learning from--lessons learned. That's just a small portion of my concern with this bill. The other portion is, for all of those fiscal conservatives and all of those people who said we've given away too many tax dollars, watch this. This is a slippery slope. We feel so strongly about our kids that we're going to give away additional revenue. We feel so strongly about this subject that we collectively are going to give away revenue. This is how it starts. Different church completely, I won't even say it's a different pew in the same church but different church completely. I wonder if this was a discussion, and Senator Chambers can tell us, that went around whether or not ConAgra was going to get everything they asked for just to come here, and we felt so strongly about that as a body, our predecessors, that, again, we gave away tax dollars. I contribute to my alma mater, Creighton Prep, as Senator Harr alluded to the other day. I contribute to St. Pius in

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Omaha, a grade school that my son went to. I contribute to our Lady of the Lourdes, a school that I went to. I contribute to a lot of Catholic schools and give as much as I can directly to the school,... [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR KRIST: ...directly to the school. I no longer believe, after my time in carrying this bill and watching it happen and watching it evolve, that this is the right time in the financial situation that we're in to be talking about this particular initiative. The same thing I was told by Senator Fischer, by Senator Hansen, by Senator Galen Hadley, by members who sit here who refused to put that bill out of a committee when Fulton put it in and when I put it in years ago. Thanks for listening. [LB295]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Harr. [LB295]

SENATOR HARR: Thank you, Mr. President. So I'm not going to talk about the bill because I think I owe a good friend an apology, and that would be Speaker Scheer, because I was one of those people he relied on. And I didn't get a chance to talk on the last bill. We didn't have enough time. And I think I need to explain why I did what I did. This is why you don't put social issues in the budget, period. This is the problem you have is what we're doing here. What's going on right now is embarrassing. I will fully admit it. And I hate that I did what I did. But, gosh darn it, we have to have a compromise and we've got to get people working together. And I said, when anyone would ask me, I'd say, you guys just keep negotiating, I'm not going to tell you where I'm voting, but I did the Speaker because I felt I owed it to him. But keep negotiating. He's exactly right. Be legislators. I get that neither side is going to win on this. But I felt I had to "no vote" on that to keep the two sides working together. And when I say no one is going to win on this, I was wrong, because the Governor is winning on this because we're giving the executive branch more power by making us look like idiots. Step up, man up, woman up, whatever you want to use, but negotiate and negotiate in good faith. There is a middle ground here that we can work together on. There' already federal rules and regs out there and interpretation, folks. And I remember Senator Murante had a bill brought on behalf of our Governor that said we should not have laws and rules and regs that are duplicative. Senator Hilgers has given us...pontificated many times, federal regs rule over state law. So why are we creating a state law? On the state level, state law rules over state regs. And so we are saying, let's change the statute because they're duplicative, so that the regs aren't required. Why are we doing...using the same logic on the state level? Fine. We can create a law and it better be what the federal regs are, and it better not be anything more and it better not be anything less. But this is why you don't put social policy in the budget. I've heard from a number of people this will not be in the budget next year; this is going to go to a standing committee, which is where it belongs. So over the weekend I have stayed out of this

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because, quite frankly, this is...when you touch this issue, it's a no-win situation. And I've heard the statement, 90 percent of us are between the two extremes on this, and they are extreme, so I try to stay off of it. But I guess maybe this weekend I'll try to get involved on it because what's going on is wrong. And no one is to blame and everyone is to blame. So, Mr. Speaker, I apologize. I want to do something on this. And I think the two sides are negotiating. I'm just not sure if we're there at an impasse yet. And we got to get to an impasse, because if we voted the budget to Final Read and we came up with an agreement, we'd have to vote it back to Select anyway. So why move it to Final? We all know there's going to be a compromise so why move it to Final? Let's keep it on Select. Let's get something done. Let's be responsible. And let's be responsive to the people who sent us here. I don't think today was a waste of two hours any more than I think us talking about LB295 is a waste of three hours. We're having policy talk and we're debating. This is a deliberative body. Now, we haven't come to an agreement yet, but we will. This LB295, we have... [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR HARR: Thank you, Mr. President. We have a little bit more time left on it. And when we're done in an hour we can probably move on to something else. Maybe some of us will go to the basketball games this weekend, relax for a little while, decompress, and then I think we can address the problems of the people. We've got an important week next week. You're going to see some bills where people are working together across party lines, across urban-rural lines, you name it, and I think it's important that we talk about those. Thank you. [LB295]

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Blood. [LB295]

SENATOR BLOOD: Thank you, Mr. President. Fellow Senators, friends all, I would ask Speaker if Senator Friesen would yield to a question? [LB295]

PRESIDENT FOLEY: Senator Friesen, are you available for a question? He's... [LB295]

SENATOR BLOOD: He's in the middle...or Senator Linehan,... [LB295]

PRESIDENT FOLEY: Senator Linehan, would you yield to a question? [LB295]

SENATOR BLOOD: ...since I'm running out of time. Hopefully I can get Senator Friesen to go next. Senator, what percentage of private schools in Nebraska are religious affiliated? [LB295]

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SENATOR LINEHAN: I don't know the exact numbers. I can get it for you. I know there are 95 Lutheran schools. I'm not sure exact number of Christian or Catholic, but... [LB295]

SENATOR BLOOD: Okay. [LB295]

SENATOR LINEHAN: ...I know that there are 39,000 kids in private schools. I'm not sure if they're all religious... [LB295]

SENATOR BLOOD: Eighty-six percent. [LB295]

SENATOR LINEHAN: I know they're not all but... [LB295]

SENATOR BLOOD: It's 86 percent. I looked it up. [LB295]

SENATOR LINEHAN: Okay. [LB295]

SENATOR BLOOD: I just want to make sure we're jibing on facts. So isn't it true, is it my understanding that you're Catholic? Is that correct? Or you attend... [LB295]

SENATOR LINEHAN: That would be absolutely right,... [LB295]

SENATOR BLOOD: Okay. [LB295]

SENATOR LINEHAN: ...as are you, I think. [LB295]

SENATOR BLOOD: Right. And I'm asking because this will be an area of expertise for you. So is it true... [LB295]

SENATOR LINEHAN: I'm not an expert. [LB295]

SENATOR BLOOD: Yes, you are. And you're a plucky senator. I love you. [LB295]

SENATOR LINEHAN: Thank you. [LB295]

SENATOR BLOOD: So parishioners commit to making the cost of education affordable to all students by subsidizing a large portion of each student's tuition. True or false? [LB295]

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SENATOR LINEHAN: Could you repeat the question, please? [LB295]

SENATOR BLOOD: I can, but we have a lot more questions. We got to hurry. [LB295]

SENATOR LINEHAN: Okay. [LB295]

SENATOR BLOOD: Parishioners commit to making the cost of education affordable to all students by subsidizing a large portion of each student's tuition costs. Yes or no? I know my parish does. [LB295]

SENATOR LINEHAN: It's not that easy. Some parishioners, some do; some don't. [LB295]

SENATOR BLOOD: Okay. The archdiocese provides scholarships and grants. Yes or no? [LB295]

SENATOR LINEHAN: Yes, they do. [LB295]

SENATOR BLOOD: Schools provide payment plans. Yes or no? [LB295]

SENATOR LINEHAN: Yes. [LB295]

SENATOR BLOOD: Many of the Catholic schools also do the Script Rebate Program. Yes or no? [LB295]

SENATOR LINEHAN: I don't know about that. [LB295]

SENATOR BLOOD: Yes. [LB295]

SENATOR LINEHAN: (Laugh) I don't know why you need to ask me if you have all the answers. [LB295]

SENATOR BLOOD: I need this on the record. I need this on the record and I am trying to prove a point, but good question. Thank you. Children's Scholarship Fund, K to 8, Archdiocese of Omaha high school assistance fund, 9 through 12, available for scholarships? [LB295]

SENATOR LINEHAN: I'm sorry. Can you repeat the question? [LB295]

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SENATOR BLOOD: Children's Scholarship Fund,... [LB295]

SENATOR LINEHAN: Yes. [LB295]

SENATOR BLOOD: ...Archdiocese of Omaha high school assistance fund, both provide grants/scholarships? [LB295]

SENATOR LINEHAN: They are two different things, right? [LB295]

SENATOR BLOOD: Right. One is for K to 8, one is for 9 to 12. [LB295]

SENATOR LINEHAN: Okay. You know a lot more about this than I do. [LB295]

SENATOR BLOOD: Because I do my research, just like you. You're amazing when you showed me the numbers. We had a good conversation about this bill. [LB295]

SENATOR LINEHAN: Okay. [LB295]

SENATOR BLOOD: So there's some concerns that I have and one of them was when you explained to me how you qualified for the scholarships and you did the math, I was really impressed. By the way, your math is excellent. The gross incomes are not exceeding two times required level for reduced lunch, and that equates for families of four with incomes, according to my math, so if you have four people in your family and an income of \$89,000, you can get a scholarship. If you're a family of two with incomes of \$59,000, living wage for a family of four in Nebraska is \$51,000. Median income in Nebraska is \$56,000-ish. So we talked a lot about poor people who can't afford to go to school. And a large portion of these private schools are religious based. My concern is that when you look at these numbers, and I don't know what your demographic is, but in my demographic, \$89,000 for a family of four is a good wage and a living income by about \$30,000-\$40,000. [LB295]

SENATOR LINEHAN: Oh, I'd have to talk to Senator Smith, but I think we'd be more than willing, if you're concerned about that, to reduce it to just free and reduced lunch. [LB295]

SENATOR BLOOD: Well,... [LB295]

SENATOR LINEHAN: That's an amendment we could accept I think. I need to talk to Senator Smith. [LB295]

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PRESIDENT FOLEY: One minute. [LB295]

SENATOR LINEHAN: But if that's your concern on the bill, that can be fixed. [LB295]

SENATOR BLOOD: And the other concern that I have is that there's really no transparency once we start giving them this tax credit. And that's something that... [LB295]

SENATOR LINEHAN: That's not true. [LB295]

SENATOR BLOOD: ...I did address with an amendment and I'm going to have to address later on the mike. I'm hoping I can talk to some members of the Revenue Department...or, excuse me, Committee on it as well. Senator Linehan, I appreciate your help and your time. Thank you. [LB295]

PRESIDENT FOLEY: Thank you, Senator Blood, Senator Linehan. Senator Hansen. [LB295]

SENATOR HANSEN: Thank you, Mr. President. Good afternoon, colleagues. This has been an interesting issue to kind of learn more and hear more about. And I'd like to learn more and hear more about it, so I'll yield my time to Senator Harr. [LB295]

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Harr, you've got 4:40. [LB295]

SENATOR HARR: Thank you, Senator Hansen. And I would be remiss if I didn't thank Senator Hilgers as well for his hard work on this. Last night I was really worried. We had a queue with 12 people speaking and only one...for and only one against, and I really wanted to get to the mike and I didn't know how to get up there. And he called the question. And it was beautiful because then I got five minutes to close and a reconsider and another ten minutes to talk about it. So I got 15 minutes and I got to skip the line. And so when I hit my light, if I get a second time, I'm going to yield some time to Senator Hilgers for granting me 15 minutes last night. I really do appreciate that time that he gave me. Folks, this has been a healthy debate. And I hope we do get to the IPP motion eventually before we leave today. But my concerns, just to remind everyone who wasn't watching last night, who was watching Loyola beat Nevada or Navaydah (phonetically)--I never know--my three reasons for this is I think this is bad tax policy in that we treat one nonprofit different than we do any and every other nonprofit, and I don't know why. I don't have something that I can hang my hat on and say, well, this is why we treated this one differently. And I haven't heard that reason why. Number two, this is a profit model. If I give you a dollar, if I give a dollar to one of these scholarship funds, the state gives me a dollar back, so I'm even, even-steven. But then I still have my federal tax taxes to pay. And when I pay that

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federal taxes, I can write off that as a charitable contribution. So I have decreased my federal liability; hence, money in my pocket. So I think this is bad tax policy. You know, if we'd gotten to something down to the level of the maximum federal tax rate, which I think is like 38-39 percent, and we said, hey, you get 50 cents back for every dollar you give, maybe I'd be okay, and you gave me something to hang my hat on as to why this one nonprofit is better than any other nonprofit that is known in Nebraska. My third reason or second reason for being against it is state testing, meaning we don't hold our private schools to the same level of scrutiny and accountability that we do our public schools. Well, why is that? It only makes sense, because our private schools don't receive state dollars. We have a fiduciary duty to taxpayers to make sure that our tax dollars are being well spent. And so in order to do that with our public schools, what we say is we're going to have you take tests. Matter of fact, Senator Linehan had an amendment two nights ago that we passed that said, public schools, you shall take this reading test, because we want those kids in public schools to make sure they're reading on level. Private schools, you're already reading on level, we assume, so don't worry about it. But we don't have that apply to the private schools, and we don't have the private schools take the same test so we can compare them and say apples to apples. We do apples to oranges. Take the test. I have no problem if you say, hey, we're going to take the same test and hold our students to the same level of accountability and, more importantly, our teachers to the same level of accountability. There isn't the same requirements for the teachers in private schools as there is in public schools, not to say that they aren't doing it. And if they are, great, but let's bring that as part of the bill. Let's bring that all together as one. And then third of all, I think this... [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR HARR: Thank you. This is a false hope in that this is a school's choice of children, not school choice for children, meaning a parent may want to send their kid to a certain school, and they may get money from the Children's Scholarship Fund or any other of these scholarship funds. But at the end of the day, the school doesn't have to take them. Public schools do not have that luxury. They take all comers, whatever they may be, whether they have a physical disability, a mental disability, psychological disability, truancy, poor grades, you name it. And they can't just say, hey, if you don't meet our requirements, you're out. They have to meet the student where the student is and make sure that student succeeds. And when they don't and if they don't, then Senator Linehan has even more power for her bill. But I think the schools are trying to do that, and if there is a school or school district that isn't doing it, call me, e-mail me. [LB295]

PRESIDENT FOLEY: Time, Senator. Thank you, Senator Harr. Senator Hilkemann. [LB295]

SENATOR HILKEMANN: Thank you, Mr. Lieutenant Governor. I rise. I will not be supporting LB295. I do not...I'm very disturbed about this bill for several reasons. Number one is that we are

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giving a state tax credit, and when you look at our state budget, our state budget is paid for from our General Funds. Our TEEOSA funding comes from our General Funds. When we give a tax credit, we're taking that directly from money that would go into our General Funds. What company or individual who has a large liability to the state or any liability to the state, for that part, wouldn't take advantage of this? Put \$1,000 into one of these, into one of these organizations; you get the \$1,000 credit from the state, you can take the write-off for the state...for your federal deduction. I do not like that. I'm surprised that people in this body, who have been screaming about how we're going broke, how we need to rebuild our rainy day fund, are jumping on the bandwagon for this one. This is going to continue to take more revenue from the state. It will take more revenue from the state. Now I waited all night, last night, to try to get on to say those few words. I didn't have an opportunity last night. I'm going to give those few words. I'm going to give the remainder of my time to Senator Smith, if he would like it. [LB295]

PRESIDENT FOLEY: Thank you, Senator Hilkemann. Senator Smith, 3:20. [LB295]

SENATOR SMITH: Thank you, Mr. President. And, colleagues, it appears we will have a scarce amount of time to discuss this very important bill. And as much as I would like to debate its merits, I feel I need to address the happenings of last evening. I hope I'll have enough time to express my opinions here. Last night we had the opportunity to have meaningful debate and discussion on our future as a state. Education opportunities for our families is part of that future. We talk a lot about investing for our state's future and creating a better and more diverse work force, yet we shut down discussion of education choice. We bow to the influence of the education lobby and to the NSEA. We shut down discussion for fear. For fear of what? For fear that we may actually change minds, change opinions? I've never seen...I've never been one, I guess, I've never been one to whine and to complain about my lot. You win some, you lose some, you do your best and you move on. But in my tenure here, I've never seen the hostility shown last night in preventing debate on this bill and on education choice. The IPP motion that was filed prior to reading the bill's title prevented the introduction of the bill. Here we are almost at three hours and we have not been allowed an introduction of the bill. Senator Harr smiles. He knows it's a great game over here and he's won. He's won on this. Three hours into this and we've not even introduced the bill, not introduced the committee amendment, three hours. We completed debate of Senator Harr's IPP last night without the courtesy of even an opening on the underlying bill. Then we had to endure manufactured outrage, manufactured outrage on our efforts to cease debate on that IPP motion so that we could at least open and discuss the bill. Was Senator Harr's motion within the rules? Absolutely. But it was not right. [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR SMITH: It was not right. Thank you, Mr. President. [LB295]

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PRESIDENT FOLEY: Thank you, Senator Smith. (Visitors introduced.) Continuing discussion, Senator Albrecht. [LB295]

SENATOR ALBRECHT: Thank you, President Foley. And I would like to yield my time to Senator Smith for his 2018 senator priority bill. I would like for you to enlighten us with an opening. Thank you. [LB295]

PRESIDENT FOLEY: Thank you, Senator Albrecht. Senator Smith, 4:40. [LB295]

SENATOR SMITH: Thank you, Mr. President. At least we'll get some things, again, on the record for this morning. There's a committee amendment to LB295 that does become the bill, and I don't know if we'll be able to get to that or not. But I am going to kind of repeat a portion of my opening from last evening. You know, again, I thank Senator Linehan for prioritizing this bill. At this time, I guess my intentions with respect to this legislation, I believe it's good policy for the state. If we talk about investing for our futures...for our future, there's nothing more important in our future than our children and the education of our children and providing choice to families that may not have the wherewithal to provide for that choice or to make that choice. I started out by saying this was not a debate between public and private schools. You know, Nebraska is fortunate to have great diversity in its education systems, and this bill simply gives families that do not have the means to make the choice to be able to make that choice. As a parent, I mentioned that I had myself been privileged to be able to use a public school system, private school system, also we homeschooled. Some children thrive in one environment while others thrive in another, but sometimes families don't have that choice. LB295 was not about charter schools and if there was interest in really understanding why this is not a charter school bill, there's plenty of reasoning in the bill. A qualified school, it has to...scholarships can only be granted to children who attend a qualified school, and a qualified school is defined as a privately owned, not-for-profit school that meets the applicable accreditation or approval requirements established by the State Board of Education. It's not a voucher program. It does not take money away from public schools. As we said, not one penny comes from the \$1 billion appropriated under TEEOSA. It is a tax credit. Tax credits are intended to encourage certain behaviors. This tax credit encourages a behavior to invest in our children. That is simply it--to invest in our children. And there's a number of tax credits that we have passed in this body to encourage much less than the education of our children. LB295 is not what some will make it out to be. It's a bill that seeks to ensure our children receive a quality education. As parents, we all want to do what is best for our children. LB295 should not be considered to do harm to public education. It does not. It simply provides choice for those without the means to afford making certain choices. That's all that this bill does. And it's unfortunate that we've shut down debate on this. Everyone is in their corner. Everyone has got their minds made up. And so Senator Harr felt that it was absolutely appropriate to do a kill motion prior to the reading of the title so that his priority motion took precedence over introduction of the bill or introduction of the committee

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amendment. Again, I just don't recall seeing that happen in my tenure here. It's really unfortunate that we've gotten to that point. Senator Harr may be able to get on the mike... [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR SMITH: ...on his own time and tell me that this has been done before. To my memory, I don't recall it. Thank you, Mr. President. [LB295]

PRESIDENT FOLEY: Thank you, Senator Smith. Senator Linehan. [LB295]

SENATOR LINEHAN: Thank you, Mr. President. I'm just dumbfounded, frankly, at Senator Harr's comments this morning. First of all, he knows very well that the underlying amendment, that we can't get to, lowers the credit to 75 percent. Even though he knows that, he got up and described it in a different way. But I guess he's already admitted this morning that he...I won't actually say that. Then he said that there's new tests in the 3rd grade reading bill. Again, he asked me that when the 3rd grade reading bill was on the floor, and we had a discussion. I explained to him there are no new tests in the 3rd grade reading bill. There are assessments, assessments that the vast majority of the schools are already using. We had that discussion. He seemed to understand that there were no new tests, yet this morning he stood up and claimed it's a new test. He also claimed that the private schools don't have to do testing. Again, we had that conversation and I read it from the law. They have to do tests. They have to do standardized tests. They take, the private schools, take nationally recognized, standardized tests in elementary, junior high, and high school. They take tests that actually allow them to compare themselves across the nation, the same test. Public schools in Nebraska take a test that is developed with contractors--cost us several millions of dollars--so we can compare Lincoln to Omaha or Grand Island. We don't make any effort until this year, this year we made an effort, to compare ourselves nationally, and it wasn't good, folks. I handed out earlier, the pages did, a story from the Omaha World-Herald about ACT tests that for the first time all juniors had to take. It didn't turn out well for some schools. And now it's not whose fault is that. There's multiple reasons we can say why that's a problem. But just think, it's 2018; we...this argument about testing in schools has been going on the whole time I have worked in public life. First, the school...the Department of Ed wanted a waiver from the federal government. They got that. And finally, finally, 20 years later, the first time last year we did tests in our public schools that allows us to look at how we do nationally. In an economy where our children are going to have to compete worldwide, it's astounding to me. No accountability? The most important accountability, and anybody that's a parent or grandparent in this body knows, the most important accountability is parents. I would like anybody in this body who's raised kids to tell me that they've never gone to a school and had a discussion with the principal or the teacher or the superintendent about what's going on there. That's accountability. It's not a whole bunch of people, you know, in a legislative body at the

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federal or the state level. Accountability is parents. And everybody know that when the parents are paying attention, you have accountability in a school system. And I feel very strongly... [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR LINEHAN: ...when a parent has an ability and the freedom to choose, they feel much more empowered about their accountability, whether that be a public school where you live in the district and you know the people there and you know other parents. I live in Elkhorn. I tell you, Elkhorn has got a lot of accountability, a lot. Public schools take all comers. Oh yeah, they take them all. Senator Wayne, would you yield for some questions? [LB295]

PRESIDENT FOLEY: Senator Wayne, would you yield, please? [LB295]

SENATOR WAYNE: Yes. [LB295]

SENATOR LINEHAN: Senator Wayne, do you have a percentage of kids who were suspended from Omaha Public Schools last year? [LB295]

SENATOR WAYNE: Yes, we have a very large number. I don't have the exact numbers with me but a very large number of students that were suspended last year in Omaha Public Schools. [LB295]

SENATOR LINEHAN: Do you know if, in fact, the Omaha Public Schools have gotten in trouble... [LB295]

PRESIDENT FOLEY: Time. Time, Senators. Thank you, Senator... [LB295]

SENATOR LINEHAN: Thank you. [LB295]

PRESIDENT FOLEY: ...Linehan and Wayne. Senator Brasch. [LB295]

SENATOR BRASCH: Thank you, colleagues, and good morning. And I was also in the queue, pushed my light right away last night and I think I was number 19 and we did not get that far. But the conversation today is a carryover conversation and not a whole lot has seemed to have changed in the dialogue. And I hope a lot has changed in the tone. Most of the senators received, and I believe we all did from the National Conference of State Legislatures, a little slick here

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that's called "tools of the trade." And there's pointers on what great leaders do--that's the title of the document--and it encourages us to master these ten. The one I want to speak to specifically today, maybe a couple, one I believe Speaker Scheer was pertaining to this morning, it's number eight on the list but not in the priority. It says to honor...operate with honor and integrity. Always tell the truth. This will gratify some people and astonish the rest. And that was by Mark Twain. One of the other suggestions for great leaders was to listen more than talk. And it talks about the courage it takes to stand up to speak, and courage is what it takes to sit down and listen. That's by Winston Churchill. The points that I wanted to address last evening in the late hours were from things that my colleagues had said and we do have fact sheets before us when we're concerned about this legislation. I, too, like Senator Watermeier, have been here longer than him, but being new to the Revenue Committee and new to the Legislature, supporting any legislation that would dare to come close to anything in the public school world was not to be done, not to be considered. That if you weren't for them, you were against them. And I am not against our public schools. Please let me be clear. I am not against the public schools, but I am also for learning and how to accomplish that in the best way possible. In 1923, Meyer v. Nebraska, it says where the United States Supreme Court first recognized that, quote, it's the natural duty of a parent to give their children education suitable to their station in life. And the court recognized that the U.S. Constitution protects, "the power of parents to control the education of their own." We're one of only six states without publicly supported options for nondistrict school education. As others have mentioned, 18 other states, including the states around us of Kansas, Iowa, and South Dakota, they have similar legislation and it's time for Nebraska to join our neighbors. And I'm also...there is much more to be said, but one thing I wanted to make totally clear, because Senator Harr, good colleague and a great senator, but he said last night and then he said today about picking charities or picking nonprofits. He introduced the Woodmen of the World bill, which gave property tax relief to not only them but 31 other fraternal order organizations. So we were picking and we saw the good that it could do, and I believe this can do good. But this is not setting a special set aside or a precedence. And then I also believe that many senators, one here today who spoke earlier, that many supported the Dental College funding for Creighton. That's a private school. It's not unprecedented. We need to look at the best benefits. And when you talk about testing, I don't ask people I interview to bring in their tests that they took in high school or college or whatever. I interview them on their merits, on their work record, on...there's many things you look at past the education. You look at was there a high school degree, was there education after, and not getting down into the weeds. And it was a difficult decision for me to make on the Revenue Committee to vote this out of committee, but I have seen so many facts, especially when our public schools are crying that they're overloaded with students. [LB295]

PRESIDENT FOLEY: Time, Senator. [LB295]

SENATOR BRASCH: Dollar for dollar, this can save money. This can save property... [LB295]

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PRESIDENT FOLEY: Time, Senator. [LB295]

SENATOR BRASCH: ...tax. Thank you, Mr. President. [LB295]

PRESIDENT FOLEY: Thank you, Senator Brasch. Senator Wayne, you're recognized. [LB295]

SENATOR WAYNE: I'm doing my best to stay out of this conversation. I am not supporting the underlying bill or the amendment primarily because I'm not supporting any tax credits, same votes on the budget that I've had. I think we have to do...we have to change our infrastructure, including TEEOSA and some other things, before I'm willing to jump on to this. But my problem is, and the reason I got up, is we're still not having an honest debate about what goes on in my district. When Senator Chambers split OPS years ago, I thought it was an interesting idea and I might be okay with it. After lawsuits and everything else, Learning Community was formed. And I had the honor of serving on the Learning Community with Senator Chambers. Now Senator Chambers still didn't use e-mails back then, but we received a lot of e-mails and communication from our public schools when we tried to implement a diversity plan. That diversity plan and those e-mails said we don't want those kids in our district. We don't want to have to have those kids come in our district, too, because they'll lower our test scores or cause violence, not just one or two e-mails but hundreds of e-mails. We have a structure problem in our public schools that needs to be addressed. In Omaha area, Douglas County area, Sarpy County, we have 11 school districts, which is unheard of. We have a school district that nobody wants to say is a charter school district in the middle of Omaha. That was defined in 1940s based off of racism, and we can still have that debate, but I'm not going to go there today. But I wanted to put on record why I have problems and why I think right now, when I listen to this debate, we're not being honest about what happens in our public schools. Debate the merits. Be up or down on whether or not we're for or against tax credits. But let's not act like the kids in my community and the kids that I work with every day have choice in their district, because we don't. And that choice involves them driving over an hour on a bus every day. I'd rather that kid have a longer day and walk to their neighborhood school. Let's have that conversation one day. And with that, I'm going to yield the rest of my time to Senator Linehan. [LB295]

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator Linehan, 2:15. [LB295]

SENATOR LINEHAN: Thank you, Mr. President. I'm going to go back to why I think this bill is really, really important. We all know there's nothing more important for ourselves or for Nebraska's future than finding a way to make sure every kid has an opportunity to get a great education. And people, for decades...well, since the beginning of America and definitely going back to the mid-1800s, when the Irish were forced to flee Ireland, and all through all the European wars, and today still there's a whole Karen fam...Karen...group of Karens who for two

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generations spent time in refugee camps. Their parents never went to school. And they finally get the lucky ticket to get to America. And those families want the opportunity, the only thing they really...their hope is... [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR LINEHAN: ...all based on having their kids have a better life. And immigrants by some...because they come from countries where there isn't an option, they don't have public schools that are worthwhile, or they're from a minority where they're not accepted, public schools are critically, critically important. But they don't work for every kid and we all know that. There's members in the body who have kids in private schools. That's their choice. But it's their choice because they can afford it. All this tax credit does is give that same opportunity to people who cannot afford it. I don't know how we can feel good about ourselves when we take advantage of all these opportunities, as we should, but we don't think that people who are not as fortunate should have the same opportunities. I just don't understand. Thank you very much. [LB295]

PRESIDENT FOLEY: Thank you, Senator Linehan. Senator Williams. 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. Record vote has been requested. Have you all voted? Record, please. [LB295]

CLERK: (Record vote read, Legislative Journal pages 1139-1140.) 27 ayes, 1 nay, Mr. President, to cease debate. [LB295]

PRESIDENT FOLEY: Debate does cease. Senator Harr, you're recognized to close on your reconsideration motion. [LB295]

SENATOR HARR: Thank you, Mr. President. Boy, I did not realize by putting an IPP up and following the Rules of the Legislature that we all voted for that this would get so personal, and I'm sorry for that. I'm sorry that we started attacking individual senators for following the rules. And I'm sorry that people can't remember when this has been done before or haven't read the books. Perhaps you need to talk to my friend, Senator Larson, who is the legislative parliamentarian. He knows the rules. I didn't hear him complain once about it. I acted within the rules. I do not like this underlying bill, not because this is a public school or private school issue. Not because the one agency that could take this at the time is a bad agency. It's a great agency. Not to say that our public schools couldn't be improved or that our private schools couldn't be improved. I was against this motion because when you bring a bill out of committee, you better make darn sure it's ready. This bill came out of committee. We didn't...as Senator Smith talked

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about, we talked around it. We didn't get...really get a chance to talk about the bill itself. We talked about the ideology. But there are problems with this bill itself. I talked a little bit about it in that if you give a dollar, you get a dollar back from the state and then you get a tax write-off from the feds depending on where you are in the tax range. We talked about that a little bit. No one ever refuted that, by the way. I have a problem because there is no intent language as to why or anything that says when going forward on looking at nonprofits, why one nonprofit deserves favorable status over another nonprofit. We have a north star to look at. I did bring a Woodmen bill a couple years ago. But it's a nonprofit. It's a 501(c), just like this bill is a 501(c). I just wanted them, all 501(c)s, to be treated somewhat equally, whether you're a (c)(1), (2), (3), (4), (5), however deep they go. But this is completely different. And by the way, not all tax credits are the same. We have tax credits in the Nebraska Advantage Act. We have it, as was pointed out, by early childhood. The tax credits don't follow the kid. They go to the institution. This would follow the kid. There are questions with this bill that I have. What happens if a kid leaves in the middle of the year? Does the school get to keep that money? Does the money go back to the scholarship fund? Does it go to the family? I don't know. It's not in the bill. The bill isn't ready for prime time. This bill also doesn't define what a resident of Nebraska is. Does that mean it can only go to people who are here legally? Does it mean people who aren't here legally? [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR HARR: Thank you. I don't know. So, folks, we're going to vote on this IPP and then we're going to be done and we're going to have a great weekend. I want to thank everyone for working hard this week. We had a tough week. We went the first night almost till midnight and then until 10:00 almost every night. I know we're all tired, or at least I could speak for myself. I know I'm tired. Oh, sorry, Dracula here is not tired. I'm tired. I am human; he is not. But driving back and forth that extra hour has been tough. I hardly got to see my kids, so I'm looking forward to spending a week watching a micro soccer and softball and all those other fun things. So thank you, Mr. President. [LB295]

PRESIDENT FOLEY: Thank you, Senator Harr. Members, you heard the discussion on the reconsideration motion. The question before the body is the adoption of the motion. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB295]

CLERK: 9 ayes, 19 nays, Mr. President, on the motion to reconsider. [LB295]

PRESIDENT FOLEY: The reconsideration motion is not adopted, which takes us to the opening of the bill. Senator Smith, you're recognized to open on LB295. [LB295]

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SENATOR SMITH: Thank you, Mr. President. Three hours, almost, into this and we get a chance to open on the bill. Thank you, Senator Harr, for your comedy routine closing on our session today. I have to assume Senator Harr's comments about personal...taking it...doing it personally is towards me. But you know what? I do take it personal. I do take it personal when we're talking about a tax credit to encourage charitable giving to improve the education opportunities for families, for our children. We're able to pass legislation for tax credits, to encourage nurturing and growth of our agriculture sectors, which was the beginning farmer tax credit. We're able to encourage the preservation and growth of our communities with the historic tax credit. We're able to encourage development and growth of early childhood education programs, which was our School Readiness Act tax credit. Senator Harr has introduced a number of tax credits to encourage investment in the things he believes in. Why can't we pass a tax credit to encourage charitable giving to promote education opportunities for our children? That's what this bill was intended to be. We're now on the opening at this late hour. And with that, I do appreciate so much Senator Linehan and her passion for this issue and I would like to yield the remainder of my opening time to Senator Linehan. Thank you, Mr. President. [LB295]

PRESIDENT FOLEY: Thank you, Senator Smith. Senator Linehan, 8:00. [LB295]

SENATOR LINEHAN: Eight minutes? Oh. Thank you very much, Mr. President. Thank you very much, Mr. Smith. I'd like to tell Senator Smith how much I appreciate he's worked incredibly hard on this all year and others in the body who have worked with me and helped on this issue. I can't...I mean I'm kind of...as others have mentioned, we're a little worn for the wear here. Let's go back to the tax credit. In the amendment, this is how it would work. I give \$1,000 to a scholarship-granting organization. I get a 75 percent tax credit. So if I owe \$2,000 or \$5,000 in Nebraska income taxes, I get to deduct \$750 from that. And two, Senator Harr, he said no one had refuted this. There's been a little mixed bag here to keep up with his claims. You then do get to deduct that from your federal income taxes. And if you are in the very, very highest bracket, which I think is over \$600,000, I'm not sure, I think you might...it becomes a wash at the very highest brackets. So I guess you can argue that. But let's look at it this way. We have all kinds of tax credits already on the books, which Senator Smith just laid out. And I don't know one of them that ends up saving the state money. Very clearly, the Fiscal Office claimed, and I spoke in the debate, discussed this with the Fiscal Office for over an hour and a half in my office when they first came out with the fiscal note, two things, this being the most kind of bizarre: The children are so widely dispersed in Nebraska that it won't make any difference. There are children widely dispersed in Nebraska. In a very large state, we have schools with less than 200 kids dotted all over the state. But the vast majority of kids live in three counties. Douglas County, Sarpy County, and last, Lancaster County. Two-thirds of the kids live in those three counties. In those three counties...and I would hope the rural senators would pay particular attention to this. I've tried to talk to them. In those three counties, all those schools are highly equalized between the TEEOSA funding and the property tax credit refund that goes back to the schools to make

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them whole, and the homestead property tax credit that again goes back to the public schools to make them whole, and the special funding for special ed, \$246 million last year and I assume a bit more this year. They get the lion's share of state funding because they have the lion's share of kids. Also in those schools, OPS, the TEEOSA formula allows kids a choice. If they live close enough and their parents don't already have two jobs and they've got a couple cars, they have an option to opt in to a school in the area, a public school. So if a child opts from Omaha Public Schools to another area school, the state TEEOSA formula sends \$9,500 to the school the child opted into. Now, we hear this argument both, like if one...and somebody made this in the last 24 hours, well, if one child leaves the school it doesn't save you any money. But then if that's true, why is it that when one child enters a school we send the school \$9,500? I don't think you can say both of those are factual. So of the children that choose to opt out of Omaha Public Schools, the TEEOSA fund sends about \$50 million a year to Learning Community schools outside of OPS for opt-in students, \$50 million a year. Half of the money that we spend on opt-in students goes for children in one school district. Now you don't have to be great at math, but I think most of us can subtract and add. I know all of us can. I didn't mean most of us. We all can. So if the state spends \$9,500 for every child that opts from one school to the next school, and the Children's Scholarship Fund in Omaha gives a family \$2,000 for a scholarship, okay, so Johnny wants to go to a private school. He gets...well, let's start here. Johnny is not happy where he's at. He is not thriving. His parents are concerned. Maybe it's because he has a reading problem. Maybe it's because he's getting bullied. Whatever reason, the parents are concerned so they want to change schools. So if Johnny opts into another public school, we send that public school, we the state, it's not property tax dollars, just state dollars--we the state send the other school \$9,500. If instead Johnny's parents decide we would like to try this private school. So they're low income, because if they were high income they would do what many of us do. We move to the school we want to be in. But that's not an option for them. So they look at a private school they like. The school visits with them. They say there are scholarships available. He applies. Their family applies for a scholarship. They get a scholarship for \$2,000. They scrape together \$500. And the school says, okay, you can come here for a discount. So that costs the state...and doesn't cost the state. We give up \$2,000 in revenue and save \$9,500. So \$9,500 minus \$2,000, \$7,500. You don't have to have very many kids pick that option to save money, guys. There are 18 states, 18 that have a tax credit on the books now. [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR LINEHAN: And all of those states are saving money. Iowa has a tax credit program. They gave up this year...last year, excuse me, \$2 million in revenue. They gained \$2 million in savings, excuse me, \$12 million. So gave up \$12 million in revenue; gained \$12 million in savings. For every dollar they gave up, they got \$2 back. So I don't know how many things we could do around here for a dollar given up we could get two back. I don't know. It's...there's 18 states. We've heard all these studies that it doesn't save money. It's not true. The Fiscal Office

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didn't look at any of those studies when they did the fiscal note. Not a one of them. Thank you, Mr. President. [LB295]

PRESIDENT FOLEY: Thank you, Senator Linehan. As the Clerk indicated, there are amendments from the Revenue Committee. Senator Smith, you're recognized to open on the committee amendment. (AM1418, Legislative Journal page 1626, First Session, 2017.) [LB295]

SENATOR SMITH: Thank you, Mr. President. I know that we're going to conclude here shortly, but shortly after this opening of the committee amendment. Senator Chambers says, no, we're not. So I'll give him an opportunity here to do whatever he's going to do. But I think it's a real sad day that we miss an opportunity to invest in the future of our children. At some point here, shortly possibly, I don't know, we'll conclude. And I think I've already explained the mechanics of the underlying bill and have explained the mechanics of the committee amendment. I think we've made great gains in bringing this bill to the floor and having this discussion and to be able to talk about the mechanics of the bill. And I would hope that at some point we will be able to embrace this type of an opportunity for the future of our children. But with that, Mr. President, I conclude my opening on the committee amendment. [LB295]

PRESIDENT FOLEY: Thank you, Senator Smith. Items for the record? [LB295]

CLERK: Mr. President, a new resolution, Senator Hansen, LR367; that will be laid over. Senator McDonnell would like to add his name to LB845; Senator Krist to LB389. (Legislative Journal pages 1140-1141.) [LR367 LB845 LB389]

Senator Geist would move to adjourn the body until Monday morning, March 26, at 9:00 a.m.

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