

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 27, 2020
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LINDSTROM: I'd like to recognize Senator Hughes for the Pledge.

HUGHES: Good morning, colleagues. Would you please join me in the Pledge of Allegiance. I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

LINDSTROM: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-ninth day of the One Hundred Sixth Legislature, Second Session. Our chaplain for today is Senator Murman. Please rise.

MURMAN: Let us pray. Lord God, creator of all things, we thank you for this privilege to speak to the true and living God. This morning, we confess that you are real and you hear our prayer not because we are important, but because Jesus Christ has opened the way to God by a sacrificial-- sacrificial death. We speak to you this morning because you can do wonderful things, which we cannot. We ask your blessing and protection on these leaders who venture out into an often hostile-- hostile public square in order to help their fellow man and to defend those who can't defend themselves. Thank you for each person here who is working hard to give others a better life, a life more closely aligned with your design for us. You are the true source of light and you alone give wisdom. From your mouth come knowledge and understanding. We ask that you graciously let a ray of your light penetrate the darkness of our understanding. Left to ourselves we are so easily confused and misguided. I ask you for courage that we may stand for what is honorable, true, and just, despite the many evil forces at work in this world. Give us a keen understanding, a retentive memory and the ability to grasp truth. We also pray for our political enemies, for the grace to truly love them, and for you to draw them to yourself in the same mercy that we depend upon. You are the only great and awesome God, and we love you and serve you. May we go forth in your name and your love and in your power, in the name of my Lord and Savior, Jesus Christ. Amen.

LINDSTROM: Thank you, I call to order the forty-ninth day of the One Hundred Sixth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections.

LINDSTROM: Thank you. Are they messages, reports, or announcements?

CLERK: Mr. President, a communication from the Governor. [re: LB344, LB770, LB870, LB909, LB962, LB996, LB997, LB1014, LB1016, LB1054, and LB1061.] Notice of cancellation of hearing by the Government Committee. Amendments to be printed to LB523, LB523A by Senator Crawford. And Mr. President, Resolution by Performance Audit Committee signed by its members. That's a study resolution to be referred to the Executive Board. That's all that I have.

LINDSTROM: Thank you, Mr. Clerk. Before we proceed, Speaker Scheer for an announcement.

SCHEER: Thank you, Mr. President. Colleagues, I just wanted to make a very short announcement. Friday after we had adjourned in mid-afternoon, Senator Slama called me and she had been informed that her family had tested positive for Covid. So I requested that she go get tested, which she did. It was negative, but out of the abundance of caution, I'm asking Senator Slama to use the east balcony for a day or two and to be retested again on Wednesday just to be ultimately very sure that she was not infected. So she will be utilizing the facilities from that balcony. We-- as of right now, she is still tested. I want to repeat, she did test negative. So I do not believe any of us were in danger or are in danger but out of that, most safety precautions, I've asked her if she would be retested on Wednesday morning and she has agreed to that. So she will be up there for the next couple of days facilitating her duties. So if you have any questions regarding my decision, please come give me a chat, but that's where we're at today. Thank you, Mr. President.

LINDSTROM: Thank you, Speaker Scheer. Senator Pansing Brooks, for what purpose do you rise?

PANSING BROOKS: A point of personal privilege.

LINDSTROM: Proceed.

PANSING BROOKS: Thank you, Mr. President. Good morning, colleagues. In order to preserve the sanctity of this institution, I advised the

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Speaker yesterday that I will not further address on this floor the offensive events last week or the action taken by the Speaker on Friday to adjourn the Legislature early. I have a very strong position on the offensive events and I plan to address those events and to present the underlying facts in other forums at a time I deem appropriate. I believe there are too many other critical matters facing the state of Nebraska and precious little time to address them. It is the duty of this body to address as many of these matters as possible during this session. It is the responsibility of every Senator to execute his or her legislative duties diligently, thoughtfully, and honestly. We must do the work of the people who elected us to pursue pressing policies. I hope and trust that each of us will take on our mantle of heavy responsibility with civility, respect, honesty, compassion, and kindness for each other with the best interests of our constituents and the state of Nebraska as our guide. Critical work needs to be done. Let's move forward now. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Pansing Brooks. We'll now turn to LB1053. We left off on that on Friday. Senator Howard, would you mind giving us a refresher? Senator McCollister, for what purpose do you rise?

McCOLLISTER: A point of personal privilege, Mr. President.

LINDSTROM: Proceed.

McCOLLISTER: Well, last Saturday night the Omaha police arrested over 100 people for what cause I'm not sure. If the newspaper account is correct, they were anticipating crimes being committed rather than actually witnessing crimes being committed. And then to add insult to injury, they couldn't properly book people and allow those people to be released on bail. I'm anxious to get a full explanation from the Omaha Police Department on what occurred on Saturday night. I think we need to make certain that our police are doing everything that's lawful and also allowing those people to demonstrate peaceably and legally. Thank you, Mr. President.

LINDSTROM: Thank you, Senator McCollister. Senator Howard, if you could give us a refresher on LB1053.

HOWARD: Thank you, Mr. President. LB1053 is a committee and a Health and Human Services Committee bill. The main line of the bill is

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requiring by statute our nursing home rate methodology to be in rules and regs. This-- it was in response to a challenge that came up over the interim where the department was trying to remove the nursing home rate methodology from our rules and regulations. The bill also includes LB833, Senator Crawford's bill, which creates a single license for pace-- providers in the state of Nebraska. And it includes Senator Hansen's LB1043, which was brought on behalf of the Attorney General to address challenges within our receiverships. All of these bills relate to nursing homes and address the-- the crisis of nursing home closures in the state of Nebraska. They were all advanced unanimously from committee and I would urge the adoption of LB1040-- LB1053 today. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Howard. Turning to debate. Senator Chambers, you're recognized.

CHAMBERS: Thank you. Mr. President, members of the Legislature, a challenge invites a response. I support this bill. I'm not going to say everything that I intend to say today on this bill, but because I'll have a good amount to say, I will spread it out. The thing that is triggering this is a letter that Mrs. Ricketts, who for some reason does not want to carry Ricketts last name, so she signed it. Susanne Shore, in the public pulse attacking me. I don't believe in attacking a person who is not present without the words of that person which are the stimulus for the attack being in the record. I just paused to turn on my light. So what I intend to do, rather than read the letter, is read what the World-Herald wrote about the letter in Sunday's paper. This is from the Sunday World-Herald, July 26, Chambers versus Slama. Then a large headline, first lady slams, quote, horrifying, unquote, comments. Then this little blurb. Susanne Shore says the statements by the longtime state senator are an insult to all women. Accompanying this article is a copy of that flyer that is the-- at the root of everything that's happening. Below that are three pictures in a line. The first is labeled Susanne Shore, the one in the middle, Ernie Chambers, the one on the far end is Julie Slama. Now, if this were a sandwich, you could say it's steak on white bread because the two white slices, you get me? Reading. Nebraska First Lady Susanne Shore criticized State Senator Ernie Chambers on Saturday for comments he made about fellow Senator Julie Slama. On the floor of the Legislature on Monday, Chambers criticized Slama and Governor Pete Ricketts for a campaign mailer that former Governor Dave Heineman and Bob Kerrey, a former Governor and U.S. Senator, have called racist. The mailer just supposed a photo of Slama's opponent Janet Palmtag of Nebraska City

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with a photo of Chambers. The ad said in part, quote, Janet Palmtag sides with Lincoln liberals, atheist, and radical extremists, unquote. Chambers said the ad was an attempt to scare voters in District 1 into voting for Slama of Peru. He called the flyer dirty politics and called on Sláma to respond to criticism of it and to apologize to Palmtag. Slama has not commented on the flyer since it began drawing criticism. He said if Slama wanted to engage in dirty politics, she should not be surprised if people report rumors about why Slama, whom he called a young woman with little life experience, was appointed by Ricketts. Slama fought back chastising Chambers for his comments. She also pointed to comments--

LINDSTROM: One minute.

CHAMBERS: --that Chambers made about the relationship between Thomas Jefferson, a slave owner and founding father, and Sally Hemings, the enslaved woman who bore him six children. Chambers likened that to him enslaving Slama and raping her. Quote, how dare you talk to a woman like that? Unquote, she said. In a public post letter published Saturday in the World-Herald, Shore called Chambers' statements, quote, horrifying, unquote. I'll stop and finish it when I'm recognized. Thank you.

LINDSTROM: Thank you, Senator Chambers. You're next in the queue.

CHAMBERS: Thank you, Mr. President. Continuing. And this is a quote that the World-Herald gives from Mrs. Ricketts letter-- oh, she doesn't want to be called that. Susanne Shore's letter. Quote, How are the young women of Nebraska to receive Mr. Chambers' message and the lack of response by most of the leaders of our state, unquote? Shore wrote. Quote, I wonder how I can ask my daughters to make their home and build their careers in a state where that type of comment goes unchallenged. This comment isn't hurled at one woman, dash, it's hurled at us all. But it is especially insulting to the smart, talented, and amazing young women of our state, unquote. Shore called on public and private sector leaders in the state to condemn Chambers' words. On Tuesday, Theresa T-h-e-r-e-s-a, Thibodeau, T-h-i-b-o-d-e-a-u, the Chairwoman of the Douglas County Republican Party and a former State Senator, called on the Legislature to censure Chambers for his comments, which she called, quote, sexist and outright disgusting, unquote. Chambers, speaking on the floor of the Legislature on Tuesday morning, made no apologies and said his comments were being manipulated for political purposes. Because I

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intend to select points at which I can offer a comment and adequately discuss it, I won't go through all of this. But I wonder why Mrs. Ricketts does not condemn her hubby for engineering, masterminding and specifically approving this attack on another woman. Ricketts saw this hand-- this mailing. He said he approved of it being sent. Now, if Senator Slama, Mrs. Ricketts, Mr. Ricketts and the "Repelicans" are concerned about what I say relative to Senator Slama, why aren't they concerned about this woman who's running against her, Miss Palmtag, who has been loyal to the "Repelican" Party? And how is a message to be given to older women in that party who are faithful when one who has been faithful and is a Catholic has the implication that she inclines toward atheism and radicalism and all the other things that were said and shutter, has some affinity with and for Senator Ernie Chambers. So maybe Mrs. Shore-- Mrs. Ricketts ought to listen to what Thomas Moore said in the movie, A Man for All Seasons. When she was concerned about Thomas' activities and how it was angering the king, he said, woman, see to your own house. So maybe Mrs. Shore ought to check her own house to see how the one that she sleeps with is going to make this kind of vicious attack to destroy a woman's reputation, to undermine her credibility and ruin her standing in her community. Sometimes those things which are close or near, are too close to be seen. So she can't see what her hubby is doing. But I've seen it--

LINDSTROM: One minute.

CHAMBERS: --and I will discuss these matters further. When I make comments, people are free to characterize them any way they choose. The transcripts of legislative debate will show verbatim what I said and the context in which it was said and I stand behind what I said. So at this point, I'm going to stop. But I can't say that I won't speak on this bill again if it carries on for a while. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Chambers. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President, I appreciate that. Good morning. There was a gentleman that I knew years ago when the preacher tried to repeating himself in church, he spoke up and said, you've plowed that ground three times. That's exactly what Senator Chambers has done, and enough is enough. The comments that he made about Julie Slama we're out of line, and I don't care if he thinks it's OK or appropriate, doesn't make any difference. And he knows that. Senator Pansing Brooks

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set up and-- stood up and said, we need to get some stuff done and we need to move on. I'm not so sure. Maybe what we need is a sine die motion. That may be appropriate. But I will tell you this, that no one deserves to be thrown under the bus like Julie was last week and the comments that were made about Julie were out of line. And I'm not saying this because the Governor's wife said something in the paper. Because that flyer is what it was. We've seen those things before. And we need to move on. So we've got a lot of work to do. Well, we think we do. Maybe we don't. But as I said earlier, we plowed this ground enough. Let's move on to a new field. Let's make something happen here that means something to the people of the state of Nebraska, because we haven't accomplished much as of late. And maybe that's just fine. Because the safest place for Nebraska people to be is when we're not in session, because we're not spending their money, because that's what we do here. So it's time to give up and get on with what we're doing. Thank you.

LINDSTROM: Thank you, Senator Erdman. Senator McCollister, you're recognized.

McCOLLISTER: Thank you, Mr. President. There's something about running for Legislature that brings out the hit pieces and the crazy pieces of mail that come out against a certain candidate. When I first ran for the Legislature in 2014, a particular union spent over \$100,000 to get me beat. But there is a modicum of truth in those hit pieces that came out against me. And I asked those folks for the reference that they used to make those charges. However, the piece that we saw against Mrs. Palmtag were beyond the pale. And I think Dan Welch, chair of the party, recognized that as well. So I would ask those people that sponsor those kinds of hit pieces to refrain from doing so. It demeans the office of Legislature. And it probably eliminates a lot of people from, from running for this-- this high office. Yes, the issues that we face are monumental importance to the state, but we can't demean the office by sending out those crummy hit pieces. Thank you, Mr. President.

LINDSTROM: Thank you, Senator McCollister. Senator Chambers, you're recognized, and this is your third time.

CHAMBERS: Thank you. Mr. President, members of the Legislature. I don't care what Senator Erdman or anybody else says. These white people drew me into the middle of some white folks mess and misused my image and my words, my name to defame a woman I've never met, never

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spoken to. The point that she said she agreed with me on was that this 30 percent increase in salary for Mr. Frakes, head of the Department of Corrections, was excessive. But here's the thing. Two Senators were featured in that article, Senator Lathrop. Neither one of us felt we were wrong. But why didn't these rats in that rat's nest where they have hired neo-Nazis, white supremacists, why didn't they mention Senator Lathrop also? Why didn't they put his picture on the other side of this woman? I was not bothering the "Repelicans". I don't get involved in their campaigns. I don't even campaign. They chose to draw me into it and no member of the Legislature with the name Erdman or anything else, or a female in the Governor's house who calls herself Susanne Shore, is gonna tell me what to say and when to say it. I'm not one of these pipsqueak white people who will run when he is pursued. You come after me and you're going to get something back. And as long as we're in session, I will say what I choose to say and I don't care if you adjourn sine die, but you dare not do that. Senator Erdman and others say things that they're not going to deliver on. You've got to get a budget bill through. You've got other things that must be done. I have always facilitated whether you all recognize that or not, the passage of those kind of bills ever since I've been in the Legislature. There was one Speaker who praised me for giving the deciding vote that would allow an important bill to be proclaimed Speaker's priority, or whatever that special status is, so that it could come before the Legislature and I didn't even like the bill. But because it dealt with an important issue and I have concern for the Legislature as an institution, I did what was necessary to get that bill out here, then I could fight it. But it was one of those that should not have died in the Executive Board. Now, when you defame my name, Senator Erdman, I'm going to speak for myself. Mrs. Ricketts started the whole thing again with her letter in the pulse. She knows that if she attacks me, I'm going to respond. The World-Herald followed it up with that article that I just read. You go tell your white brothers and sisters to leave that black man alone, but they won't listen to you. So don't bring that mess to me, and that's exactly what it is. But for the record, and I always document what I say by giving you the date of the article in the newspaper. World-Herald, April 21, 2020, page 6A. Speaking of Mrs. Palmtag, she said she did agree with Chambers' criticism of the 30 percent salary increase that Ricketts recently granted for state Corrections Director Scott Frakes. But she didn't understand the origin--

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CHAMBERS: --of the other slams in that ad that they made against her. Back to her quote from that article I was reading. I've never gotten a 30 percent raise, Palmtag said. They did not put my comment about the raise, nor did they put the comment that Miss Salm-- Palmtag said she was agreeing to. They put on the circle of me on that execrable. Some people call it exerable. Notorious hand out. He tried to sue God. Then Miss Palmtag with the words, I have to agree with Ernie on this one. Who would anybody reading that think? That she is-- she's-- going toward the atheist. That's what these low-down Republicans that Senator Erdman has no influence on. Why doesn't he tell--

LINDSTROM: Time, Senator.

CHAMBERS: --his party to show some decency and respect.

LINDSTROM: Time, Senator.

CHAMBERS: Thank you, Mr. President.

LINDSTROM: Thank you, Senator Chambers. Seeing no one else in the queue, Senator Williams, you're recognized to close on LB1053.

WILLIAMS: Thank you, Mr. President, and good morning again, colleagues. We're here now to address the issue of nursing homes in our state. LB1053 includes Senator Crawford's LB833, and also Senator Hansen's-- that's Matt Hansen's LB1043. And those bills, along with LB1053, came out of the HHS Committee unanimous and were actually all signed on to as introduced. Want to remind people, because we've been distracted from this for some time, that for those of us that have nursing homes in our legislative districts, which is probably all of us, there continues to be a crisis with nursing homes, with the current business model that they are using, and in particular how it relates to the re-- reimbursement that they get for Medicaid patients, which are some of our state's most vulnerable people. LB1053 itself dreft-- addresses the methodology of how those funds are distributed. But I remind you that it is a finite pie in size. So what we're talking about is distributing the same amount of money. So when a new methodology is put in place, some nursing homes may get more, but some nursing homes may get less. It is also, I believe, our responsibility and Senator Stinner in the Appropriations Committee have addressed this to try to increase the size of this pie as we move forward to, again, be sure that some of our state's most vulnerable citizens are taken care of. All three of these bills, as we mentioned, came out

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unanimously. And I would encourage your green vote to advance LB1053. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Williams. The question is the advancement of LB1053 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

CLERK: 47 ayes, 0 nays, Mr. President, on the advancement of LB1053.

LINDSTROM: The bill advances. We'll now move to LB1002.

CLERK: Mr. President, ten hundred-- LB1002 is a bill by Senator Bostelman. It's a bill for an act relating to public health and welfare to amend Section 71-- 7436 and 7444. It changed provisionally in its wholesale drug distribution for emergency medical services. Repeals the original section and declares an emergency. Bill was introduced on January 15 of this year. At that time referred to Health and Human Services Committee. The bill was advanced to General File. There are committee amendments, Mr. President.

LINDSTROM: Thank you, Mr. Clerk. Senator Bostelman, you're welcome to open on LB1002.

BOSTELMAN: Thank you, Mr. President. Good morning, colleagues, and good morning. Nebraska. LB1002 was voted out of the Health and Human Services Committee, unanimous--unanimously. The bill will be a big step in assisting our state's emergency medical service providers across the state with a financial and logistical issues they currently face. LB1002 provides EMS the ability to alleviate a temporary shortage of prescription drugs and medical supplies used on a patient during transport by transferring these needs-- needed supplies at the hospital pharmacy. Currently, when EMS provide-- providers are in need of medical supplies, they must order them directly from a wholesale drug distributor. The issues with this is the distributors are not local or do not always have the necessary supplies and stock and on hand causing back orders. This results in the EMS providers having to constantly be waiting for the necessary medications and supplies. On top of that, the distributors in most cases require a minimum purchase, causing EMS to order more than what is needed and spending money on medications that will not be used due to medication expirations. That is why this practice is being able to restock medications on a one for one at hospital pharmacies will save our

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service providers time and money, as well as keeping our state's volunteer EMS in service and properly stocked with medications. You will hear in a minute-- minute-- Health and Human Services has an amendment on this and I have a bill within that LB893, which I'm going to talk about briefly here. The EMS board, the statutory authority to oversee two new licensure met classifications, the critical care paramedic and community paramedic practice. This bill is supported by the Nebraska State Board of Health and the Nebraska Rural Health Advisory Commission, as well as the unanimous approval of the-- of those recommendations by the Emergency Medical Services Board. Research according to the findings of the Nebraska State Board of Health shows that paramedics currently deliver medical-- medical care using equipment medications at a level above their education qualifications and for which they are not certified. It also shows that patients requiring transportation and needing critical care performed will continue to grow, and this development of guidelines and standards are necessary for the public safety. The current education and certification programs do not prepare paramedics for roles in critical care transport. Therefore, additional specialized education and credentialing-- credentialing is necessary for safe practice in the critical care environment. Numerous states have made policy adjustments to EMS personnel involved in critical care transport. According to the International Association of Flight and Critical Care Paramedics, these include nearby states of Colorado, Iowa, Kentucky, Michigan, Montana, Oklahoma and Wisconsin. The provisions of LB893 would simply recognize and provide that needed oversight for critical care paramedic practice and require completion of a certification application with the EMS Board. Mobile Health-- Mobile Integrated Health as community paramedic programs have been increasing more and more throughout the past decade. These programs are designed to meet individual community health care needs. Service provided may include helping those with chronic diseases and post-hospital discharge follow ups to prevent readmissions. Helping navigate patients to the related health care destinations such as urgent care or primary care instead of the emergency room, provide assistance to nonurgent 911 callers, and using telemedicine practice to facilitate patients at home with health care providers. To begin this community paramedic practice, EMS services will be required to obtain the required approval from the Nebraska EMS Board and the Nebraska Department of Health and Human Services prior to any provider beginning mobile, integrated health care community paramedic services. To obtain this approval, the EMS service will have to submit an

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application that will show the need of the community health care in their territory. Outline the details of what services will be provided. Provide for how EMS personnel and how healthcare professionals will gain the education required on patient care for these services, and how the medical oversight of the program will be provided by the physician medical director before they can begin practicing. Both LB1002 and LB893 were voted out of committee unanimously-- unanimously without any opposition. So I would ask for your support, your green vote on AM2774 which Senator Howard will open with here in just a minute, and in LB1002 because it will make a significant difference for people in Nebraska as we move forward with emergency medical services throughout our state. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Bostelman. As the Clerk stated, there are amendments from the HHS Committee. Senator Howard, as Chair of the committee, you're recognized to open on the amendment.

HOWARD: Thank you, Mr. President. Good morning, colleagues. Committee Amendment, AM2774 includes the amended provisions of Senator Bostelman's LB1002 and LB893 and Senator Arch's LB1184. It also includes the original provisions of Senator Ben Hansen's LB1044. This tree relates to emergency medical services providers and scopes of practice. I won't speak to LB1002 and LB893 specifically, but I will direct you to where they can be found in the committee amendment in case you have any questions. So the amended provisions of LB1002 can be found in Sections 47 and 48 of the committee amendment on pages 41 and 42. And the amended provisions of LB893 can be found in Sections 1 through 40, 42, 45, 46 and 49 through 57 on pages 1 through 41 and 43 through 47 of the committee amendment. Specifically, LB893 creates specific definitions for community paramedic practice of care as well as critical care paramedic practice of care. I would also note for the record that a 407 credentialing process did occur for these two professions in 2019, and proposals from both the community paramedic and critical care paramedic were approved by the Technical Review Committee, the Board of Health and the Director of Public Health. AM2774 includes Senator Arch's LB1184 as amended and it relates to staffing at inpatient psychiatric units for juveniles and psychiatric residential treatment facilities. The amended provisions of LB1184 can be found in Sections 43 and 44, on pages 36 and 37 of the committee amendment and it requires DHHS to set standards for staff in inpatient psychiatric units for juveniles and psychiatric residential treatment facilities for juveniles or PRTF. Those standards are that the staff

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member must be 20 years of age or older, be at least two years older than the oldest resident in the unit or facility, have a high school diploma or equivalent, and have appropriate training for basic interaction care like supervision, daily living, care and mentoring the residents. AM2774 includes Senator Hansen's LB1044, which relates to medical nutritionists and can be found in Section 41 on pages 28 through 29 of the committee amendment. LB1044 would amend the Medical Nutrition Therapy Practice Act to allow a licensed medical nutritionist to order patient diets, including therapeutic diets, under the consultation of a physician. Each of these bills, the amended provisions of LB1002, LB893 and LB1184 and the original provisions of LB1044 were voted unanimously to be included in the committee amendment. All-- I would urge your green vote on AM2774 and LB1002. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Howard. Turning to debate, Senator Crawford, you're recognized.

CRAWFORD: Good morning, Mr. President. And thank you, Mr. President. Good morning, colleagues. And good morning, fellow Nebraskans. I rise in enthusiastic support for LB1002 and AM2774. I again want to thank our Health and Human Services Committee, the leadership of Senator Howard for their hard work in pulling together some great policy packages to further health care in our state. And this is a great example of that work. I do want to just take a moment, though, to acknowledge the work of Senator Bostelman on EMS issues. So, as you know, much of the work that happens as a senator happens between bills and between sessions and Senator Bostelman has been hard at work on EMS issues there, as well as in his work for LB1002 that we have before us today, and LB893, which is part of the package. And I-- I-- it's very important that we recognize that our EMS providers are a critical part of health care access, even more critical in our rural communities and so I really appreciate Senator Bostelman's tireless work to ensure that we improve access to health care through reforms of our EMS system, and I urge your support of LB1002 and AM2774. Thank you, colleagues. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Crawford. Senator Chambers, you're recognized.

CHAMBERS: Thank you. Mr. President, and members of the Legislature, I support the amendment, I support the bill. And I second the motion, which was not in the form of a motion about the good work done by the

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HHS committee. But I have some things I'm going to continue. I like all kind of music. Hillbilly, country western, jazz, rock, any and all of it, because there are only two kinds of music as stated, Louis Armstrong and Ray Charles, good music and bad music. Some artists I'm familiar with. There was a woman named Tammy Wynette. I think she's the one who sang a song, Stand by Your Man, when he's a rat, when he shows the worst of everything, the woman is obliged to stand by him. When Bill Clinton got his undies soiled, so to speak, and that language might shock some of you all who do worse things that I would never dream of doing. Hillary Clinton stood by him and maybe ultimately that's why she had no chance to be president and about her these bold "Repelicans" were holloring, lock her up, lock her up. The text of this letter that appeared in the public pulse was put on the gadget by Taylor Gage, who is the head of the communications office for the Governor. So Taylor Gage and the men wrote it. Then Mrs. Ricketts stood by her man by signing it. Why didn't the Governor go ahead and put it in the public pulse and sign it? Why in the world would he have his wife sign it? Because with all of the criticisms of me about not respecting women, I've not treated a woman as dirtily as they have treated every woman who is being discussed in this. The Governor put his wife out there because he's a coward and he knew it's like red meat and would cause people like Senator Erdman to pop up here and say what he said. The Governor is too cowardly to even stand behind his words. So what is to happen? I'm going to continue. This is from the World-Herald, April 21st. And the first comment I had read where Mrs. Palmtag mentioned what she agreed with me on, but that wasn't. And the sleazy, slimy Slama document. And look what these men put Senator Slama into. They put her out there in front when the battle is really between two former Governors, this Governor and a former Governor, both "Repelicans." I had told Senator Slama when I first saw this race developing and the two Governors were arguing that I didn't want her to think I was going after her when I put out one of those Ernie grams. And you all probably threw him away without looking at them, but it showed the two elephants fighting each other, symbolizing the two Governors. And Senator Slama was not mentioned. Then she allows this piece of political trash to be put out. They had to tear down a woman to raise up Senator Slama and Senator Slama went along with it. She is talking about sexism? Did I do a hatchet job on anybody--

LINDSTROM: One minute.

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--who had not done anything to me? Did I do a character assassination on anybody who hadn't done anything to me? Senator Slama could have just disavowed this and I would not have mentioned her name again. But to this day, she is wanting to derive political hay from it. My light is on, so I will stop at this point. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Chambers. Senator Chambers, you're next in the queue.

CHAMBERS: I'm going to read something else from the World-Herald and this is because I document and pay attention to these things but my colleagues here don't. But when that transcript is read, this will be there. I have never had the World-Herald write an article about anything I put in the public pulse, but I'm suspecting that they knew this was the Governors. The language is on this gadget from the Governor's office issued by Taylor Gage. But when it was going to go out where everybody would read it, the cowards hid behind a woman's skirts and had Mrs. Ricketts sign it. But she didn't put Mrs. Susanne Ricketts, Mrs. Susanne Shore. Here's the headline for this July 3, 2020 World-Herald article. Ricketts, colon, ad attacking Republican candidate, quote, absolutely appropriate. The text. Palmtag, when asked for a comment, said that, quote, it's a shame that Governor Ricketts does not value an experienced lifelong Republican and fellow Catholic. He supports religious base attacks that have no place in Nebraska politics, unquote. She said, quote, the only thing liberal going on here is the liberal distortion of the truth, unquote. She said she's a fiscal conservative and a strong supporter of gun rights and has been the victim of misleading attacks. Why didn't Erdman jump up and say the Governor should not have agreed to this thing that lied on this woman? You all have not said anything on it. Senator Slama didn't say anything. If it's sexist, why is it not sexist when it's done to this woman. Who is the only one who stood on this floor, even though my name was scandalized, to speak in behalf of this woman who is the true victim in all of this? You heard me say, I'm not looking for an apology. White people do this to me all the time. I'm the stick they beat other white people with and I'm going to show you where they've done it before. They did it in Senator Lathrop's race against Senator Riepe and some of the others. I'm not gonna take all the time today to go into that. I said the apology is owed to Mrs. Palmtag. She's got to defend the fact that she's a Catholic? She's the one who said how bad it was for the Governor to do this and he had no respect or valuing of this woman. So whereas Senator Erdman is upset about what I've said, why didn't he stand up and say, what is the older

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woman who has been loyal to the Republican Party to think? When she is no further use to her, they kick her out to pasture. And it's not enough to kick her out to pasture, they scandalize her name. They do a character assassinating hatchet job and then they juxtapose her in a photograph with a black man, hated like no man has been hated in the history of this state. That's what this Republican Party did, yet none of you speak for Mrs. Palmtag. I told you, I speak for the downtrodden. If they were not trodden down, they wouldn't need somebody like me to speak for them. And the ones who do the trodding down invariably are white people. And there are more downtrodden white people than black people because there are more white people. And you all do not care about your downtrodden in the way that I care about all downtrodden.

LINDSTROM: One minute.

CHAMBERS: More white people were victimized by the Governor delaying the implementation of the Medicaid expansion. I supported that. I spoke for it, the expansion. I spoke for it on the floor. When it-- before it was necessary to use a petition method, I even said that these people hate President Obama more than they love Christ. But you all don't pay attention to me. That's why I want it in the record, because someday somebody is going to want to see what this was all about. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Chambers. Senator Clements you're recognized.

CLEMENTS: Thank you, Mr. President. Friday, I heard a phrase that I disagreed with. It was the words slimy Slama. And just a little while ago, I heard the phrase slimy Slama document, and I object to that. I hope we don't hear it again. And I would like for this wording to not be used. I think it's time to deal with or just deal with the facts and not be calling names. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Clements. Senator Chambers, you're recognized, and this is your third time.

CHAMBERS: Mr. President, I wish white people would get better education when they go to school. In the old days, people asked me why I fought so hard to improve education in Omaha when it was going to improve white schools, but it would improve ours because we didn't control them. I said I want white children to have the best education

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possible so that when my children are adults, they don't have to deal with white people as ignorant as the adult white people I have to deal with. Senator Clements, if he'd listen, would see those were adjectives that addressed the document. The document, the slimy-- sour-- uh, the senator's document. Both of them were adjectives. He's popping up now because he got his orders and directions. That's what I say about you white men. You have no backbone, no gumption. Why didn't-- why doesn't he stand up and speak for Mrs. Palmtag? She's a Catholic. Why doesn't-- doesn't he get upset that the Governor and the head of the GOP suggested that she may be fellowshipping with atheists? That doesn't bother him because they didn't tell him to get upset about that. I called the name of those who've done thing because I'm not a coward and I don't want anything from any of them. But as Shakespeare said, who steals my purse, steals trash, who robs me of my good name, renders me poor indeed. You all don't think anything of my name. But I could show you articles, even films from around the country and even other parts of the world where they recognize what I do, what I say. They appreciate the scholarship, the breadth of knowledge, the eclectic reading that I have done, the way I can use the legislative process and all kind of methodologies to try to obtain assistance for those people who are set upon and not treated fairly. So what do I care about people in this Legislature. The only thing I care about you is that you're a human being, and if you ever were in a plight and you needed help and nobody would help you, I would. Before this session is over, I'm going to show you where former Senator Schmit and former Senator DeCamp used the same tactic that Ricketts and company are using now. Because some senators were supporting a position that I took on a bill and other senators did, too, and the bill was defeated, Schmit and DeCamp pointed out the fact that this senator and the ones who voted for that were following Chambers. They didn't mention all the white senators without whose votes this action could not have occurred. Why do you think they selected Chambers? The only black person here. If they're upset with those who voted, why didn't they mention them all? But the two men made it clear that when it comes to this thing, you're going to have to account for how you were with Chambers. I'm used to you all doing this. I can take it. The weak always team up on the strong, but I go right to the nest and find the head viper, who in this case is your Governor and he's hiding behind his wife, Senator Clements, by making her sign a letter on a statement that was issued by his communications director on the gadget, and it was the text of that letter that she had to put her name to subsequently and send to the World-Herald. What kind of man is

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that? In my community, we say he ain't a man at all. But let me read this statement.

LINDSTROM: One minute.

CHAMBERS: I'm going to wait until I'm recognized the next time, because anything that I read, I want the whole thing to be there at that time and not broken up. And I will not have anything further to say on this amendment because probably I've spoken my three times that when we get to the bill itself, I will regale you all further. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Chambers. Seeing no one else in the queue, Senator Howard, you're recognized to close on the committee amendment.

HOWARD: Thank you, Mr. President. I want to-- I will close on the amendment, but I just want to note something for the record relative to the Susanne Shore conversation. I didn't take my husband's last name either. And it's not because I don't want to be attached to him. I'm actually pretty crazy in love with him, but I've accomplished so much under my name. And I also didn't want to buy yard signs. And so I wasn't about to change my name just because-- just because I got married doesn't change who I am. So just for the record, AM2774, which I forgot to mention, does include an emergency clause for LB1002 and it includes LB1002-- let's see, I apologize, LB893, LB1184, and the original provisions of LB1044 all were voted unanimously. Colleagues, this is the last committee tree bill from the Health and Human Services Committee. And so I just want to take a moment to thank Senator Arch, Senator Williams, Senator Hansen, Senator Murman, Senator Cavanaugh, and Senator Walz for their thoughtful and deliberate work during the past two sessions. I told them originally when we first met that this would be the best committee in the Legislature and I didn't lie. I think all of them can attest to that. Even though I stole all of their lunches during the short session, we became the hardest working and I believe I would argue the most effective committee here. You guys can fight me on that. We were assisted by two legal counsels who were amazing, Jennifer Carter and T.J. O'Neill, and we have accomplished so much over the past year and a half. And you have a lot to be proud of as a committee. So I would urge the advancement of AM2774 and a green vote on LB1002 subsequently. Thank you, Mr. President.

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LINDSTROM: Thank you, Senator Howard. The question is, shall the committee amendment to LB1002 be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays on adoption of committee amendments.

LINDSTROM: The amendment is adopted. Returning to LB1002. Senator Chambers, you're recognized.

CHAMBERS: Mr. President, members of the Legislature, I would like to ask Senator Howard a question if she would yield.

LINDSTROM: Senator Howard, would you yield, please?

HOWARD: Yes, I will.

CHAMBERS: Senator Howard, so that what I'm going to ask is in context, what did you say about retaining your what they call maiden name and not taking your husband's name when you got married? I don't want to misstate anything.

HOWARD: Sure. I felt as if I had accomplished so much under my own name. I graduated law school. I ran for the Legislature. I passed so many bills under my own name, and I was quite proud of it. And so I didn't want to take my husband's name and lose some of those accomplishments.

CHAMBERS: And I'd like a follow up if she would allow me, Mr. President.

LINDSTROM: Would you yield, please?

HOWARD: Yes, I will. Anything for Senator Chambers.

CHAMBERS: Thank you, mi-- madam. You better be careful because the ways people like Senator Clements and others interpret conversations that we have. Senator Howard, has your husband ever during your marriage attacked somebody and had you sign the attack document or whatever it was instead of him standing behind it himself?

HOWARD: I actually hope he's watching. My husband is a lovely, gentle, beautiful human being, precious angel of the Lord. And he's-- he would never do anything like that.

CHAMBERS: I didn't understand everything you said, I'm sorry.

HOWARD: Oh, I apologize. My husband is lovely and gentle. Doug Schroder, he's an amazing human being but he would never ask me to do anything like that.

CHAMBERS: Thank you, Senator Howard. And you're lucky to have such an outstanding person for a husband. And I should have known that that's the kind of person you would marry. But being a man, I know that a man ain't nothing but a man and how most men are very good actors until they get what they want, then the real Mr. Hyde comes out and Dr. Jekyll disappears. But her husband is genuinely what he appeared to be and has never done anything of the kind that I'm discussing here. So why then would the Governor have his wife sign this letter to the public pulse instead of him signing it? Or why didn't he call a press conference and say it? Because he's hiding behind a woman's skirts. I don't hide behind anybody whether they wear pants or skirts or either or both by turn. I say what I say, and I want it clear that I'm saying it and I will say it to the one about whom I'm speaking. I'm going to read something that a high ranking "Repelican" said about this whole thing. This is from June 30 of this year in the World-Herald. Headline. State GOP chairman says party flyer, quote, crossed the line. Unquote. Reading from the article. Nebraska Republican Party Chairman Dan Welch told a fellow Republican in June that the state party made a mistake by targeting a GOP legislative candidate in a campaign flyer, a transcript of his phone call shows. The details of Welch's private conversation were made public Monday by the campaign of Janet Palmtag of Syracuse, the target of the GOP flyer. The World-Herald independently confirmed the phone conversation. Welch said on the call that Ricketts, quote, made the decision to go after Janet Palmtag hard to try and beat her in the primary so it would be over. You cowardly white men here,--

LINDSTROM: One minute.

CHAMBERS: --that's what your leader said. I don't hide behind a woman. Your Governor said do it. And Welch didn't know that it would come out. Jesus said, what you speak in a closet will be shouted from the housetops? I'm read that again. Welch said on the call that Ricketts, quote, made the decision to go after Janet Palmtag hard to try and beat her in the primary so it would be over. See what kind of coward Ricketts is, hiding behind everybody. That's what they call on cop shows a scumbag. If you saw a movie with Eddie Murphy, Don Ameche, and

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some of those other people in it called Trading Places, you will see that where the butler, when he saw a treacherous thing that these two rich brothers were going to do to a young white guy, he referred to them as scumbags. Just so you white people who play like you don't know what words mean will understand what I'm saying. I'm calling your Governor a scumbag, not Julie Slama--

LINDSTROM: Time, Senator.

CHAMBERS: --nor Mrs. Shore. You said time?

LINDSTROM: Time. Thank you, Senator Chambers. Senator Albrecht, you're recognized.

ALBRECHT: Thank you, President. And I rise in support of LB1002. I think Senator Bostelman did a lot of work and I appreciate the work of the committee. You know, I'm-- I'm waiting for Speaker Scheer to stand up and dismiss us all again. But I am not going to stand here and continue to listen to everyone demonize Senator Slama. We're all running races. We all have people who put out flyers, whether they're positive or negative about us. We have to just take it and-- and not worry about what-- what the mailer has to say. Senator Slama did not even-- well, she wasn't even recognized before the-- the previous Governor decided to send a letter to the press. You know, let's take her out of this conversation. I think Senator Slama is a woman wise beyond her years. She's very thoughtful, resourceful and-- and most definitely right for the job on the floor of this Legislature. And I don't like to see her or anyone else being poked at. We are here to do the state's business. I'd appreciate it if we don't get back to that. We are-- we are wasting a lot of time and we have a lot of great bills that the state of Nebraska deserves to have passed. So thank you, Mr. President.

LINDSTROM: Thank you, Senator Albrecht. Senator Chambers, you're organized.

CHAMBERS: Thank you, Mr. President. And I hope Senator Albrecht and others take note of what happens when they attack a black man. You're not gonna shut me up. I don't care what you say. And if you were paying attention, you'll see that this article I'm reading refers to the Governor. Now, if you confuse the Governor with Senator Slama, that's on you, not me. And the man's name that I'm talking about who is criticizing the Governor or outing him is Dan Welch, not Senator

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Slama. Continuing from the article. During the private call-- Welch-- Welch-- Welch, who is the Nebraska Republican Party chairman, during the private call Welch apologized for the attack on Palmtag, a real estate agent. Welch said he had heard from others that she was, quote, a good person, a good volunteer, a good Republican, unquote. Welch, in his conversation alluded to Ricketts, his influence, quote, he's a big donor to the party. When he makes a decision that he wants something done, things will happen. Unquote. The flyers sent to District 1 voters before the May primary criticized Palmtag for opposing Ricketts' push to be-- boost the pay of the director of Nebraska prison systems. It said she stood with, quote, radical state senator Ernie Chambers. They call me by name, Senator Albrecht and the rest of you, morally dumb, blind and tone deaf people don't hear. And I'm going to say what I've got to say on this floor and if you don't like it, you can leave. You can move to adjourn sine die. But I'm gonna say what I've got to say. And when I throw a rock, this is a-- so you all understand it. This is an analogy. If I throw a rock among a group of jackasses, the one that says hee-haw, hee-haw, is the one that was hit. This man apologize to Mrs. Palmtag. Nobody on this floor did. Nobody spoke a word for her. Where are you Republican women? Miss Palmtag didn't do anything to anybody. And when you go along with something that you know is wrong, you are an aider and abettor. You all are saying Senator Slama had nothing to do with it, let her say it. Or can't she say those words? You all make her seem like a puppet. I guess white people live on the surface. When it comes to moral weight, you're like a water bug. You don't have enough weight to break the surface tension of water and therefore you can skim over the top without going under. You all accept what the Governor did. Welch said that the Governor made the decision. Senator Clements is not gonna say anything about the Governor. He dare not. Senator Albrecht's not gonna say anything about him, nor Senator Erdman. The Governor made the decision. And Welch didn't know that his conversation was being recorded. He has not said that this was false. The World-Herald independently confirmed it. Now, you all will take a characterization of what I said when you were here and heard me say it and run with that.

LINDSTROM: One minute.

CHAMBERS: You all don't listen to me. That's why I say it over and over and over. And I'm going to continue doing it. So if you don't like it and it's too rich for your blood, you can remedy that situation. Who will speak for Mrs. Palmtag? None of you think she is

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entitled to an apology. She was the one who had her religion questioned. She was the one who had her words taken out of context and applied to supporting atheist. And you all don't think she's entitled to an apology because she's the one that the Governor is against, so you all are against her. When I say I'm the defender of the downtrodden, I mean it. And I will defend the downtrodden against those who are doing the trodding down, which in this case is you all. Do you think you can shut me up?

LINDSTROM: Time, Senator. Thank you, Senator Chambers. Senator Cavanaugh, you're recognized.

CAVANAUGH: Thank you, Mr. President. Senator Chambers and Senator Howard sort of undercut what I was going to do, but I'm gonna do it anyway. You can take all the tea in China, put it in a brown bag for me; sail right around all the seven oceans, drop it straight into the deep blue sea; he's the sweetest Tupelo honey; he's an angel of the first degree; he's the sweetest Tupelo honey, just like honey from the bee. I love you, Nick. Happy anniversary.

LINDSTROM: Thank you, Senator Cavanaugh. Senator Friesen, you're recognized.

FRIESEN: Thank you, Mr. President. I, for one, have never felt I needed to stand up and defend anyone in this Chamber because we're all equals and we can all take it. Now, most of us can handle it. Most of all, I think Senator Slama can handle it. She has shown herself to be pretty tough here, and politics is an ugly game. I've run some races before and I've lost some and I've won some. I've run unopposed twice. I have never put out any articles about anybody. I talk about what I was going to do. But again, we don't have control over what things other people do. And to always insinuate that one has these control, you don't. You cannot stop one. These are your First Amendment rights. People are going to do things that you cannot stop. I've seen races won and lost because a party on either side put out something that just turned the race around and you have no control over it. My-- my district was that way years back. So, again, I-- this isn't something I feel that we need to discuss on the floor, Senator Chambers. But you can do as you want, and I know you will. But again, I just think that when we all sit here and think about this, these are things that the press just loves and our people back home think this is all we basically do in the end, and maybe that is all we do. But again, political races are just that. They're getting rougher all the time.

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They're getting meaner. Let's learn to know who our candidates are. Let's study it. Let's vote for the best person and let's let all this other stuff run off our backs. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Friesen. Senator Chambers, you're recognized, and this is your third time.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, I don't campaign. I don't let anybody speak for me. And if somebody purports to speak for me and says something I disagree with, I go to the source of where that quote came from and make it clear, I did not say that. I don't agree with that. I don't need to do that. And if you want to know where I stand, come to me. I don't let things stay out there. Certainly, you all are not telling me that Senator Slama didn't know about this when she was called on to apologize for it. She knew. As the World-Herald says, she has not commented. I don't know if the Governor put a muzzle on her. Welch said that the Governor gave the go ahead so that they could go hard against Mrs. Palmtag. That kind of language doesn't bother you men? This Governor told these men to go hard after a woman. That's why I think all this stuff you all say about Slama is so much piffle. Senator Clements doesn't mind the Governor engineering an attack against a woman who's been a loyal Republican. He didn't say anything about that and he won't. I think you white men who were like that and wear neckties, it's not an article of clothing, it's a leash. It is a leash. And the other end is in the Governor's hand. He's over there laughing at all of you now because he is dictating to you. And whether you know it or not with all that I'm saying, it has to do with the integrity of the Legislature as an institution. The Governor is fouling what goes on in this Legislature. I'm not gonna be here after January. Some of you are elated, but you are gonna miss me when I'm gone because the Governor definitely is gonna run roughshod over you and things will happen and not one of you will whimper. Not one of you will raise a peep. You all will go to the lobbyists and wherever you go and cry about it. I tried to tip Senator Slama off about some of the things going on because she's a young woman and she doesn't know anything about life and she didn't realize that the people she was so-- associating with were making fun of her. How do I know she was smoking cigars? I tried to make it clear. Don't do that with these people. You think they respect you? Well, she doesn't know anything. Her friends, if she's got friends here, won't speak for her. If she'd be honest, she would mention that there were occasions when I've tried to tip her off to things. I couldn't watch somebody who I care about being mishandled in

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that fashion. I would tell that person if I had any influence, just say that you had nothing to do with it, then you're clean. Even if you had something to do with it, you have disavowed any complicity. But if you maintain silence, then your silence gives consent and you all know that. But you're not going to say what you need to say and should say. This is much bigger than Senator Slama. It goes to your Republican Party leadership and to your Governor. The head of the Republican Party, Dan Welch, did not say these things publicly. He thought it was quiet. But if he's a Christian, he read and I'll paraphrase again, Jesus said, what is whispered in the closet, will be shouted from the housetops.

LINDSTROM: One minute.

CHAMBERS: He was whispering in the closet. And now the World-Herald shouted it from the housetop, and now you all have to cover for the Republican Party and the Governor. What a group of people. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Chambers. Seeing no one else in the queue, Senator Bostelman, you're recognized to close on LB1002.

BOSTELMAN: Thank you, Mr. President. I want to thank the HHS Committee, especially Senator Howard, on the work on this-- on the amendment and on the bills on Special on LB893. We've been working on-- I've been working to EMS issues for ever-- every day since I've been here. A lot of you don't know that on July 20th, which was my birthday, the EMS regs that we've worked on for years actually were completed and signed and took effect. That took a number of years. I started on it four years ago. Those were even started on three years before that and we got that across and got it finished working through HHS and through all the other players that work with that. It was a lot of effort, but it really modernizes us as far as EMS services across the state provides us an opportunity to practice medicine today and into the future and be able to bring more EMTs, EMRs, paramedics, to the field which we desperately, desperately need. It provides a lot of flexibility there and a lot of training there and it was very important for those. And on LB893 and LB1002, those are both things that the EMS board has said, rural health has said, we need these done now and it's taken some of them four years to get to the now. So I want to thank again the committee and everyone that came in together to make these bills possible and get them passed. Senator Howard and I worked on this significantly to get it to the floor once we got it out

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of committee, make those things happen. I just want to thank you. This is what we're here for. This is what we need to be working on, getting things done to move things ahead that are critical to our state, critical to health care, because a lot of you may not know there's places in the state when you drive across the state, you get in an accident, you need an ambulance, respond to EMS to respond to you, they're not there. They don't exist today because-- not they don't exist, it's they don't have enough personnel. They don't have enough people. So instead of a 10-minute response that they may have to your heart attack, to your vehicle accident, it's an hour because that EMS unit that's right down the road can't respond. Maybe they're out of medication so they're out of service, but they just don't have the people there the-- the qualified people there just because of lack of opportunity to do training and that, the certifications that now we're going to allow them to do. That's why this is so important and I appreciate every-- all the work that's been put into this because this will make a huge difference for us as we move forward. And there's other issues I'm working on the EMS side that will continue to use the word modernize, bring us into current standards and be able to be flexible and change as new treatments, new medications, new things come along. This provides us that opportunity to do that. And I'm very, very happy that we've got to this point, and I appreciate your green vote on LB1002. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Bostelman. The question is the advancement of LB1002 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

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

LINDSTROM: The bill advances. Senator Hilgers, for an announcement.

HILGERS: Thank you, Mr. President. Good morning, colleagues. I've got a couple of questions on this. I just want to remind everyone. Sent a note last week, the deadline for interim study resolutions will be tomorrow morning before the noon recess. So I've had a couple of questions. We did send a note. Hopefully you've got everything prepared at Bill Drafters are on its way back down. Noon tomorrow or before the noon recess is the deadline for interim studies. Thank you, Mr. President.

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LINDSTROM: Thank you, Senator Hilgers. Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Enrollment and Review reports LB534 and LB911A as correctly engrossed. The following bills are reported to Select File, some of which have Enrollment and Review amendments: LB910, LB424, LB920, LB1064, LB1052, LB1124, LB781, LB923, LB632, LB1056, LB1160, LB936, [SIC 956], LB783, LB1158, LB681, LB927, and LB966, all to Select File. Mr President, an amendment to be printed. Senator Arch to LB1158, and a series of study resolutions. Senator-- LB383, Senator Lathrop; LB384, Senator Lathrop; LB385, Senator Lathrop; Pansing Brooks offers LB386. And finally, Mr. President, Executive Board report with respect to the designation of major proposals with respect to LB1008 and LB1009. That's all that I have, Mr. President.

LINDSTROM: Thank you, Mr. Clerk. Mr. Clerk, we will now proceed to General File, LB992.

CLERK: Mr. President, LB992 was a bill by Senator Friesen. It's a bill for an act relating to telecommunications. It adopts the Broadband Internet Service Infrastructure Act, it states intent, provides for state broadband coordinator, provides duties for the Public Service Commission. It changes provisionally release of dark fiber, it terminates the fund, provides a term of service for certain rural broadband task force members. Introduced on January 14 of this year, referred to the Transportation and Telecommunications Committee. The bill was advanced to General File. There are committee amendments, Mr. President.

LINDSTROM: Senator Friesen, you're recognized to open on LB992.

FRIESEN: Thank you, Mr. President, and members of the Legislature. LB992 is a bill that is introduced, incorporated many of the recommendations of the rural broadband task force that require statutory changes. First, some history. The Rural Broadband Task Force was established pursuant to LB1198-- LB994 and as the bill heard by this committee and passed by the Legislature in 2018. Senator Bostelman and I are members, and along with Mary Ridder, chair of the Nebraska Public Service Commission, and other members who are state agency directors and members of the public that are appointed by the Governor. Ed Toner, the Nebraska Chief Information Officer, as chairman of the committee and his staff and the staff of the PSC did great work in educating members of the task force about the issues

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that are important to the greater availability of broadband in unserved and underserved areas. The recommendations for statutory changes from the task force were in areas relating to electric easements, public leasing of broadband fiber, support for public libraries, and the creation of a state broadband coordinator. We added a provision providing for the length of terms for appointments to the task force as that provision was overlooked in the original bill. We need to do what we can to bridge the digital divide that exists between urban and rural areas of the state. The task force members and I believe that equity in advanced telecommunications services is critically important to the future of Nebraska. I hope we'll listen closely to the debate and build consensus on what actions we as the Legislature should take to improve service to underserved and unserved citizens. And I would now like to take up the amendment that is the committee amendment to LB992.

LINDSTROM: Please proceed.

FRIESEN: Mr. President, and members of Legislature, the committee amendment replaces the bill, and with regard to the original fiscal note, we made changes that will result in no fiscal impact. First, we eliminated provisions relating to staffing increases at the library commission. And second, we delay the hiring of a state broadband quarter-- coordinator until July 1 of 2022. One of the recommendations of the broadband task force related to encouraging the use of existing electric easements for expanding broadband. Primarily, technical changes are made in Sections 1 through 7 of the amendment, which are provisions that relate to broadband over electric utility easements. We've reviewed comments from representative of the Nebraska Power Association in making these changes, and we did make substantial-- substantial changes by limiting the requirement of notice to only property owners and clarifying that electric utility infrastructure facilities are not included within the provisions, Sections 1 through 7. We also received asked-- received asked for-- an attorney from the Attorney General, an opinion from the Attorney General on those sections, and the opinion concluded that there are no clear constitutional violations. We included provisions in Section 4 and 7 providing that the act does not apply to railroad rights-of-way. The committee amendment also eliminates the requirement in Section 9 that entities eligible for the PSCs E-Rate special construction matching funds support for libraries be eligible telecommunications carriers, which allows cable companies to participate. Section 12, the amendment deals with leasing of dark fiber by state agencies or political

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subdivisions, defined terms of served location. Unserved locations are added. In the-- any lease of dark fiber by the state or local government entity we give the PSC authority to determine which-- whether the lease is for a served or unserved location and the ability to determine the allocation. This is important because we're changing the law with respect to whether the state agency has to give 50 percent of its profits from a dark fiber lease to the Nebraska Universal Service Fund. Profit is defined as the lease price, plus the cost of infrastructure development. The change in LB992 is that if the lease is for an unserved area, no profits have to be remitted. We also provide safe harbor mechanism relating to the pricing in order to allow timelier process for approval of the lease by the PSC. I believe those are the changes that are made in AM3055 with respect to the introduced bill and I urge your adoption. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Friesen. Senator Chambers, you're recognized.

CHAMBERS: Thank you. Mr. President, and members of the Legislature, I don't find any fault with this bill either. And I put on my light when we're on the amendment, so if Senator Friesen needed time to finish saying what his bill is about, he could get that. I don't care about these bills this morning in the sense that they don't trouble me one way or the other. I'm documenting things for you all. How many of you all think that the mayor of La Vista needs me to look out for the interests of him and his city? You all read things in the paper like I do, but it doesn't rub you the wrong way. This article is from the Omaha World-Herald, July 30, 2019. This should let you all know that I have articles maybe on all of you, too, and when the time is right. Headline. Ricketts says restaurant tax would be, quote, bad, unquote, for La Vista. Why is he interfering with the internal work of a city? He has no respect for anybody, and he dictates to people so he just does like Trump. I think this ought to be a certain way. I'm going to put my big feet in it and muddy the water, then I'll try to get away. This is one of the little blurbs they put under a headline before they get into the article. Via Twitter, he urges council to reject 1.5 percent tax. Mayor asks, quote, is that how we communicate now? Unquote. Reading the article, Governor Pete Ricketts on Monday attacked a proposed 1.5 percent restaurant tax in La Vista, using Twitter to urge the city council to reject the measure, calling it, quote, bad for families and business ,exclamation point, unquote. Quote, the strength of the economy and existing revenue growth, dash, not in our italics, new taxes, dash, should find city hall-- should

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fund city hall, unquote. Ricketts wrote in one of two tweets on the tax. The proposed restaurant tax, which would apply to many food and drink establishments, could generate up to \$700,000 annually, according to La Vista. La Vista Mayor Doug Kendig said he was disappointed that Ricketts expressed his dissent on social media rather than in a one-on-one phone call. Quote, is that how we communicate in this state now with our elected leaders? Unquote. Kendig asked. Kendig said he was-- he has invited the Governor multiple times to come to La Vista to study the city's budget, which Kendig said would give Ricketts greater insight into how local municipalities manage growth. Those meetings were not accepted, Kendig said. Quote, I thought we had a good enough relationship that he would at least call me and ask me about it, unquote, Kendig said. Then this is the note I put on it because I communicated with that mayor. Obviously aspiring to be a Trump clone, Peter, the tweeter took to Twitter and dissed the mayor by refusing to extend professional courtesy. What a guy. For all you white people in here, you don't like that, do you? But I'm saying you white people on purpose because of something the Governor said to a group of black people. See, now you've been offended, but I'm saying it on purpose. You white people will read this like I do. Why would your Governor interfere with what's happening in a city?

WILLIAMS: One minute.

CHAMBERS: And the mayor is somebody with whom he apparently had a relationship. The mayor invited the Governor to come talk to him and look at what was going on in the city and the Governor refused all of those. The Governor didn't have the decency to pick up the telephone and call the man. He put it on social media to show that he owned this mayor and would dictate to that council and they would do what he said. That can be his only reason. Is that what you respect in your Governor? That's why Senator Allbrecht was upset this morning, because I'm attacking her Governor who made the statement and then had his wife sign it. What's going on around here? I'm having fun because I'm in the middle of the power of this state. I am the reason that none of you can serve more than two terms back to back. Then you have to sit out four years. That's because of me.

WILLIAMS: Time, Senator.

CHAMBERS: Thank you, Mr. President.

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WILLIAMS: Thank you, Senator Chambers. Senator McCollister, you're recognized.

McCOLLISTER: Thank you, Mr. President. Good morning again, colleagues. There is a principle in the newspaper business called false equivalency. False equivalency. And what is that exactly? That is, if someone were to say the earth is flat and then someone were to say the earth is round, that's a false equivalency. And for the press to give equal weight to those two arguments is absolutely wrong because it's categorically false. Why do I say this? Well, 97 and 98 percent of all actively published climate scientists support the consensus on climate change. And the remaining two or three percent don't necessarily disagree with the consensus. These studies cannot be replicated or contained errors. But this is normal. This is how science works. I know over-- November 2019, study showed that the consensus among research scientists had grown to 100 percent based on a review of 11,602-- eleven thousand, eleven hundred, six hundred and two peer reviewed articles published in the first seven months of 2019. This is no longer a debate. There are scientists from all over the world that really believe that this is actually the case. Do we really think these experts are wrong or engineering some kind of elaborate conspiracy? Come on. When my colleagues say that climate change isn't real. We all know that's not true. And to say to give those arguments equal weight is absolutely wrong. And I would encourage the press to take those statements when they occur for what they are, untrue statements. Thank you, Mr. President.

LINDSTROM: Thank you, Senator McCollister. Senator Chambers, you're recognized.

CHAMBERS: Thank you, Mr. President, poor, naive, idealistic, Senator McCollister thinks that bringing truth on an issue where people are willfully blind will make a difference. I think he's speaking for the record. That's what I often do. And he is correct. There are temperatures in the Arctic that would rival spring temperatures in Omaha, Nebraska, and people reject climate change and they reject the fact that what human beings are doing in a relatively short period that humans have been on the earth is undoing what had been here millennia before human beings ever made an appearance. But that's science, and you'd all-- you all-- some of you don't accept that either. That's kind of a tragedy. And Senator McCollister almost got me away from what I'm talking about to touch on something like that. But I'm gonna stay on this issue and I'm gonna tell you all something

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you can take it anyway you want to. Nothing would make me angrier if I was running for office than to have somebody fabricate a photograph of me with a white woman. Me, with a white woman, and then suggesting that there's an affinity between us and I don't even know the white woman, I've never talked to her before. But you all don't think black people count. I don't want my picture put with a white woman, especially to a destroyer. Let those cowardly white men attack her on their own. But they took the person who would be considered the worst person in this state and put my likeness with her. But to show you that at 83, I can remember some things. I was telling you the last time about you being term limited out of office. Maybe like they talked about Montezuma's revenge, maybe term limits really is Ernie's revenge, because I had such a profound impact on the psyche of the white people of this state. It caused them to work against their own interest and gut the people's branch of government to get at a black man, to get at one black man. And now all the white people are put in that same boat and that same bag and can only serve two terms together. How many of you at 83 years old, after being 46 years in this place and four years on the learning community could carry on like I do. Some of you can't do it now. Because I am an android. You ought to know what an android is, that's why I can say it. And I don't want people like Senator McCollister to blow my cover. I know you all don't pay attention to what I say. You might get the front of it. Go to sleep in the middle, come awake on the tail end and put the front and the back together and eliminate the middle. That's what's been done with these things they say that I said about Senator Slama, but I'll have a chance to work our way through that. I do not expect any person running for office to be held accountable for things that other people say.

WILLIAMS: One minute.

CHAMBERS: But if those things being said about an opponent benefits this candidate and this candidate wants that benefit and for that reason doesn't say anything, I'll say that candidate is contemptible and is aiding and abetting. Yes, I said that candidate is contemptible and is aiding and abetting when you know that something wrong has been done. They will even call you and after the fact participant, you didn't know about it before, you didn't know about it during. You had nothing to do with it but after it was all done, you had enough connection so that you could be charged also. And that's what that after the fact refers to. People have to take accountability for

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things that pertain to them. If something is said about me and it's out in the public domain, I will come here and discuss it.

WILLIAMS: Time, Senator.

CHAMBERS: Thank you, Mr. President.

WILLIAMS: Thank you, Senator Chambers. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President. Good morning, again. I happened to listen to what Senator McCollister had to say. There's an old saying, it goes like this. If everybody is thinking alike, is anybody thinking? So Senator McCollister makes those comments about all the peer reviews and all the people that agree on man-made climate change. So lest he get this wrong again, I didn't say there wasn't climate change, I said it was not man-made climate change. There's a difference. Climate has been changing ever since it was invented or created by the creator. So say that I'm opposed or I don't understand as climate change is wrong, but what I have understood is that there is a lot of money to be made if you believe in man-made global warming. A lot. You don't believe me? Check and see what Al Gore is worth. The inventor of the Internet. Remember that? So Senator McCollister, don't stand up there and talk holier than now that there is no such thing as man-made climate-- as climate change, but there, there is climate change. I agree with that. But man has nothing to do with it. Think that us human beings are about 10 percent of the CO2 that's created in a year, every year, is like taking a 12-ounce can of beer and pouring it into an Olympic-sized swimming pool once a year. Now, if you think that will make a difference, then you have a different impression than I do. And I received several e-mails, and I never seem to get e-mails from people that have any information or stats or-- they don't show me where the weather is changed by the temperatures fluctuation. They just tell me how stupid I am and I couldn't believe I got elected some time. And that's how it works. We never seem to have a discussion about the facts, as I said earlier, facts don't make any difference. So just let me leave you with this Senator McCollister so you remember, climate change happens, but man has nothing to do with it. We're not that important. Thank you.

WILLIAMS: Thank you. Senator Erdman. Senator Blood you recognized.

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BLOOD: Thank you, Senator Williams. Fellow Senators, friends, all I stand in support of both the committee amendment and the bill. But with that said, after sitting here, after having only four hours sleep because many of you know, my husband was in the hospital and it's been a very exhausting week and I think it's going to be an exhausting week for the next few days to come, I want to make a comment about what I've been listening to on this mike. And the comment meant is that if you're going to stand up on this mike and talk about how people are gonna get to work, then maybe you should think about that when you keep popping back up on the mike because you feel it necessary to constantly respond to people. Sit down. Listen, please. Friends, we want to get work done, let's get work done. This is exhausting. You're right, we have a lot of things to get done. This indignation that I keep hearing on the mike. I think it's really interesting that some of the same people that are standing up and-- and their dignity is hurt or they-- they feel that-- that somebody has been done wrong. I respect the fact that you want to stand up and defend that person, but some of you are the same people who constantly say just because something's legal doesn't make it ethical when you talk about things like gambling and how we can help those funds to help people across Nebraska. It's just the hypocrisy is making me sick to my stomach. Sit down. Let's do our work. I don't need another senator to stand up and tell me that people can do whatever they want whenever I say things like this, Senator Moser. And let's get to work. I'm not going to try and monitor Senator Chambers. Senator Chambers, this is his last year. Nobody is going to monitor Senator Chambers. It's never going to change how much you stand up on the mike and say what you want to say, it doesn't change a thing. Please, let's get to work. Please, stop with indignation. We all know everybody's upset about this. One more person on the mike is not going to change a thing. And I'm not going to get on the mike again today about this, by the way either, because I'm not going to be a hypocrite. But let's get down to business. Thank you, Senator.

WILLIAMS: Thank you, Senator Blood. Senator McCollister, you're recognized.

McCOLLISTER: Thank you, Mr. President, and Senator Blood, you are absolutely right. This would be the last time I'm speaking on climate change. Climate change., man-made climate change. And Senator Erdman has indicated a desire to get additional information. And I'm going to provide it to him and to anybody else that wants to deny man-made climate change. The consensus is clear. Man-made climate change is

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real and we've got an existential threat to deal with that. So talking about man-made climate change is something we should talk about perhaps every day left in the session. I will provide information. Anybody wants it, and when we get to the end of the session, let's talk about whether man-made climate change is real or not. Thank you, Mr. President.

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

CHAMBERS: Thank you, Mr. President. There was discussion that was meaningful so I wanted some of that to have the opportunity to go forward without being interrupted by me. But I'm emphasizing again, what your Governor did to the mayor of La Vista was to tweet the city council to undermine the mayor and refused to meet with the mayor when the mayor invited him to do so, refused to even show him the courtesy of a telephone call, but rather went on social media to do that. And the mayor, you could almost feel his anguish. Somebody like me could say he thought they had a better relationship than that. And that's not the way elected officials should speak to each other. He had offered meetings. The mayor, the Governor declined. So the Governor sneaky, sly boots that he is went behind the mayor's back. Why won't you all mention that? You take offense at words that I utter here because white people stick with white people no matter what they've done. I don't go behind your back and that's what makes you angry. But like I say, Ernie's revenge is going to take a lot of you out of this Chamber and it will take white men and women out of this Chamber forever unless they change the constitution. To get rid of me, they fear me more than they value 48 of you. They are the ones who set up the equivalency, not me. That's why I've said on occasion I own this Legislature. I do. I can dictate what happens here, dictate what won't happen, because I don't have any fear of any of you individually, any of you in cahoots with each other or all of you collectively. I don't have friends in this Legislature. I don't have white friends. We don't have enough in common. That doesn't mean there cannot be cordiality, mutual respect. But friendship is based on common origins, common and shared experiences and that doesn't happen around here. Many of you, I wouldn't know you exist if it weren't for the fact they were both in the Legislature. I don't stay in touch with people after they're out of the Legislature or when I'm out of the Legislature, although they write to me. You all would be shocked at some of the letters of regret that I get from white people. One lady was 88 years old. I'm 83. Now, if she's single and I am single, her letter was so appealing, I might

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would have made a proposition-- a proposal to her except my mother warned me about older women. And I presume that warning carries throughout life. At any rate, I'm going to stay on your Governor. He attacked Mrs. Palmtag, a loyal Republican and a female. He tried to cut the ground from under the mayor of La Vista, a white man who thought that he had a relationship with the Governor such that the Governor would not do this and that if he wanted to talk to media, at least not do it by way of social media. I'm going to show you some things he said against me and one of them, even before he got into the Legislature. He didn't even know me. He knew of me. And he probably felt that I was gonna be a force to be reckoned with and I was somebody he feared cause he's a coward.

WILLIAMS: One minute.

CHAMBERS: He didn't say, I'm going to put Senator Chambers in his place. He said it takes a coalition to deal with him, and I'm going to grow that coalition and I'm going to read that to you from the newspaper in which it was printed. Your mayor-- your Governor, I mean. Then he and other men contrive a statement against Senator Chambers and we'll have the Governor's wife sign it. Poor Tammy Wynette. Poor Hillary Clinton. Poor Susanne Shore. Bess Truman was a member of the Daughters of the American Revolution and was instrumental with them in denying the opportunity to perform at Constitution Hall to Marian Anderson, a world famous center-- singer being married to the president, she called herself the first lady. Adam Clayton Powell--

WILLIAMS: Time, Senator.

CHAMBERS: Thank you, Mr. President.

WILLIAMS: Thank you, Senator Chambers. Seeing no one wanting to speak, Senator Friesen, as Chairman of the Transportation Committee, you're recognized to close on AM3055. Senator Friesen waives closing. The question is, shall the committee amendments to LB992 be adopted? All those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 44 ayes, 0 nays, Mr. President, on adoption of committee amendments.

WILLIAMS: The amendment is adopted. Senator Chambers, you're recognized.

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CHAMBERS: Thank you. Mr. President, I wanted to complete what I was saying. Bess Truman was a member of the Daughters of the American Revolution, which, by the way, was the segregated, discriminatory organization of white women. And in the Revolutionary War, the first person to die was a black man, Crispus Addicks. Captain Preston, a Britisher, had several soldiers on Boston Common. The colonists who were not in chains, were not enslaved, began to assault these soldiers with snowballs, slabs of ice, bricks and whatever they could get, and Captain Preston's men shot into the crowd and killed seven. The first one to die was Crispus Addicks, a black man, who was right there with these white people, as some of us mistakenly do, trying to fight for white people's freedom, thinking it'll get us some freedom. Well, he got freed from life. So Bess Truman probably had no knowledge since white people basically are ignorant about their own history of the role that black men played in every war this nation ever had even while being enslaved. So she and her white compatriots denied Marian Anderson. And if you don't know who she is, look in the back of a dictionary where they have biographies, you'll find her in the dictionary. World famous, had sung in places where Bess Truman would not be allowed to enter probably, not because she was white, but because of her humble origins and her ignorance. She was called the first lady and Adam Clayton Powell when he found out her role in this-- and Adam Clayton Powell was an uppity, powerful black man from Harlem who had obtained a chairmanship because of the seniority rule. He said Bess Truman first lady, she's the last lady. She's the last lady. That's the role that the Governor put his wife into. What kind of man is that? Suppose I call Cindy up here to protect me from you all. You know, that's not going to happen. I don't have her answering the door when people have made threats and curses on the phone. When the door-- somebody knocks on the door and I'm there, I answer the door. I don't know what's gonna be outside that door, but I'm not like you all hiding under the desk saying, Cindy, go open the door and maybe they won't do anything to you. I've had to leave this floor because of possible threats against Cindy. I don't run and hide like you white people and it's why I have such contempt for you. You all know what I know. And you're gonna jump up here and talk about something else because you're afraid to deal with the Governor. Senator Clements, I'll protect you. I won't let him slap you. You all don't have a chain that he jerks. You have a cloth leash that you refer to as a necktie. But it's more like a noose which hangs your manhood. They can't do that to me. There's no young black person who will be aware of how I stood on this floor all these years and stood

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down these white people who will be ashamed or embarrassed and that's why I didn't have to campaign in my district. Not everybody in my district agrees with what I say or do. There's some of them who wish I wouldn't come forth as strongly as I do.

WILLIAMS: One minute.

CHAMBERS: But they want somebody who's never going to betray that community, who is not up for sale, who is not fearful, who is relentless, and he will speak what you call speak truth to power except I speak truth to weak men in positions of power, but they're cowards. They're snivelers. They need help. They need to hide behind their wives. They attack women as your Governor engineered against Miss Palmtag. I'm going to put on my light.

WILLIAMS: Thank you, Senator Chambers. Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. President. I would like to correct, excuse me, correct something that Senator Chambers said. When the Governor interviewed me for the position of Senator that was vacant in my district, I told him I'm going to vote my convictions and I don't have a price for my votes. And he did contribute to my campaign, but he did not ask me a request that I would follow everything he did. And I have not. He has not told me how to vote these four years I've been here. And I appreciate that fact. And I'm still-- my votes have been by my convictions. If they happen to be similar to what he points he has on positions, that's fine with me. But I have not got a noose around my neck. I just wear a necktie. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Clements. Senator Chambers, you're recognized.

CHAMBERS: Thank you, Mr. President. Senator Clements will understand this if nobody else does. Due to the respect I have for Senator Clements' father, I'm not gonna take issue with anything that he said because he did say maybe it's just by coincidence, but his votes usually correspond with what the Governor's position is and that can be possible without having been purchased or dictated to by the Governor. But with what we're talking about now, these issues, had the Governor not had his wife put that piece in the paper, then Assistant-- Senator Clemens and certainly Senator Erdman would not have said anything, in my opinion, because they hadn't said anything

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before that. Now there's a principle and logic and there's a Latin term for it but since none of us speak Latin, I will not use it. But it's-- it says this. Preceding therefore causing. It means a person will say that item A preceded item B, therefore item A caused item B. That's not necessarily so. In this instance, maybe Senator Erdman and Senator Clements would have spoken anyway, it just happens to have followed a letter signed by the wife of the Governor, purportedly written by her and followed by an article in the World-Herald the next day. So I would say B is that which followed A. A is the Governor's letter signed by his wife, followed by some comments on this floor so I say that that letter and the publicity that was given caused people who hadn't spoken on this issue before to speak on it. I'm telling you what it is that I think the way I see it. I don't wait till I'm off the floor whispering behind my hand or talking to somebody else, I say it in the presence of those about whom I speaking, which I'm speaking, which is more than can be said with reference to me. You all may not know it, but to show the Governor that I didn't fault his wife for the things that he did, I drew a picture of his wife. Now, what she ought to do is either give it back to me or tear it up. Some people thought that the picture was so well done that it was put on, what do you call it, Facebook or whatever that is. And they were amazed that I could draw like that. And when I gave it to the Governor, I let him know that I can distinguish the rose from the thorns. But now he has converted the rose into a stand-in for the thorn. So she ought to burn that picture up. I wouldn't keep anything that somebody gave me if I had as much contempt for them as that letter she purportedly wrote, shows she had toward me. Or is she still vain that she's going to keep it? Now that I put it on the floor, let the media ask her what she's gonna do with that picture. And every picture that I draw, I do a photocopy of it. If you want to see a copy of the picture, I might just make enough copies and give them to all of you and call it an Ernie gram. And you might scratch your head and say, wow, I didn't know he could draw like that, but you don't know a lot of things about me. But one thing, you know, I'm not a shrinking violet--

WILLIAMS: One minute.

CHAMBERS: --and I'm gonna let people do harmful things to me without defending myself. And if it's somebody who wears a skirt, then stay in a skirt wearers position. And if you don't get into the fray, don't say, now, treat me differently. They started this, colleagues. I'm going to put on my light. Now, I'm going to take a note from Senator Lowe's book for the rest of the time I have on this speaking. They

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floor. Your President has used it in public, especially when he characterized African nations and Haiti. But I don't use it and you cannot provoke me enough to make me use it. That's not a part of my vocabulary. I don't speak white people's English, white Christian English. I would never call a woman an F and B, I don't care how much I disliked her, disagreed with her. Now, that's-- if I use that kind of language that I ought to give to a man who is not smaller than me, because instead of slapping people with a glove, you use language. That's what this white man did. And he was a Christian. You know how I know he's a Christian? Because he was on the board of a Christian nonprofit and they--

WILLIAMS: One minute.

CHAMBERS: --kicked him off. They kicked him off the board of this Christian nonprofit. Why would a Christian talk like that? Because the woman he said it to is not white. You all don't respect black women. And that's why I used the imagery that I did with Senator Slama. And that's what I'm going to this afternoon to show how she did not want to substitute the term Presidents Day for George Washington's birthday after there'd been a complete discussion of slavery, slave holding, and what these racist white men had done to black women. But she led you all who were here then into saying keep George Washington's birthday. So she's not completely innocent. She has done things on this floor. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Chambers. Senator Slama, you're recognized.

SLAMA: Thank you, Mr. President. I'll be brief, because speaking up here is a rather weird experience. First off, I'd like to thank Senators Erdman, Friesen, Clements and Albrecht for standing up for me this morning. And I'd like to yield the remainder of my time to Senator Chambers for him to clarify his comment that those who take issue with you, should stay in a skirt wearer's position because we have yet another example of sexism from you, Senator Chambers, so I yield you my time to address that comment.

WILLIAMS: Senator Chambers, you're yield 4:30.

CHAMBERS: Thank you, Senator Slama. I was making the point that anybody who attacks me is going to get something back. If they wear a skirt and will attack me and think I should not respond because of the

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skirt, then stay in a skirt wearer's position and don't attack me. Now, that's the sense of it. You can get the transcript and see precisely what I said, but you don't pay attention because these people have put it in your head that nobody dare address a comet your way. And I'll say it again. If you wear a skirt-- and also, I said, I didn't care whether it was male or female wearing the skirt or they wear a skirt by turns. I said that too, which you didn't hear obviously. That's what's difficult when you deal with people who think they're educated and smart and they don't hear everything that is say or they don't know how to interpret it. But I said what I said, and I mean it. If you don't want a response, don't think when you attack me just because you wear a skirt, I'm not going to respond. That's what's been said throughout this. I've talked about the Governor. Not one of you has said you shouldn't talk about the Governor like that. I've talked about the head of the "Repelican" Party. Not one of you have said I shouldn't talk about the head of the "Repelican" Party like that. I've defended a woman who is not here to defend herself and who was attacked in a way that was conscienceless, engineered, orchestrated and approved by the Governor. And you all think what the Governor did is all right and I don't. And I'm going to keep saying the things that I say and anybody who wants to take issue with me can do so on the floor. And I'm not going to be upset with you because you take issue with me, but I may be upset with what you say and I will address it. I don't say what I've got to say and then run and hide. I stay where the battle is being waged. When I was on this floor and people were attacking me for saying the police are my ISIS, it was clear from what I said in the context that it was an analogy. When I said it in the Judiciary Committee, nobody turned a hair because they knew the context in which it was said and I'd given examples of what police had done. And it pointed out ISIS has never done that. But the one bringing a bill to allow guns in tavern's talked about ISIS and Al-Qaeda as something that put them in fear. So using an analogy, the community I live in fear more from the police than from ISIS and white people pretended they didn't know, didn't understand. And I stood on this floor while they all, by turn, popped up and condemned me, being led by former Senator McCoy. The Governor attacked me. Mayor Stothert attacked me. Fortenberry attacked me. A bunch of the senators and some of them are here now got into a conclave and then went out--

WILLIAMS: One minute.

CHAMBERS: --in the Rotunda to do a ceremony to show that they support the cops. And I didn't run. I still came here every day, listened to

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them, defended myself. Didn't ask for anybody to speak for me. I've got a mouth, I've got a brain. And I'm not here to hide behind anybody. When you attack me, if it's individually or collectively, I'm gonna be here to deal with that attack. You probably wish I would go someplace and as for Senator Slama, I had said, well, it hasn't been published yet, that she's like a bratafied adolescent thrust unprepared in an adult world. You see how she misconstrues things like she did this morning. Anything I say. Nobody misunderstood that except her. And somebody probably texts her-- I don't know if it was Gage or who sends her messages and said, get him.

WILLIAMS: Time, Senator.

CHAMBERS: Look at what he said. You said time?

WILLIAMS: Time, Senator.

CHAMBERS: Thank you, Mr. President.

WILLIAMS: Thank you, Senator Chambers. Seeing no one wanting to speak, Senator Friesen, you're recognized to close on the advancement of LB992.

FRIESEN: Thank you, Mr. President. I urge everyone to give a green light on this bill. We've worked on this all year long. I think we have most the bugs worked out and realize how important rural broadband is in today's Covid 19 environment. So we have kids trying to do homework from home. We're still not done with that. And if we want to have economic development in rural areas, we need to get broadband out there. So urge your green light. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Friesen. The question, members, is the advancement of LB992 to E&R Initial. All those in favor vote; those opposed vote nay. Have all voted? Record, Mr. Clerk.

CLERK: 47 ayes, 0 nays, Mr. President, on the advancement of the bill.

WILLIAMS: The bill advances. Mr. Clerk, for items.

CLERK: Mr. President, just two items. New study resolution, LB387, by Senator DeBoer. Senator Linehan, an amendment to be printed to LB1064. That's all that I have.

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WILLIAMS: Thank you, Mr. Clerk. Returning to committee priority bills on General File, LB866.

CLERK: Mr. President, LB866 was a bill introduced by Senator Wayne. It's a bill for an act relating to cities. Adopts the Density Bonus and Inclusionary Housing Act and provides for duty for the revisor of statutes. The bill was introduced on January 9 of this year, referred to Urban Affairs, to General File. There are committee amendments pending as well as other amendments.

WILLIAMS: Thank you, Mr. Clerk. Senator Wayne, you're recognized to open on LB866.

WAYNE: Thank you, Mr. President, and members of the Legislature. Aside from property taxes in LB720, the prominent issue that this body has been discussing over the last few years has been affordable housing. The Urban for-- Urban Affairs Committee heard a number of bills dealing with affordable housing this session, including two bills which sought to address the role of municipal zoning requirements and how they play in making it difficult to build affordable housing. First of those two bills is LB866, which was introduced and was designed to require larger municipalities incentives of afford-- larger municipality incentivizes affordable housing projects to provide residential density increases and regulatory incentives for housing developments that include certain percentages of low-income housing units. The second of those two bills was Senator Hansen's bill LB794, which would have required larger municipalities to amend those zoning ordinance to allow the development of what is known middle housing, things like duplexes, triplexes, quadplexes and townhouses. While both of the bills LB866 and LB870-- LB794 saw broad support from the public hearings, the legal municipalities, as well as city of Omaha and Lincoln, had some concerns with the bills that they were too prescriptive. So I worked with Senator Hansen on both bills and with the proponents and opponents to address the cities concerned. I am pleased to report that the attached amendment is a white copy amendment introduced that addresses all those concerns. May I move on to the amendment?

WILLIAMS: Senator Wayne, you're recognized to open on the committee amendments as Chair of the Urban Affairs Committee.

WAYNE: Thank you. Colleagues, AM2913 is an amendment that we brought. It's a white copy amendment that replaces the bill. The amendment

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replaces the new act of LB866 with the different new act called the Municipal Density and Missing Middle Housing Act. Under the new act, the following must take place. First on or before July 1, 2021, and every two years after, each city of the metropolitan class, city of the primary class and city of the first class with a population over 20,000 must submit a report to Urban Affairs Committee regarding current efforts to address the availability of and incentives for affordable housing. Then, on or before January 1, 2023, each city of the metropolitan class, city of the primary class and city of the first class with a population of 50,000 or more must adopt Affordable Housing Action Plan on or before January 1, 2024. Each city of the first class with a population between 20,000 and 50,000 must adopt Affordable Housing Action Plan. In the event that the municipality is required to adopt in-- to adopt an affordable housing plan fails to do so, they will be required to adopt the default plan. Again, the provisions of AM2913 were worked out with the League of Municipalities and other cities involved so that no one would no longer oppose the bill with this amendment. A number of the cities have already begun the process of adopting affordable housing action plans and a timeline-- and the timeline in this bill is designed to ensure that those cities who have not yet started to have sufficient time to do so. With that, I would ask you to vote green on AM2913 and LB866. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Wayne. Mr. Clerk, there is an amendment to the committee amendment.

CLERK: I do, Mr President. The first amendment to the committee amendments is by Senator Morfeld, AM3172.

WILLIAMS: Thank you, Mr. Clerk. Senator Morfeld, you're recognized to open on your amendment.

MORFELD: Thank you, Mr. President. I am introducing AM3172 to LB866. AM3172 ensures that Nebraskans have a home during a time of crisis. All Nebraskans deserve a safe place to call home, particularly during a time of crisis. The Covid 19 epidemic has disrupted our communities and placed many Nebraskans at risk of losing their homes. AM3172 would help ensure that all Nebraskans have a place to call home when the public welfare is threatened by the threat of disease. And if you don't think this is a problem, just after the Governor's moratorium ended in Lancaster County alone there were 64 evictions filed. AM3172 also protects landlord from being foreclosed upon during the pandemic

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in the jurisdictions that the moratorium is enacted. It is important to ensure that not only the renters are protected, but also the landlords who may have to pay their mortgage and other financial obligations. Even before the pandemic, Nebraskans face a severe shortage of affordable housing. As of 2018, Nebraska had a shortage of 67,130 affordable and available rental units. This number increased by 16,568 from 2017 alone. When there is a shortage of affordable and available rental units, renters are forced to pay more of their income on housing than is affordable. In Nebraska, 70 percent of very low-income renters and 84 percent of extremely low-income renters are cost burdened by their housing situation. Some other facts that I think are important to note is that in Nebraska families with children are the most vulnerable to housing instability. During the week of June 30th, 38 percent of Nebraska families and their children were concerned about being able to afford next month's rent, compared to 12 percent of households without children. Black and Latinx Nebraskans are more likely to experience housing instability. On average since the start of the pandemic, one in two black Nebraskans and one in three Latinx Nebraskans are concerned about being able to afford next month's rent, compared to one in eight white Nebraskans. The pandemic has placed even more stress on Nebraska renters. Unemployment in Nebraska has risen to an historic high during the pandemic and as federally expanded unemployment benefits are scheduled to expire this week, many Nebraskans will struggle to find ways to pay for rent. As Senator Friesen brought up in his previous bill, he's concerned about young people being able to have broadband access in order to go to school. I'm concerned about young people having access to a home to have access to that broadband connection. The Aspen Institute predicts that 18 percent of Nebraska renters will be at risk of eviction by the end of September-- 18 percent. Another study predicts that 52 percent of Nebraska renters will be unable to pay the next month's rent. AM3172 protects our communities by ensuring Nebraskans have a place to call home. AM3172 would allow cities and villages to enact an eviction moratorium, ensuring that Nebraska residents are not at risk of losing their home during a time of public health crisis. It also includes landlords that are within the same jurisdiction from risk of foreclosure. The mayor or city council of a city or village would be able to enact an eviction moratorium whenever they determined that the moratorium is necessary to protect the public welfare from the spread of virus or infectious disease. The moratorium would prevent renters from being evicted by prohibiting a judicial action for eviction from being filed and would protect landlords from foreclosure on their

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rental properties by prohibiting mortgagees from initiating the foreclosure proceedings. Eviction and foreclosure moratoriums have been enacted by states and municipalities throughout the U.S. to keep people in their homes during the Covid 19 pandemic. Since the Governor's executive order to protect Nebraskans from evictions lapsed at the end of May, there is no Nebraska specific eviction moratorium in place and very few Nebraskans are protected from eviction or foreclosure through the temporary federal protections established by the CARES Act. I urge your favorable consideration of AM3172 to LB866. Let's protect our citizens and our landlords during this pandemic, many will be faced with no other options. Thank you, Mr. President.

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

CLEMENTS: Thank you, Mr. President. I challenge the germaneness of this amendment, AM3172, to this bill.

WILLIAMS: Senator Clements, please explain why you believe the amendment is not germane.

CLEMENTS: The bill deals with Section 19 of statute. This amendment deals with Section 76. This is a new subject not covered by the bill and it has not had a public hearing.

WILLIAMS: Senator Morfeld, would you please explain why you think your amendment is germane?

MORFELD: Thank you, Mr. President. Thank you, Senator Clements, for giving me a heads up on this. I appreciate that courtesy. Mr. President, pursuant to Rule 7, Section (d), regarding germaneness. Germane amendments, and this is coming directly from the rulebook, germane amendments relate only to the details of the specific subject of the bill and must be in natural and logical sequence to the subject matter of the original proposal. First of all, LB866 deals with housing needs, as does an eviction moratorium proposal in my amendment, AM3172. The proposed committee amendment, which became-- becomes the original bill, if adopted, requires cities across Nebraska to adopt affordable housing plans, including updating codes, zoning ordinances, etcetera. Both the committee amendment and my amendment provide directives to cities dealing with housing needs. Both amendments are being responsive in order to give cities tools to ensure affordability and housing and accessibility. Both proposals

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help keep people in their homes, although each deals with a different con-- with a concept in slightly different ways. This is being responsive to what we are seeing in the pandemic and it follows the natural and logical sequence to the subject matter of the original proposal. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Morfeld. Members, both Senator Morfeld and Senator Clements gave the Chair a heads up that this was going to be happening. I've had an opportunity to review both the bill and Senator Morfeld's amendment. My ruling is that his amendment is not germane as it relates to a substantially different subject. Senator Morfeld, you're recognized.

MORFELD: Thank you, Mr. President. With all due respect, I challenge the ruling of the Chair.

WILLIAMS: The ruling of the Chair has been challenged. Each member is allowed to speak once. We will be clearing the current queue. Those names will be written down so they'll be in order when we come back. Members may not yield time to another Senator. You are allowed to speak once on the subject of germaneness, and we will move forward. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President. Senator Clements, I appreciate your understanding of the issues here and questioning the germaneness of the bill, I would agree. That's exactly what this is. I believe another thing needs to be discussed about AM3172, I don't think it's constitutional. I think we're getting into a situation where we're starting to change a contract law. I have a contract with a tenant. That contract is in place and then this bill passes and does that nullify my contract? There are issues that I think are to be dealt with here that we haven't thought about, and this is a short period of time to introduce something like this for us to have those conversations. And so I would agree with the Speaker and I'll be voting to sustain his override or-- or his ungermaneness of the bill. Thank you.

WILLIAMS: Thank you, Senator Erdman. Again, members, we have cleared the queue for those that were in the queue to speak on the committee amendment and the underlying bill. The queue is now open for anyone wanting to speak on the germaneness issue. Senator Cavanaugh, you're

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recognized. Senator Cavanaugh waives. Senator Friesen, you're recognized.

FRIESEN: Thank you, Mr. President. I stand in support of the Chair on this issue. Not having much time to study the bill, obviously, and without it having a hearing, it looks to me like in one situation we're talking about zoning and what cities can do in order to ensure that maybe affordable housing is built in-- in their cities and villages. And on the other hand, you're talking about something that can have an impact on-- on loans and mortgage rates and all sorts of other things that you may get into when you put a moratorium on either the-- the renters or the landlord. So with that, I do support the ruling of the Chair. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Friesen. Seeing no one wanting to speak, Senator Morfeld, you're recognized to close on your amendment to overrule the Chair.

MORFELD: Thank you, Mr. President. Colleagues, this is an incredibly important issue that unless we dress it now, it will not be addressed by the end of the session. I do believe that this amendment is germane. I do believe in an ideal world we would have had heads up that a global pandemic was coming when we had bill introduction at the beginning of January, but that's not the case. As I noted before, in order to have respect for institutions, our institutions must be flexible in responding to the needs of Nebraskans. This is an opportunity to be flexible and respond to the critical needs of Nebraskans and what could be more critical than people having a roof over their head? What could be more critical in making sure that we have landlords that can continue to operate apartments, homes and other facilities so people can have that roof over their head? I understand that some may be uncomfortable with the subject matter of this and the fact that they believe as though it's a bit different than what was originally in the bill, I'll concede that there's reasonableness in being uncomfortable with that. But what's more uncomfortable is that we will have tens of thousands of Nebraskans that will be without a home, that will be without an apartment if we don't do something to act. That's the overriding concern. This bill is germane. This bill is germane or excuse me, this amendments germane to the bill because it follows the natural and logical sequence to the subject matter of the original proposal. Both the committee amendment and my amendment provide directives to cities dealing with housing needs to ensure that there is affordability and accessibility.

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Colleagues, I know that there are a lot of important policy, considerations and bills that we must still address that were important before the pandemic and are important during the pandemic and after the pandemic. But I'm telling you that there's nothing more important than making sure Nebraskans are secure in their homes. And this is our only opportunity to address it. It deals with the subject matter of the bill-- the original underlying bill. It is a proper vehicle. It is germane and I urge you to vote yes to overrule the Chair because this is your only opportunity to go back to your constituents when they talk to you in September and October and say that I'm losing my home. I'm losing my home because I don't have any money. I don't have a job. I can't get a job. And so when you go back to your constituents, you can say that I did everything possible in order to make sure that we provided your local government with the ability to assess the situation and determine whether or not there was an emergency because of Covid and protect renters, homeowners and landlords. This is the opportunity to do it. It is germane. It is timely and is being responsive to a clear need, a clearly documented need of Nebraskans. Everything else that we do if Nebraskans don't have a roof over their head is inconsequential, colleagues. I urge you to vote yes to overrule the Chair. Thank you, Mr. President.

WILLIAMS: Thank you, Senator Morfeld. Members, this motion will require 25 votes to be adopted. The question is the adoption of the motion to overrule the Chair on germaneness. All those in--

MORFELD: Call of the house.

WILLIAMS: There's been a motion to place the house under call. All those in favor of placing the house under call vote aye; those opposed vote nay. Record, Mr. Clerk,

CLERK: 27 ayes, 8 nays to place the house under call, Mr. President.

WILLIAMS: Members, the house is under call. All unexcused Senators please return to your chair and check in. The house is under call. There's been a request for a roll call vote in regular order. Again, the motion, members, is the adoption of the motion to overrule the Chair. Mr. Clerk, call the roll.

CLERK: Senator Albrecht.

ALBRECHT: No.

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CLERK: Voting No. Senator Arch.

ARCH: No.

CLERK: Voting no. Senator Blood.

BLOOD: Yes.

CLERK: Voting yes. Senator Bolz.

BOLZ: Yes.

CLERK: Voting yes. Senator Bostelman.

BOSTELMAN: No.

CLERK: Voting no. Senator Brandt.

BRANDT: No.

CLERK: Voting no. Senator Brewer.

BREWER: No.

CLERK: Voting no. Senator Briese.

BRIESE: No.

CLERK: Voting no. Senator Cavanaugh.

CAVANAUGH: Yes.

CLERK: Voting yes. Senator Chambers.

CHAMBERS: Yes.

CLERK: Voting yes. Senator Clements.

CLEMENTS: No.

CLERK: Voting no. Senator Crawford.

CRAWFORD: Yes.

CLERK: Voting yes. Senator DeBoer.

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DeBOER: Yes.

CLERK: Voting yes. Senator Dorn.

DORN: No.

CLERK: Voting no. Senator Erdman.

ERDMAN: No.

CLERK: Voting no. Senator Friesen.

FRIESEN: No.

CLERK: Voting no. Senator Geist.

GEIST: No.

CLERK: Voting no. Senator Gragert.

GRAGERT: No.

CLERK: Voting no. Senator Groene.

GROENE: No.

CLERK: Voting no. Senator Halloran.

HALLORAN: No.

CLERK: Voting no. Senator Ben Hansen.

B. HANSEN: No.

CLERK: Voting no. Senator Matt Hansen.

M. HANSEN: Yes.

CLERK: Voting yes. Senator Hilgers.

HILGERS: No.

CLERK: Voting no. Senator Hilkemann.

HILKEMANN: No.

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CLERK: Voting no. Senator Howard.

HOWARD: Yes.

CLERK: Voting yes. Senator Hughes.

HUGHES: No.

CLERK: Voting no. Senator Hunt.

HUNT: Yes.

CLERK: Voting yes. Senator Kolowski.

KOLOWSKI: Yes.

CLERK: Voting yes. Senator Kolterman.

KOLTERMAN: No.

CLERK: Voting no. Senator La Grone.

La GRONE: No.

CLERK: Voting no. Senator Lathrop.

LATHROP: Yes.

CLERK: Voting yes. Senator Lindstrom.

LINDSTROM: No.

CLERK: Voting no. Senator Linehan.

LINEHAN: No.

CLERK: Voting no. Senator Lowe.

LOWE: No.

CLERK: Voting no. Senator McCollister.

McCOLLISTER: Yes.

CLERK: Voting yes. Senator McDonnell.

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McDONNELL: No.

CLERK: Voting no. Senator Morfeld.

MORFELD: Yes.

CLERK: Voting yes. Senator Moser.

MOSEER: No.

CLERK: Voting no. Senator Murman.

MURMAN: No.

CLERK: Voting no. Senator Pansing Brooks.

PANSING BROOKS: Yes.

CLERK: Voting yes. Senator Quick.

QUICK: Yes.

CLERK: Voting yes. Senator Scheer.

SCHEER: No.

CLERK: Voting no. Senator Slama.

SLAMA: No.

CLERK: Voting no. Senator Stinner.

STINNER: No.

CLERK: Voting no. Senator Vargas.

VARGAS: Yes.

CLERK: Voting yes. Senator Walz.

WALZ: Yes.

CLERK: Voting yes. Senator Wayne.

WAYNE: Yes.

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CLERK: Voting yes. Senator Williams.

WILLIAMS: No.

CLERK: Voting no. Senator Wishart.

WISHART: Yes.

CLERK: Voting yes. 19 ayes, 30 nays, Mr. President, to overrule the Chair.

WILLIAMS: The motion to overrule the Chair fails. We'll return to the queue, we will be putting the names back in as they were in the queue to start. Raise the call.

CLERK: Mr. President, if I may just talk to-- Senator Hughes, the two amendments you gave me, Senator, drafted AM3172 will now go away, is that OK? Is that right?

HUGHES: I wish to withdraw.

CLERK: Mr. President, we're back to consideration of the committee amendmants.

WILLIAMS: We will open debate again on the committee amendment, AM2913. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. President. So on LB866 I had some questions and I was wondering of Senator Wayne would answer a few questions for me.

WILLIAMS: Senator Wayne, would you yield?

WAYNE: Yes.

ERDMAN: Senator Wayne, I noticed that the bill or the amendment talks about a report that a city must complete and turn into the Urban Affairs Committee. Can you explain to me what that report should include and and how do they go about doing that?

WAYNE: Well, the bill lines out affordable housing, basically an inventory in how they think they should address-- each city should address their issues as it relates to affordable housing. As we see in our budget, as we see Senator Williams' bill that was passed a couple of years ago, affordable housing in rural Nebraska is just as big as

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an issue in urban. So we're just giving cities the opportunity to provide a report and an update on what they're doing to address it.

ERDMAN: OK. So if I'm a city-- city council, city manager or whatever it is, and I fail to do the report, what is the ramifications of that?

WAYNE: Like most of our laws, there isn't any ramification.

ERDMAN: So then it is an unfunded mandate on the city to complete this report, would you agree with that?

WAYNE: I disagree. I think we're encouraging them to do so and raise the level of importance of affordable housing to their communities.

ERDMAN: Somebody has to write the report, would that be correct?

WAYNE: Yes.

ERDMAN: So the person writing the report would be compensated from the city, would that be also correct?

WAYNE: Yes. So, but you've got to remember, it's only those cities that are above 20,000. And those cities are already doing the work and those are the ones who came to us to say, hey, can you change? My bill was originally and Senator Hansen's to do this. They're the ones who signed off on it. So if they would have objected to unfunded mandate, I'm sure we would have heard that, but they actually gave us this language to include.

ERDMAN: OK, so let me try to see if I got what you said. The city is already doing this report now, is that what you're saying?

WAYNE: Some are, but we're trying to create uniformity across the state.

ERDMAN: And so then those cities that aren't doing that would be an unfunded mandate if they didn't decide to do that. Would that be correct?

WAYNE: I don't know. Is it an unfunded mandate to fill out your taxes? I think it's just something you should do.

ERDMAN: But the point is, it would still cost the city some money to complete the report.

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WAYNE: I mean, if they have employees that are already working on it, I don't think it would. I mean-- I mean, to get technically, I guess you can say anything we do is an unfunded mandate.

ERDMAN: OK, well, thank you for answering that. I appreciate that. I-- I've seen that and I read through that and I'm just I'm kind of aware of things that come here through this process that happen to be unfunded and then it winds up in the property tax and that's exactly where this thing would go. So I'll keep listening to the debate, but I'm not convinced this is something that we need to do yet. Maybe a rare occasion when I change my mind. Thank you for answering my questions.

WILLIAMS: Thank you. Senator Erdman and Senator Wayne. Senator Vargas, you're recognized.

VARGAS: That's right. Thank you very much, President. Colleagues, I rise in support of LB866 and the amendment. I'll try to be brief, but affordable housing and middle income housing are issues that we have talked about on the mike before. There's been reference, obviously, to the rural work force housing. There's been reference to affordable housing needs across our state. And what I'll try to do here is get copies of this. I still have this planning committee 2019 annual report that we put together as part of the planning committee. And-- and this includes quick facts for each legislative district and those quick facts also include housing information, the number of housing units, the number of vacant units, the number of owner occupied units. I know we just dealt with a little bit of a germane issue, but I think part of the reason why we're even having that discussion and even why I supported that-- that-- that amendment is we have a shortage of affordable and middle income housing units across the state. We also have a high percentage of individuals that are in rentals. And so we need to figure out ways to address issues of housing affordability, rental affordability, and making sure more people aren't out on-- on the streets. All of this is important, but the reason why I support this is-- this is a tool that has been used in other states. It is a policy recommendation that we've seen work. There is no panacea to addressing issues of housing affordability, but this is one of those tools that you typically see available to cities of a certain class that will enable them to then be on the pathway to creating more affordable housing units. The planning aspect of this, which I think is important, is we don't typically always ask or create some measures that put in place a planning requirement. And I think that's an

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important fact to then put out there because when we do that, we're sending the message that we shouldn't just tell them they need to do something in terms of the actual amount of housing units, maybe we should actually assess whether or not there is a need. And so, you know, local entity is creating a plan and-- and evaluating their housing stock and evaluating, you know, what-- what they're going to do from here on in is important and that aspect of this is, is critical. So I encourage you to reference this report and I'll send it back out so that you have it. There was also a middle income work force housing report that was also done by the planning committee that was analyzing that need and also the benefits of the rural work force housing bill that passed several years ago. But this is just a reminder that housing affordability in-- in across our state, urban and rural, is critical. We don't have it figured out yet. And for those of you that remember the first time that you were able to afford your house, you and your family, you also understand that that's one of the first assets that you have that enables you to get out of poverty. The asset of having a home is a leverage point that enables individuals to change generational poverty. So making sure that we have both affordable and middle income also ensures that we are further diversifying and-- and in creating the stock that we need to meet the needs of our work force. So with that, I'm in support of LB866 and the amendment, AM2913, and hope you will be too. Thank you.

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

HUNT: Thank you, Mr. President. I rise in support of LB866 and I thank Senator Wayne for the work that he did on this in our Urban Affairs Committee, and I'm also proud to be a co-sponsor of this bill. I think it's a really great one. But I also wanted to-- I didn't-- I didn't get a chance to get into the speaking queue for the germaneness question, but I need to tell Nebraskans and especially my constituents, I really supported Senator Morfeld's AM3172, which is a direct response to Nebraskans in our districts who have reached out to me on a daily basis during this pandemic, asking us to protect them from facing homelessness during the biggest public health crisis of our lifetime. No Nebraskans should be at risk of losing their home when their kids have to go to school from home. A lot of these families, they're unable to find work. A lot of them are sick with Covid 19 or caring for family members who are sick. It was a very good amendment that was well-written. It was created with input from many stakeholders. I was part of many of those meetings and conversations. And this was a common sense response to a need that so many Nebraskans

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have told us is clearly important to them. Not important like-- like this is a policy that would be nice. Important like if-- if we do not do something urgently to protect people from evictions during this pandemic, we are going to see a spike in homelessness that's going to put such a drain on the rest of our resources as a state that we are really going to regret that we did not do something preventive here and we had the opportunity to do that. At the same time, I knew that we wouldn't have the votes for it in here. There is no evidence. There's nothing in the way that we have voted as a body in this Legislature to suggest that this is something that we would be willing to do for Nebraskans, and for that, I am sorry. Nebraskans, please take a look at that vote on the germaneness of Senator Morfeld's AM3172 to protect renters. That was a vote on whether or not to send Nebraskans into homelessness. So call your senator and ask them how they voted on that. And Douglas County, in my county in the month of June, there were 319 residential eviction filings and at least 29 of those evictions were illegal under the CARES Act. And we also know that a high percentage of people who go to eviction court do so with no representation because people who go to eviction court are not entitled to an attorney in Nebraska. In Douglas County, the average household size is 2.51 people. So with those 319 people facing evictions in June, it stands to reason that around 800 residents in Nebraska are facing homelessness just in that month. Just in that month, and as we see cases beginning to spike in Nebraska, in Douglas County, as our hospitals are reaching their capacity, in this Legislature, we told them that we are not going to do anything to help them keep their homes. My district has the second highest number of evictions filed. And I hear the urgency from these people. Colleagues, the ask-- the ask from Nebraskans is an opening for the time and the space to respond to a crisis that is very real in our communities. All the bills that we're discussing here were introduced before we were in a global pandemic. We all picked our priorities before we were in a global pandemic. And I promise that some of us would have made some different choices about what we would prioritize if-- if I knew that 800 people in my district, in my community could be facing eviction, I would have taken some different action back in January. But this is where we are. So what we are asking for, colleagues, is an opening for a serious conversation about how the Legislature can address the need of the Nebraskans we serve. And for me, personally--

WILLIAMS: One minute.

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HUNT: --that goal is going to guide all of my votes throughout the remainder of the session. I've had some tough conversations with many of my colleagues who I promised them votes on something. I liked a bill that was coming up, but you know what? Now it costs too much money. That was before the pandemic. That was before the racial uprising and all of the police issues that we're seeing going on. And I am just not in the mood to spend the money on some of these bills anymore, because what we have to do is solve the problem that's in front of us and stop pretending like it doesn't exist. Because for the single mother like me, for the people in my district and the people in all of your districts, because you all have them, they cannot go into this winter-- they cannot go into another potential spike without a home. And we are working in good faith to find solutions for them and I would like you to join us. Thank you.

WILLIAMS: Thank you, Senator Hunt. Mr. Clerk.

CLERK: Mr. President, some items. Study resolutions: LR388 by Senator Matt Hansen; LR389, Senator Stinner; LR390, Stinner; LR391, Crawford; LR392, Lowe; LR393, Pansing Brooks. In addition, a new amendment to be printed to LB1056 by Senator Lowe. Name adds: Senator Murman would like to add his name to LR373, and Mr. President, Senator Lowe would move to recess the body until 1:30 p.m..

WILLIAMS: Members, we have a motion to recess until 1:30. All in favor say aye. Opposed, same sign. We are in recess.

RECESS

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

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

HUGHES: Thank you, Mr. Clerk. Do you have any items for the record?

CLERK: I have one item, a new study resolution. Senator Cavanaugh offers LR394. That's all that I have.

HUGHES: Thank you, Mr. Clerk. We will proceed to the first item on this afternoon's agenda, Mr. Clerk.

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CLERK: Mr. President, LB927 is on Select File. Senator Slama, I have Enrollment and Review amendments pending.

HUGHES: Senator Slama.

SLAMA: Mr. President, I move that the E&R amendments to LB927 be adopted.

HUGHES: Thank you, Senator Slama. Colleagues, you've all heard the motion. All those in favor say aye. All those opposed say nay. Amendments are adopted.

CLERK: Senator Hilgers would move to amend with AM3181.

HUGHES: Senator Hilgers, you're recognized to open on AM3181.

HILGERS: Thank you, Mr. President. Good afternoon, colleagues. AM3181 is intended to continue the conversation that we had at the end of last week on the claims bill, which I know is everyone's favorite topic and least dry topic of this Legislature. But I do think this is an important conversation to have. I think the-- the underlying amendment does one thing very simply, and I'll just say what it does on the outset and then take a step back, sort of catch us up to where we are. AM3181 is intended to amend the claims bill, LB927, so that the funds to for the Racing Commission legal fees, which is around-- just a little bit north of \$50,000, instead of coming out of the General Fund, will actually come from the cash fund for the agency. So that's what the amendment does, very simple, very straightforward. And I'll take a step back to kind of reframe where we were last week and kind of why I've brought this. So we-- we passed the claims bill last year. This is something that we have to do statutorily. Senator Hansen, as Chair of the Business and Labor Committee, has-- has done great work bringing this forward. They had a number of-- of claims from the state which are-- typically are defined as, you know, settlements with maybe another party who sued the state, so-- so maybe attorney's fees relating to a 1983 action or something similar. Aft-- because of the long delay from the hearing until we-- we came back after our break for the pandemic, there were some additional claims that needed to be included, some of which were-- most of which actually were claims that were actual claims similar to the ones I just described, in other words, claims with other parties where we-- where the state is paying attorney's fees or some damages award to someone who-- in which-- with which the state has had some lawsuit.

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Now this particular piece, you may recall, I stood up, had a long conversation with Senator Hansen kind of going back and forth on the process. This one was a little different. I think there's two primary ways this particular payment is different than the others. The one-- the first one is that it is not a-- it is not a payment to another party. This actually is a payment for an attorney's fee for the actual Racing Commission itself. So you-- instead of paying the other side that the-- with their damages or attorney's fees, this was a payment to the-- actually for the attorney's fees paid for by the Racing Commission. The reason why the Racing commission had attorney's fees in the first instance, which makes this a little bit, I think, sort of a complex background, is because the state att-- the Attorney General's Office needed to recuse itself because it was conflicted. And-- and those lawyers on the floor, you know this. You can't have a legal conflict as a-- as an attorney. You have a not just a fiduciary but an ethical responsibility under the legal rules not to be adverse to your own clients, and so there was an action from the Attorney General against the Racing Commission. They couldn't also then represent the Racing Commission. Racing Commission nevertheless needed attorneys and they had-- so they hired outside counsel and paid those attorneys. So the first reason it's different in really the reason-- I'm not going to get into this. This isn't the core of the amendment. But the first reason it's different is that these are attorney's fees of the state rather than attorneys-- or the commission rather than attorney's fees of some other party. And so a lot of the questions I have of Senator Hansen last week really try to go into that. And I've had an off-the-mike conversation with him about that, and it does look like this would fall within the statutory framework that we've got. And so I'm not really going to pick at that. I do have one broader color comment that my previous-- some legislation I intend to-- might bring next year. The second reason why this is different, which is really what is animating AM3181, is just that this comes out of the General Fund where there is a cash fund, I think, that would-- would cover it. So I am going-- how much time do I have, Mr. President?

HUGHES: 6:25.

HILGERS: Thank you, Mr. President. Would Senator Stinner yield to a question?

HUGHES: Senator Stinner, will you yield?

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STINNER: Yes, I will.

HILGERS: Senator Stinner, you-- thank you for that, Senator Stinner. You and I have had a few conversations off the mike about this. You knew this amendment was coming. We've had those conversations, right?

STINNER: Yes.

HILGERS: And one-- thank you. And so the question I've really got for you, and maybe you can just explain for the body, you've-- you spent some time looking at the cash fund balance for the Racing Commission. Could you just describe where it is-- your understanding of where it is today?

STINNER: Yes, it's at \$93,887 at the end of this year. But I'd like to kind of go through an analysis for the-- for the body so that they understand some of-- from the Appropriations standpoint, some of the problems we've had with the Racing Commission from--

HILGERS: You anticipated my next question. Please go ahead and do that.

STINNER: OK. Just from a trend side of things, we had the Racing Commission in this last time and we were very concerned about the trends. And when you look at parimutuel betting, it actually goes into an adverse trend of \$492,000 a few years ago to \$450,000. Expenses have stayed about the same. It fluctuates up and down relative to vet cost. But when I looked at ending balances, which are ending low balances, and that takes seasonality out of things, they have moved from \$250,000 to \$59,000 to about \$88,000 in cash balance, which means they were going gangbusters in reverse. So we on the Appropriations Committee made a special appropriation, kind of saying, OK, we'll allocate \$60,000 so that you can pay your bills and stay in business this year, but you need to come back to Appropriations with a plan. So even though parimutuel betting was down through the end of 6/30, down to \$400,000, that's almost \$100,000 down. They did curtail expenditures. Now, as I talk to Senator Hilgers, I'm a little suspect about the ending cash balance. I don't know if they have-- they have payroll or payables that they need that-- that have lapsed over. I can't tell that from just looking at the cash balance.

HILGERS: Thank-- thank you, Senator Stinner. And we-- so next year you'll be-- you'll-- we'll-- we'll be back here next year. We-- we'll be beginning of a two-year biennium and we'll start-- restart the next

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biennium's budget process. Sitting here today, is that a conversation that you anticipate will continue with the Racing Commission in terms of getting their house in order and getting on a better footing?

STINNER: Yes,

HILGERS: OK.

STINNER: I anticipate that. That's been what we-- what we sent them back to the drawing board for, yes.

HILGERS: Yeah. Thank you. Thank you, Senator Stinner. I appreciate that. How much time do I have left, Mr. President?

HUGHES: 3:30.

HILGERS: Thank-- thank you, Mr. President. I've got my light on. I'm going to-- I'm going to come back here in a second, next time I-- when I've got a full five minutes, to walk through some of my objections. I only intend to probably speak once, maybe twice on this, so we can get an up-and-down vote and-- and move on. But I appreciate Senator Stinner's conversation on this on the mike just now. I appreciate the work that he did before this afternoon as he and I had a dialogue about it. I appreciate Senator Hansen. I gave him a heads-up that this amendment was coming. I had a conversation with him this morning on the floor and I appreciate the conver-- that conversation as well as the work from last week. So this is-- this is something that I previewed for the whole-- for-- for the stakeholders, and hopefully we'll have good conversation here this afternoon. Thank you, Mr. President.

HUGHES: Thank you, Senators Hilgers and Stinner. Those in the queue are Hansen, Matt Hansen, Stinner, and Hilgers. Senator Hansen, you're recognized.

M. HANSEN: Thank you, Mr. President. Good afternoon, colleagues. I wanted to rise briefly and kind of discuss this and for the first part agree with Senator Hilgers. He gave me a heads-up that this was coming and that we had a variety of things to potentially look at. The fundamental question kind of here is there's two provisions of law that allow for when there are basically court costs against a state agency that the state agency can't pay; it then kind of defaults back to the State Miscellaneous Claims Act. And we've been in contact-- my office has been in contact even today with the State Risk Manager and

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Department of Administrative Services and the Attorney General's Office, and we seem to all be kind of the consistent interpretation that if the State Racing Commission does, in fact, not have sufficient funds in order to pay these attorney's fees, it then defaults to a miscellaneous claim under the State Miscellaneous Claims Act and, therefore, it becomes to the Legislature for approval. So then the key thing there is a political question, more or less, of does the State Racing Commission, in fact, have sufficient funds or not? This originally got presented to me-- so just a little bit of backstory. Over-- over the-- over the recess, the State Risk Manager reached out to State Racing Commission and said, pursuant to this particular section that allows for this, I'm required to ask you-- here, let me get it. So pursuant to 81-8239.11, the Risk Manager is reaching out to see if there are sufficient funds to pay for the legal costs. And the State Racing Commission replied back that, no, they did not have sufficient funds to pay this legal cost, which then under that provision kicked it up to a state miscellaneous claim that we, as the Legislature, have the ability to approve or deny. And that's exactly what the law-- law says from that point. Whether or not the State Racing Commission has sufficient funds to cover this is kind of the crux of the issue here for me, so that if they, in fact, do not, then including this in the state claims bill is very appropriate and then, therefore, it'll go through the-- through Department of Administrative Services, the same way a miscellaneous claim would with a General Fund appropriation. If the-- if the State Racing Commission does, in fact, have sufficient funds to pay for these attorney's fees, then I believe we should support what Senator Hilgers is doing and rely on the agency department to pay for their own costs, as agencies typically do. In conversations with some of the Attorney General's staff, this has rarely come up because most of the time state agencies, when they are preparing for litigation, will save up potentially some money-- monies or resources to pay for said litigation. And we-- here we had an instance where that just simply wasn't the case. The State Racing Commission did not prepare for this, didn't-- had not budgeted for this. In talking with Senator Stinner and with the Fiscal Office, I think it's a fair argument that the State Racing Commission is-- in fact, does not have the funds and, therefore, will have to pay for it through a state miscellaneous claim and the state claims bill. That's kind of the crux of the issue, is, do we feel that the State Racing Commission has the money or not? And if-- once we've decided that question, we can decide what the next step forward for goes. Kind of at the end of the day, there is this law firm that did perform

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services on behalf of the state of Nebraska, on behalf of a Nebraska state agency and, therefore, it's kind of a little bit deciding of which account, which budgeting procedure is appro-- most appropriate to pay for that. And that is a question that I'm more than happy to leave up to the body. As I kind of related on General File, the state claims bill is kind of a statutory obligation of the Legislature often assigned to the Business and Labor Committee. And I am trying to present the claims as the State Claims Board and the State Claims Risk Manager has related them to me. And some of these things, for example, this claim in particular, they said it's very much a subject for the Legislature to decide. Whether or not an agency has sufficient funds or not is a decision for the Legislature. The state-- the agency themselves said no and, therefore, it kind of kicked the decision to us. So with that, I'll--

HUGHES: One minute.

M. HANSEN: Thank you, Mr. President. With that, I will-- I know Senator Stinner is next in the queue and is going to talk about the agency budget from that perspective, so I'll let him speak. Thank you, Mr. President.

HUGHES: Thank you, Senator Hansen. Senator Stinner, you're recognized.

STINNER: Yeah, just very shortly. I guess, from the Appropriations standpoint, there is money in the account, \$93,000 or so. It's-- and the racing season has been completed, so it's-- but it's difficult for me to know if there are payables that have to be paid. I would be very, very cautious and careful. I think it's an interesting legal question when the Attorney General selects to sue one of the agencies, but that's way out of my area of expertise. The trends are adverse on the Racing Commission. We did have to specially allocate \$60,000. I just looked and they used all of the \$60,000 to help them get through the racing season. So it's something we are, from the Appropriations standpoint, are going to keep our eye on, and hopefully they come back and they've rectified some of the adverse trends that are present within the Racing Commission. With that, I'll turn the rest of my time over to Senator Hilgers if he wants it.

HUGHES: Senator Hilgers, 3:55.

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HILGERS: Thank you, Mr. President. And thank you, Senator Stinner. Again, could-- would Senator Matt Hansen yield? Just a very quick question.

HUGHES: Senator Hansen, will you yield?

M. HANSEN: Yes.

HILGERS: Thank you, Senator Hansen. I listened to your remarks. I appreciate that background. One thing I wanted to clarify. I think you indicated if the-- if the agency does not have money, then it reverts to a different kind of claim. Could you unpack that a little bit more just so I understand what you said?

M. HANSEN: Sure. So there's two-- kind of two sections that play together, and it's 81-8239.02 and 81-8239.11. And .11 says that if there is-- if a-- and I'll quote part of it: If a state agency has insufficient funds to pay the settlement or judgment, the state agency shall notify the Risk Manager. The Risk Manager should then submit the judgment to the Legislature in the same manner provided as a State Miscellaneous Claims Act. The Legislature shall then review the judgment-- settlement or judgment and make an appropriation if appropriate.

HILGERS: OK.

M. HANSEN: So that is kind of the interpretation of the State Claims Manager that this is a decision left up to us if we want to cover it or not.

HILGERS: Got it. Thank you. Thank you very much, Senator Hansen. You know-- you know, I think it was interesting, the last two words you said, settlement or judgment. I understand-- I'm not really arguing as my primary argument here, as I've mentioned at the beginning, that I'm trying to really poke at this idea that this is a-- these are paying fees of the agency rather than some settlement or judgment, because it's neither of those two things. But I do think that's a factor that weighs in here. Ultimately, this is a-- this is a creditor of the agency. The agency does have around \$90,000. And I understand Senator Stinner's point, which is that there might be payables out there and this is really a cash-flow issue. I think ultimately, when-- especially in the environment in which we are living, and that is every dollar is going to count. Now we've already had a revised forecast downward because of COVID. I don't think this is a place--

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when it is not a settlement and it is not a judgment, it's not something to resolve a lawsuit against the state, these are internal fees that we ought to go-- we ought to try to go to-- and have the agency manage their cash in the first instance-- first instance, and at least the-- the evidence that I've got is that I'm not convinced that it's necessarily true that they have zero. It's not-- it's-- if they had, you know, a negative cash balance or if it was \$1,000 or \$2,000 or the like, I mean, and they clearly could not write the check, I think that might be one thing, but that's not the evidence before us. And I'd prefer that this is a process that work-- that continues work with the Appropriations Committee. Senator Stinner, you heard him on the floor. He's been working with that agency. His team's been working with that agency. I-- I think that work ought to continue, and I think the appropriate vehicle for that, for their-- their payables and not settlements, not judgments but payables like this one, it's with-- working with the Appropriations Committee in that process and not in this particular process. I would also say I do think that there's-- I think it's-- if you-- if we treat it this way and you say, OK--

HUGHES: One minute.

HILGERS: --then you can't just-- thank you, Mr. President-- you can't just go to the Legislature to-- to-- to pay these bills on a one-off basis. I do think it enforces maybe a little bit more discipline on the agency with the-- with the bills that they're racking up. And I'm-- by no means am I in any way suggesting at all that I'm criticizing or have any-- I'm not taking any position on the-- on the fees underlying this particular issue at all, so please don't misunderstand. I'm not saying that. But what I am saying is that I do think that if-- if the agency-- it's sort of a moral hazard if the agency thinks that, well, if we get a little close to not having enough money, we can just kick it to the Legislature and they'll cover our fees outside of the appropriations process, which I think is the right vehicle for this. I don't-- I-- that's what I oppose. So I would ask for your green light on AM3181. If there's more discussion, I'm happy to punch my light or discuss it a little bit further in my closing. But I think this is a fairly straight issue, straightforward issue, and I hope it's one that you agree with me on. Thank you, Mr. President.

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HUGHES: Thank you, Senator Hilgers, and you are next in the queue. Senator Hilgers waives, Senator Wayne, you're recognized. Senator Wayne waives. Senator Matt Hansen, you're recognized.

M. HANSEN: Thank you, Mr. President. And I just wanted to kind of further clarify. Senator Hilgers started walking me down this path and I appreciate this. And for the record on this, I appreciate where Senator Hilgers is coming from. Part of the sections we are referencing here today are sections that Senator Hilgers introduced a bill on behalf of the Attorney General last year, if I remember correctly, that we passed and adjusted some of these funds that we are potentially utilizing in this amendment. Just already-- further agree with him, and as we walk through this process kind of for the first time, there are probably more amendments and clearer processes that we as a Legislature would benefit from. I did want to take a step back and also point out I referenced 81-823-- 8239.11 earlier, and then a similar section, 81-8239.02, does talk about liability and fidelity claims against the state and then references the other section, the .11. And then it talks about this fund that we are potentially using in the committee amendment as-- or I guess-- excuse me, as the bill is adopted, is the self-insured-- State Self-Insured Liability Fund, and it talks about it is the fund to pay for liability and fidelity claims against the state. And then it also defines such claims to include payments for award settlements, associated cost, including appeal bonds and reasonable costs associated with required appearance before any tribunal. I think that does-- is kind of some of the language and rationale where you're using that. These are costs kind of as subject of the state being held to a lawsuit. Somebody has to pay them and kind of the question is, does the State Racing Commission have the money to pay these fees as the agency that made the decision that led to the lawsuit, or are they, in fact, not having the money and, therefore, we as a State Legislature have to pick it up through the General Fund, through kind of a DAS Self-Insured Liability Fund? Politically, I think there's a fair argument both ways. Kind of from Senator Stinner's point, I do think we have kind of consistent concerns with the State Racing Commission and, therefore, that the argument that they do-- in fact, do not have the funds to cover this lawsuit, even if at this exact moment there might be enough money in the account, is a fair interpretation. Thank you, Mr. President.

HUGHES: Thank you, Senator Hansen. Senator Lathrop, you're recognized.

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LATHROP: Thank you, Mr. President. Colleagues, I've been listening to this debate. This thing kind of came on as an amendment without-- there were certainly questions from Senator Hilgers about the process. But I've been listening to this and-- and this is what I've taken away. And somebody can tell me I've heard it wrong, but the Attorney General sues the Racing Commission. The Racing Commission says, well, normally the Attorney General would represent us, but they can't sue us and defend us at the same time so we need to get outside counsel. They go to Lamson Dugan, by the way, fine law firm, good lawyers over there, and they represent the Racing Commission. And the Racing Commission then goes to the Claims Board and says, we may have X in the account, and apparently right now it's about \$90,000, but we don't have enough to pay it and continue our operations, in other words, we're going to need some of that \$90,000. If you take the \$50,000 away, we won't have enough of what we're going to need. I don't hear anybody telling me that the \$40,000 they'd have after they pay this will allow them to operate or to function. Now we have a Racing Commission for a reason. They have oversight of racing. I don't-- I can't support the amendment because I haven't heard anybody say this is just sort of extra money and they got the cash sitting around to pay Lamson Dugan or these lawyers they had to hire because they were being sued by the Attorney General. And maybe I'm missing something, but if they had the money laying around and they didn't need it in the first place, we'll know next-- next year. At the end of the year, we can look at their cash balance and go, yep, they didn't need the money. But right now, we don't know how much of that's already committed to some of their bills, whatever they might be. So at this point in the debate, and I feel like we're getting close to the end, unless Senator Hilgers has more to say about it, I guess I got to be opposed to the amendment. Thank you.

HUGHES: Thank you, Senator Lathrop. Senator Crawford, you're recognized.

CRAWFORD: Thank you, Mr. President. Good afternoon, colleagues. Good afternoon, fellow Nebraskans. I just have a clarifying question for Senator Matt Hansen, please.

HUGHES: Senator Hansen, will you yield?

M. HANSEN: Yes.

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CRAWFORD: Thank you. So what I heard you say is that we have to pay out of General Fund when an agency doesn't have the money to pay for the suit themselves, and that's why the LB927, as originally written, has this money coming from the General Fund. Is that correct?

M. HANSEN: That's correct.

CRAWFORD: So if-- if it was the case that we passed AM3181 and the Racing Commission did not actually have the funds to pay, then it would wait until next year in order for the General Funds to be appropriated to pay this law firm. Is that correct? There's no automatic way that if-- if the Racing Commission can't pay, that General Funds sweep in and pay this fee. The only way it would get paid, if the Racing Commission actually cannot pay it, would be to appro-- be appropriated from General Funds next year. Is that correct?

M. HANSEN: That's correct.

CRAWFORD: All right.

M. HANSEN: That's my interpretation.

CRAWFORD: Thank you. So I guess I am-- I have concerns about the actual funding that the Racing Commission does have to pay for this bill, just given what I've heard from the debate thus far, so I will be-- not be in support of AM3181. But I do appreciate Senator Hilgers' attention to being fiscally responsible and trying to make sure that if we had means for an agency to pay, that we would seek their payment first. Thank you, Mr. President.

HUGHES: Thank you, Senator Crawford and Senator Hansen. Seeing no one else in the queue, Senator Hilgers, you're welcome to close on AM3181.

HILGERS: Thank you, Mr. President. Good afternoon again. And colleagues, I-- I'll be fairly brief on this. I-- I think the points are fairly laid out. I do want to clarify one thing. I think Senator Hansen and I-- I think this is part of the value of this process, because it's helping clarify some of these issues. So to be clear, the funds will come from the General Fund, but it's meant to fund the-- this self-indemnification fund that Senator Hansen referenced in the 81-812.02 [SIC] I believe was the statute, something like that. And so I think that in some ways helps buttress my point, because I think that actually-- how much should be within that fund I think is really a big picture policy question for the-- for the body to judge and

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determine, and I don't think it's through a one-off claim like this, like we have here today. So I think framing-- framing the issues, I think this is a-- this is not a settlement; it's not a judgment. I'm not arguing that it's not something that could not-- would not otherwise fall within the fund, but I do think it's-- since we're not resolving a lawsuit or a liability, I think it falls in a different category than the claims, the other claims that are being resolved in LB927. There certainly appears to be money within the cash fund of the Racing Commission. And I think even though they would normally be represented by the AG and had to hire counsel for this particular matter, nevertheless, it's a payable. When the Exec Board had to hire counsel to represent us in the lawsuit that we had where the AG was adverse, that was something we had to fit within our budget. So I think if-- ensuring that those agencies have-- pay-- are paying those funds and they can't go to the General Fund to be able to pay that overflow at least enforces some discipline into the process and some accountability into the process. I think there's another avenue here, which is through the Appropriations Committee, which is an avenue that already exists and, in fact, Senator Stinner, as he said on the mike, he's already been working with the Racing Commission on helping to get them in an improved financial position. And so I think that's the right process. I don't think it's the claims process. AM30-- if you agree with me, AM3181, please vote green. It will make sure that we aren't using General Fund dollars at this stage. You know, when we've got two weeks left in session, two-and-a-half weeks or so, we're going to have a lot of discussions; we're going to the budget here coming up shortly. We're going to have a lot of discussions about every penny of that General Fund budget. I think we ought to-- we ought to, where we can, put things into cash funds where we can. I think this is the right place and I think next year, if there's an issue on the budget for that individual agency, it's something that they can talk with Senator Sinner and have a policy discussion at that time. The last thing I'll say is I may bring a bill next year dealing with this issue of how do we review attorney's fees when the Attorney General is conflicted out. Does happen; doesn't maybe happen all that often, but it certainly does and we want to make sure we've got a good process for that. So with that, I would urge your green light on AM3181. I want to thank everyone for their conversations on the mike and off the mike. I think this has been illuminating for me, and I hope for you as well, and please vote green. Thank you, Mr. President.

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HUGHES: Thank you, Senator Hilgers. Colleagues, the question is, shall the amendment to LB97-- LB927 be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 26 ayes, 18 nays on the amendment.

HUGHES: The amendment is adopted.

CLERK: I have nothing further on the bill.

HUGHES: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB927 be advanced to E&R for engrossing.

HUGHES: Colleagues, you've heard the motion. All those in favor say aye. All those opposed say nay. The motion is carried.

CLERK: Mr. President, may I read a few things, please?

HUGHES: Yes.

CLERK: Thank you. Mr. President, amendments to be printed: Senator Brewer to LB857. I have a notice of hearing from the Government Committee and from the General Affairs Committee. Series of study resolutions: LR395 from Senator Blood; LR396, Friesen; Cavanaugh, LR397; McDonnell, LR398. That's all that I have, Mr. President. Thank you.

HUGHES: Thank you, Mr. Clerk. We will now proceed to the next item on the agenda.

CLERK: Mr. President, the next item is LB1008. Senator Slama, I have E&R amendments, first of all, Senator.

HUGHES: Senator Slama for a motion.

SLAMA: Mr. President, I move that the E&R amendments to LB1008 be adopted.

HUGHES: Colleagues, you've all heard the motion on the adoption of the amendments. All those in favor say aye. All opposed say nay. The E&R amendments are adopted.

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CLERK: Mr. President, LB1008 has been designated a major proposal. Pursuant to the Speaker's direction, Senator Stinner, I have AM2936, but I have a note you want to withdraw AM2936, Senator.

STINNER: That is correct.

CLERK: Mr. President, then I have the next amendment as ordered by the Speaker. Senator Stinner would offer-- Senator Stinner, as Chair of the Appropriations Committee, and the committee would offer AM3008.

HUGHES: Thank you, Mr. Clerk. Senator Stinner, since it's been awhile since we've dealt with the budget, would you want to take a few minutes to kind of bring us up to speed, please?

STINNER: Thank you, Mr. President. Members of the Legislature, this is one of those rare occasions, and hopefully never again, where we had two proposals to look at. And one is, I call a pre-COVID budget and a post-COVID budget. Just a real brief discussion, the budget proposal on Select File had a General Funds budget adjustment of \$57,195,000. This was both the Governor's deficit request and Appropriation Committees recommendation. A listing of those adjustments are actually in your page 2 and 3 of the green midbiennium adjustment budget book. So if you want some detail on that, that will be there. But as I stated earlier, really, we had several goals and objectives when we sat down with this budget. The committee really wanted to restore the rainy-day fund, at least to the minimum amount, which is why I characterized it as 10 percent, which would be about \$500 million. We wanted to maintain spending at 3 percent or less. That really corresponds with the Governor's recommendations as well. We wanted to be strategic about any bills that we would pass and we wanted to maintain structural balance. If you look at page 5, the General Fund's financial status demonstrates that all of those goals were fulfilled with an excess to the floor over the minimum Cash Reserve of \$133,796,000. And that budget sits on the floor right now before modifications. Now, just briefly, the Governor's deficit recommendations included \$55 million for flood, his emergency fund for flood. Staffing agencies for DHHS was \$10 million, \$9.1 million for homestead exemption, 8.8 for the Lincoln Regional Center to-- for liga-- ligature mitigation. Corrections, the Governor negotiated a pay increase for protective service staff. That increase was eight \$8 million. DD waiver service, \$4.9 million, that's for the ICAP assessment. Nebraska career college scholarships, a new-- a new initiative by the Governor was \$4 million and priority one DD waiver,

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3.7. Those are some of the big items. The Governor also had a-- an allocation to lower the General Funds request due to signing a new child welfare contract in the Omaha area. And of course, there were some spending adjustments. The spend rate in DHHS, a couple programs, was much less than what-- what the appropriations were, so that that's in there also. The Appropriations also entertained over \$110 million of new requests. I believe it was 37 different bills were introduced, which may be an indication that we haven't passed any kind of spending bills in this Legislature for three sessions. That distilled down into about a \$15 million number. Strategically, we looked at 2.1 really to be allocated toward Corrections and safety. Aid to individuals, \$10.4 million, really, a big portion of that was to kind of bring up a cost study that was conducted by DHHS to a break-even for the providers; and \$3.4 million for workforce development. Obviously, everybody understands that-- and right now, I guess I need to explain that there-- actual numbers actually came in since we were gone. And so now you see an excess starting out of \$138 million. Of course, that has been adjusted on your green sheets.

HUGHES: One minute.

STINNER: And you can take a look at your green sheets, but in there we inserted a \$50 million adjustment to the minimum Cash Reserve that brought it down to \$88-- or \$89 million; of course, \$50,000 we just added back. And I will be introducing a-- an amendment, really, that deals with moving expense-- technically moving some of these expenditures over into the-- the current year in the biennium, so that'll be a technical adjustment. That said, it still leaves \$88-- \$89-- \$90 million for the floor. Obviously, property tax relief is-- is a high priority, certainly with the Governor and members of the Legislature. We do have an appropriations that's assigned to the Nebraska Imagine Act, which is our incentive program. And there is obviously other desires.

HUGHES: That's time.

STINNER: Thank you.

HUGHES: Time, Senator, but you still can have five minutes to open on your amendment.

STINNER: Yes, amendment-- thank you, Mr. President. Members of the Legislature. AM3008 includes technical changes in the midbiennium

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budget adjustments, as well as proposed modifications to include language regarding unused COVID relief funds and an earmark for public health departments under the Governor's emergency program COVID-19. Number one, the current version of LB1008 has budget adjustments for both fiscal year 2019 and '20 and fiscal year 2021. Since the Legislature recessed last March, fiscal year '19-20 has been completed and no adjustments can be made to this fiscal year. AM3008 simply moves the adjustments from '19-20 to fiscal year '20-21. In several cases, the original bill reduced the new appropriations in '19 to '20-- '20. This amendment shifts those to lapses in '19-20 reappropriations, and that is demonstrated, I believe, on line 5 so those-- anything that was lapsed ended up there and expenses will drop down below. There are two instances where the amount changes. In the first instant-- instance, the Governor's initiative between Peru State College and the Department of Correction Services had funded in both '19-20 and fiscal year '20-21, reflecting a startup when funds became available. Since the program would not start until '20-21, which already included a full year of funding, the fiscal year '20 amount was shifted to '21, saving \$488,000 in General Funds. In the second instance, we had \$8.2 million deficit requests for fiscal year '19-20 for DHHS Regional Center, program 365. This included \$5 million of higher costs, 3.8 of lit-- lit-- literature-- ligature temporary staffing to be used both in fiscal year '20 and '21. Because of the delay in this funding, \$6.6 million of DHHS administrative program 33 were used to keep the institutions operational. AM3000-- or AM3008 shifts \$1.6 million of temporary staff funds to fiscal year '20 and reallocates 60-- or \$6 million of the unexpected fiscal year '20 child welfare program to program 33 to reimburse that program for most of the funds used to sustain the regional centers in fiscal year '20 due to the delay in the legislative session. We also included some unused language-- language regarding unused COVID relief funds. The \$1.1 billion of COVID relief funds were received in April, must be expended by December 31, 2020, or be returned to the federal government. At the present time, Congress has not authorized a more unspecified general use of the funds. Because such an authorization could possibly be provided, language could be added to the budget bill that any unused funds should be transferred to the Cash Reserve, and this is consistent with our statute in 2004 that any general-use funds from the federal government would first be put into the rainy-day fund and then we could appropriate out of there. The language is as follows:

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Any unallocated and unexpended Coronavirus Relief Funds identified as of November 15, 2020, shall be--

HUGHES: One minute.

STINNER: --reoffered through a grant process to meet the remaining unmet needs, including, but not limited to, rental assistance, food assistance, small business and livestock stabilization, broadband, workforce retraining, and child-- child-- childcare. If allowed by the federal law, the State Treasurer shall transfer any unallocated and unexpended money from the funds received pursuant to the Coronavirus Aid Relief and Economic Stability Act of 2020 Section 501 Coronavirus Relief Fund to the Cash Reserve on or before December 30, 2020, as certified by the Budget Administrator of the Budget Division of the Department of Administrative Services. As required by Section 84-612, any additional federal funds received by the state of Nebraska un-- undesignated shall be put into the rainy-day fund. There is also included an earmark for \$2 million in the Governor's Emergency Fund to be utilized for public health. We've got--

HUGHES: That's time, Senator. Thank you, Senator Stinner. The next three in the queue are Senators Bolz, Wishart, and Vargas. Senator Bolz, you're recognized.

BOLZ: Thank you, Mr. President. I want to reiterate some of the points that Senator Stinner was making and clarify what I think the top lines in this budget bill and AM3008 are. I always say when talking about the state budget that you have to both look at the windshield and the horizon, so we have to think about the short term, we have to think about the long term, and we have to understand that sometimes it's a moving target. There are a few windshield issues that I want to make sure the body understands the importance of. As Senator Stinner was reiterating, the Department of Correctional Services union negotiations adjustment is included in this budget. I think it's essential to the safety of our correctional officers, and I think it's an important step forward in addressing some of the long-term problems in our Department of Correctional Services. Similarly, another must-do, another windshield issue is paying for the balance of the homestead exemption, which is property tax relief for a number of senior and disabled individuals all across the state, as well as, to Senator Stinner's point, avoiding any sort of challenges with the feds regarding the safety of the Regional Center facility and staffing. Those are important things that really must move forward in LB1008.

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Additionally, we have opportunities and two opportunities in the short term that I want to highlight are the scholarship programs and the developmental disabilities and mental health rate adjustments. I-- I want to make sure that I clarify one thing as it relates to both of these initiatives, and that's that both of these efforts, both of these investments, are long-term strategic adjustments that need to be made right. Workforce development has been a challenge on this floor and in the state for as long as I've been a state senator, and I think the workforce investment funds make a long-term investment in addressing those issues. Similarly, the developmental disabilities and mental health rate adjustment issues are both based on rate studies done by the Department of Health and Human Services, so both of those are making right rates that have been structurally insufficient over time. And one of the reasons I want to make sure we clarify this is because these rates cannot be adjusted simply or-- or glossed over by saying that some of those folks got some additional Coronavirus Relief Funds. These are long-term systemic problems that we need to make right and are made right in LB1008, or at least made better. The other things I want to mention are things that are on the horizon, things that we need to look forward to in the future. IHS and Moody's show a significant decrease in our projected revenues in the out year. And to Senator Stinner's point, if you look at the green sheet, you see a significant-- a \$400 million shortfall in the out year. That will be a challenge for any future Appropriations Committee to adjust without undermining the long-term priorities of the state and of the budget. That won't be easily adjusted, even if we have a sunnier revenue picture than we have right now. I also want to reiterate that we are down to \$382 million in the Cash Reserve. That's about 7.5 percent of our General Fund expenditures over time. And the recommendation that I've always used is 16 percent. We want to keep about two months' worth of cash flow in the Cash Reserve. We have significantly less in the Cash Reserve than we had when we left in March. So I think this budget does what it needs to do without making any significant major structural adjustments, no knee-jerk reactions here. We're staying the course from where we left off in March while recognizing that we are not in the same stable fiscal position that we were when we left the budget on General File. I do think it is important--

HUGHES: One minute.

BOLZ: --to recognize that we will have additional economic information before you come back in the next biennial budget. And you-- you don't want to make too many significant changes here. I think staying the

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course for a lot of what we put into the budget to begin with makes a lot of sense. The last thing I want to mention is that we did, as Senator Stinner was referencing, put in some slight changes related to coronavirus funds, the recognition that those funds should be fully spent out on recognizable needs. If they are not fully spent out, they should be put into our Cash Reserves, if that's appropriate, through the feds. That will help strengthen our fiscal position into 2021. I think this is sound budget. I urge your support of AM3008 and LB100. Thank you, Mr. President.

HUGHES: Thank you, Senator Bolz. Senator Wishart, you're recognized.

WISHART: Thank you, Mr. President. Colleagues, I rise in strong support of AM3008 and the underlying bill, and I want to thank all my members of the Appropriations Committee for their hard, diligent work on this budget and frankly for the work we've done over the past four years. A lot of the work we've done, especially on the rainy-day fund, has allowed us as a state to weather some of these significant storms that we've experienced in terms of a pandemic and natural disasters, and I'm really proud to be on a team who's helped us as a state get through this financially, being responsible with our decisions. I did just want to reiterate a few things that Chairman Stinner said and-- and Senator Bolz to put this in perspective, and then want to go a little into detail in-- into some of the issues that I'm very proud about in terms of our budget. So first of all, we had 35 bills that were referenced to Appropriations, and out of those, we strategically took 19 of them. So to think about that, we have over \$100 million in requests in terms of bills that come before us, and we focused our efforts to appropriate about \$15 million to critical needs. So that just goes to show you how deliberative we are as an Appropriations Committee, but also how financially pragmatic we are, recognizing that we've had some pretty tough times financially as a state and we need to make sure that we're being fiscally pragmatic. I wanted to intro-- to discuss one of the topics that's very near and dear to my heart. It's a bill that I introduced and it is a bill to reduce the backlog that currently exists in our state in terms of processing sexual assault forensic evidence. Excuse me, I'm just pulling this up here. So this bill was LB1079, and this bill will address two critical problems we currently have in our state, the first being our state's large number of old, untested sexual assault kits that were not previously submitted to the State Crime Lab for testing; and second, the 12-month delay on testing sexual assault kits from recent prospective sexual assaults at the Crime Lab that currently exists in

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our state. So just think about that, colleagues. We have women and men who have been victims of sexual assault in our state who currently are experiencing a yearlong backlog and that evidence going through the State Crime Lab. And why this is important is in a number of reasons. First, it's important that we support victims of sexual assault, making sure that their case is expedited. But two, it's important in terms of public safety because we need to make sure that our law enforcement officers are able to have the evidence that they need to-- to find the perpetrators. The other legislation that I wanted to talk to is developmental disabilities. This has been a-- an issue and a policy issue that I have prioritized as an Appropriations Committee member. I have a lot of people and constituents and families in my district who have family members who have developmental disabilities. And over the past four years, we have worked extremely hard and consistently as an Appropriations Committee to be able to restore some funds that were lost to DD providers, but also to get that rate, the rate methodology upped so that providers can truly be able to afford the cost that it takes to provide really quality care to our DD community. So I'm really proud our Appropriations Committee has put the final investment in to make sure that we are meeting sort of the rate methodology--

HUGHES: One minute.

WISHART: --for providers to be successful in providing healthcare to people with disabilities. I also wanted to just do a shout out to Senator Geist, and I know she'll talk about this issue, but she's been a strong advocate, like I have, for problem-solving courts and introduced a bill in front of our committee that we adopted into the budget. She'll talk more to it, but it's establishing mental health courts in our state and it is a much-needed initiative for us to work on. Looking forward to us doing more in the future on this. Thank you.

HUGHES: Thank you, Senator Wishart. The next three in the queue are Senators Vargas, Wayne, and Dorn. Senator Vargas, you're recognized.

VARGAS: Thank you very much, President. Colleagues, I rise in support of LB1008 and AM3008. I'm going to try not to say too much similar, but there are a couple of things that I think warrant talking about a little bit in addition to what my colleagues have said. You know, obviously, everything that we're doing, this is-- this is partly on-- on pre-COVID times when we were working on this budget, but the important piece of this is, pre-COVID, when we're looking at our

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budget, was not necessarily anticipating that we would have COVID-19 but was always anticipating that we should be investing-- where do we invest in our state to ensure for the well-being, both health and home and economic well-being of Nebraskans? And so I think that's largely what we have worked on and-- and-- and what I'm proud to say that is-- it's a balance. And so in the steps forward that we make here, I think we've seen and we've heard from some individuals on the committee. We've worked on things like provider rates, which again stem from recommendations that have come from the department, making sure that we are getting to the right place for our most vulnerable populations. We've talked about ensuring that we're investing in programs that the Governor has pushed forward and advanced, many of which are trying to then improve areas of career readiness, workforce readiness, not only for the talent scholarships, but that's one mechanism that is-- is-- is worthy of-- of-- of looking at and putting in this budget. We've also done that with our Nebraska Opportunity Grant program. I've mentioned this several times on the floor before. We are somewhere in the 22nd, 23rd in the country for our state aid that we are providing to low-income students to go to college. And if we talk about workforce, if-- if individuals can't afford to go to some of our state, private, and community college institutions, we need to make sure that they can better afford it. And one way of doing that is using these state grant programs, and so investing in this is investing in our kids' future. It's investing in workforce because we clearly know, and we've heard this for a very long time, H3 jobs, or high-wage, high-skill, and high-demand jobs, are currently in existence. We have a whole-- Department of Labor has had a list of all these jobs that exist. The problem we have is we don't have the workforce to meet that demand currently and we need to then invest in these programs that are going to enable us to have that workforce so that people can then get the skills and then also change some of the skills. So what you see in here, you know, certain things, not only vocational and life skill programs as another example in addition to the Opportunity Grant, I think are aligned to when we talk about workforce readiness. Want to also mentioned healthcare access. I think it's important that we identify ways that we improve access to all individuals in our communities. This is to our most vulnerable populations as well as our populations at large. So you see things like investing in our infrastructure at large on public health agencies across the state. This is happening-- this was happening and discussed before. COVID-19. It's even more important now. And I don't think I need to tell you that our public health agencies have been

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reacting to the floods for a year and a half and have now been reacting to COVID-19. And these agencies, these individuals serving in our communities, both urban and rural and everything in between, are doing everything they can to make sure they are the first line of information in collaboration with our Department of Health and Human Services, Public Health Department. And so they're important. Investing in them in the long term is-- sometimes feels reactive, but in this instance I think we're trying to be proactive and I think that's for the well-being of our communities, especially when we're having larger conversations about the well-being of our communities is going to be tied to education and access.

HUGHES: One minute.

VARGAS: And so public health agencies are-- are one avenue to do that. The last thing I'll talk about is just the process here. We continue to-- to look at this budget as a living moral document. This is the first time in-- in recent-- recent time that we've-- we've invested in our state in a very proactive, pragmatic way, to what Senator Wishart, Senator Bolz and Chairman Stinner have already alluded to, and I think that's critical as we move forward for the state. We have cut a significant amount from our budgets over the first two years of our time on the committee, and I imagine that we may be doing some of that same prioritization in future years. But it's also important that we prioritize our spending so that we are investing in our state as best as we possibly can. Hard decisions are to come, but what we're looking at right now is the most pragmatic way forward to invest in our economy, our workforce, our health and the needs of our communities at large. So with that, I ask you to support LB1008--

HUGHES: Time, Senator.

VARGAS: --and the amendment. Thank you.

HUGHES: Thank you, Senator Vargas. The next three in the queue are Senators Wayne, Dorn, and Friesen. Senator Wayne, you're recognized.

WAYNE: Thank you, Mr. President. Well, I haven't partaken in any of the destructive or combative debate that happened in this body for last couple of days. But this-- today is kind of where it kind of starts to divide for me. Those who remember, prior to COVID I had issues with the budget, and I was reminded today that I still have issues. And I'm normally not a one-- like I don't like when people

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pick one issue and they vote up or down on the entire budget on one issue. But for me, this is kind of fundamental that we were told over and over not to bring budgets-- or bills to the floor that have fiscal notes, but we have budgets that rural electric associations need that will change the way they tax labor and their sales and use tax on leases to directly compete with private industry, which will deduct from our overall General Fund. But the thing that stands out to me most is we're still giving \$10 million to rural workforce housing. Now it wasn't my bill, but I remember a bill on this floor for, for lack of a better word, urban workforce housing that had the same fiscal note, and this body said we could not move this bill forward because we don't know how to pay for it, that any extra funds that we have should go to property tax relief. We have bills in-- I have a bill that was only \$5 million for small businesses in Lincoln and Omaha in poverty areas, which are economic redevelopment areas, that is stuck in committee because it has a fiscal note. But we are going to give \$10 million to the Rural Workforce Housing Development Fund. again, after two years ago we gave \$8 million. We gave \$1.3 million this year for a rural canal that collapsed. So again, I see the rural community getting a lot of our budget, and I'm not saying urban doesn't get a lot through other things, but we are talking about direct appropriation for specific things in the rural community that when we ask to happen in urban, this body said no. I'm offering to go five and five, but I don't think that would be acceptable. So how am I supposed to take that? And to say that budget is not a policy conversation, that is inaccurate. Where we choose to spend our dollars is everything related to the policies of this state. If we don't believe in that policy, we won't fund it; if we don't believe in that agency, we won't fund it. Five million dollars for tax credits for small businesses, and I'll tell you the secret. I based that bill off of the rural tax credit for livestock. I took the exact same bill and applied it to a poverty areas for any job in poverty areas in Omaha, and it's stuck because of a fiscal note. But rural already has that benefit in their livestock and it's capped at \$2 million or \$5 million. It's already written in our code and been there for years. But Senator Vargas comes with a bill this year for \$10 million dollars for urban housing, which we talked about earlier today, and it got sidetracked--

HUGHES: One minute.

WAYNE: --because of all the extracurricular conversations around middle workforce housing. And again, we'll have bigger conversations of whether we can even have cities give a report. But we are going to

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give \$10 million, again, to rural communities for housing. Not saying it's not important, I'm just asking for the same courtesy when it comes to spending in our budget for poverty areas in the urban area, for workforce housing in the urban area. So this might go the full time because this is a statement we are making by picking winners and losers. And we've said, Senator Vargas, your bill doesn't matter, urban, it doesn't matter, but we will fund rural again. That's \$18 million over three years. I have a fundamental problem with that.

HUGHES: Time, Senator. Senator Dorn, you're recognized.

DORN: Thank you, Mr. Chairman. Wanted to you get up and talk a little bit about the budget. I guess I look at it a little bit-- when we discussed the budget we had on the floor before the three-, four-month break we had, we had a lot of different-- we had numbers that we felt comfortable with coming to the floor. A lot has changed in those four months. as far as revenue, as far as revenue expectations, as far as future years where we might sit as a state. The fiscal year, one of the I think the most important things in here, and I've talked to Chairman Stinner and other people about, is that there our fiscal year, this normally doesn't happen in a budget, but our fiscal year came about here and it ended. So we can't go back in last year's budget or the budget we brought to the floor for some adjustments in last year's budget that ended July 1. We can't go back and make adjustments for that, so there are in the amendment here, which I stand in favor of AM3008 and-- and the budget bill. We have to make some adjustments in the amendment that has come forward. One of the things that Appropriations did the other day, and Chairman Stinner was talking about a little bit, we did-- in the \$83 million we allocated in our short three-day session for the government-- Governor's Emergency Fund, I don't have the exact numbers right here, but they used about \$15 million of that. And some of the rest of that-- now we'll go back. They used about \$18.6 million and the rest of that now will be going in this budget. Most of the rest of that will be going back into the rainy-day cash fund, except for a few things that they've encumbered, another \$2.5 million. And then in this amendment proposal now is also what the Appropriations Committee did the other day when we met in-- in committee hearing was we appropriated another \$2 million to all of our public health solutions. Part of what the CARES Act has done, the Federal CARES Act, it's funded our public health groups through this process of the CARES and the COVID issue we've had. There was going to be about \$10 million left in there for the-- to use yet for expenses of the state. That came about after

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December 31 that, as we sit here today, it will not be covered in the CARES Act, the gov-- the federal CARES Act. So what the Appropriations Committee did, and-- and like I said, Chairman Stinner just started explaining this, we allocated another \$2 million to be used by our public health departments to tide them over between January 1 and the end of next fiscal year, in July 1, and for the specific use of what they would need to do through the rest of this COVID thing. We don't know how it's going to proceed or how it's going to end up going or what kind of expenses they will have during that time, but wanted to reiterate 62-- or \$60 million, \$60.5 million of that, of that \$83 million we had originally allocated, now will be coming back in to the cash-- our Cash Reserve fund, our rainy-day fund. When you look at the lines on the budget, it shows us an expense last year. In that short three-day session, we allocated that, so it had to show up as an expense. We will be bringing part of that back in, in this budget and in this amendment.

HUGHES: One minute.

DORN: So I just want people to be aware of the fact that, yeah, the rainy-day fund looks, I think, \$382 million or \$388 million. But it-- it will be a little bit higher because we will be bringing some of that back in. Want to thank a lot of the Appropriations Committee for all the work they've done on this. As Anna, Senator Vargas has explained, as Senator Wishart's explained, we looked at a lot of bills. We took into account a lot of the things what the state of Nebraska needs and will need to be strong financially going forward. And I think as you look at all of the people on the Appropriations Committee, that is-- I think their main goal is to make sure we as a state of Nebraska are strong financially as we go forward. Thank you.

HUGHES: Thank you, Senator Dorn. The next three in the queue are Senators Friesen, Geist, and Lowe. Senator Friesen, you're recognized.

FRIESEN: Thank you, Mr. President. So when we got here in January, things were looking really good. We had pictures of property tax relief dancing in our heads. We had our Cash Reserves all built up. And here we are today, in July, trying to make ends meet. So I look at the numbers and I've-- I've watched the forecasting board numbers come out and I'm sitting here going, you know, if-- if times are going to be this bad going down the road, if this was my personal budget, I would stop spending money and we would try to prepare for that day when we need that rainy-day fund that is not built up to where it is.

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Last week we spent a lot of time talking about how poor we were and we could not fund things. We discussed property tax relief. We were-- you know, talked about the incentive program and everyone pointed to the out years and how we lacked dollars. The situation still stands the same today. One of the things that I don't like about our process is that a lot of us had bills that cost a little bit of money. We had ideas. We had things we wanted to get done. And we were all asked to push our fiscal notes either away one year or get rid of them somehow, and otherwise our bill wouldn't even be heard on the floor, and yet now if you're on the Appropriations Committee, you get to have bills that have a fiscal note and they're lumped in and sent through. And so we'll be talking about that later on today. But it is a-- it is a challenge for us when we're-- when we're looking at the out years and how are we supposed to prepare for doing some of the things that I think we all were trying to get done that bettered different portions of our state, that made things better longer term. And-- and we look at the out years and it looks pretty bleak, and none of us knows when the-- the coronavirus will either have a vaccine or whether we can get back to work and have business as normal. And right now, there is nothing normal about what we're doing. The country is still in turmoil. There's still unemployment rate and it's unacceptable levels in a lot of states. Now we're very fortunate here to have unemployment rates the way we are. But I think we do have a challenge ahead of us when the payroll protection money runs out, when some of these loans and the-- the support that the federal government gave us, when those run out, when the \$600 a week unemployment bonus-- that already expired. What are-- what are we going to do down the road when we-- unemployment starts ticking back up instead of going down? And right now, when I look at new spending, I-- I do have a serious issue with how we're going to do that if it's not for property tax relief for businesses and individuals that are still hurting. I look at the ag economy and a lot of people have asked me, you know, when that-- when is that going to turn around? And I will tell you, looking at the weather and-- and the forecasts and where we're at in time today, it's not going to turn around this year, and there's a pretty good chance we're not going to turn around next year. So ag has a long ways to go, and we were-- we are hurting right now, so we're not going to be able to help, and we're going to be counting on manufacturing and some of the others to-- to hopefully pull us out. And if that doesn't happen, if we continue to struggle with unemployment rates--

HUGHES: One minute.

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FRIESEN: --it doesn't look to me like our revenue is going to be jumping anytime soon. I know there will be another stimulus package coming out because the federal government just, in an election year, can't turn off the spigot. They will just keep printing more dollars. And I, for one, at least, am very concerned about our federal deficit. They need to shut it off. Everyone needs to tighten their belts and try and make do with what we have as best we can, and let's see where this leads us. But that longer-term debt we're building at the federal level, my grandkids will deal with, not me. I'm not concerned about it. I am concerned what my grandkids are going to do. Thank you, Mr. President.

HUGHES: Thank you, Senator Friesen. Senator Geist, you're recognized.

GEIST: Yes. Thank you, Mr. President. Now I just want to stand in support of the mental health courts and establishing that pilot program. The \$600,000-plus will fund one court. What it also allows for is a study arm of that court so that we can glean some best practices and measure the outcomes in light of the expectations. The expectations of this court are pretty high. The reason is each participant that participates in a mental health court saves the correctional system \$20,000-35,000 a year, which is what it costs to incarcerate someone who is severely mentally ill. Our state is 1 of 50 that needs a good, comprehensive mental health plan across the state. I recognize that there is-- this is a very complicated court to run. It's not like drug court and it's not like family court. This is unique as the individuals that participate. So I acknowledge that it is a very complicated court to run. However, it is a tool. There is much pushback in the mental health community about criminalizing mental health; however, there are many people that suffer from chronic mental illness that are caught up in the judicial system and this is a tool to help get them out of that system. Currently, there is no mechanism to get them out and so-- which is why I feel strongly about this, why I support it. It's not a silver bullet, and there isn't one, but it is a tool. So with all of this, I know there's some pushback on some of the different line items. I would just urge you to support this. Hopefully, it's something we can expand as long as those outcomes are looking like we're achieving them. And I'm just excited to bring the legislation and to move it forward and see how this project goes, so I would appreciate your support. Thank you, Mr. President.

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HUGHES: Thank you, Senator Geist. Next three in the queue are Senators Lowe, Hilkemann, and Briese. Senator Lowe, you're recognized.

LOWE: Thank you, Mr. President. A father said to his daughter: You graduated with honors. Here's a car that I acquired many years ago. It is several years old now. It was covered in dust and the tires were low on air. But before I give it to you, I want you to take it to the used car lot downtown and tell them you want to sell it and see how much they offer you. The daughter went to the used car lot and returned to her father and said, they offered me \$1,000 because it looks very worn out. The father said, take the car to the pawnshop and see how much they will offer you. The daughter went to the pawnshop. After a while, she returned to her father and said the pawnshop offered \$100 because it is a very old car. The father then asked the daughter, go to the car club and show them the car. The daughter took the car to the car club, returned, and told her father, father, some of the minute the car club offered \$100,000 for the car because it is a Nissan Skyline R34, an iconic car and sought after-- sought after by many. The father said to his daughter, I want you to know that the right place values you the right way. If you are not valued, do not be angry. It means you are in the wrong place. Those who know your values are those who will appreciate you. Never stay in a place where no one sees your value. Senator Slama, sitting up in the balcony, we see your value and we're glad you're here, no matter what anyone says about you. I do not support LB1008 or AM3008 because we are in a pandemic. You don't spend extra money when you're in a pandemic. We need to cut our expenses. We need to give money back to our property taxpayers. We need to give back-- money back to the people of Nebraska. We don't need to spend extra money. Thank you, Mr. President.

HUGHES: Thank you, Senator Lowe. The next three in the queue are Senator Hilkemann, Briese, and Groene. Senator Hilkemann, you are recognized.

HILKEMAN: Thank you, Mr. Speaker. Thank you for-- just-- I want to thank all of you for the concern that you've expressed for my wife. She is now at Brookstone Meadows and she'll be there for probably a couple of weeks and she is progressing and she, again, know she's in for a long haul and-- and-- but she's got a wonderful spirit and attitude. So thank you for all those who expressed concern for her. Seems like forever since we met in our committee meeting, Senator Stinner, and worked out the budget. And when we came out of there, before we had our COVID break here, we were feeling good about our

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budget, felt like it was very appropriate for the funds that we had available. And I think that, as we've reviewed that budget now, in-- in light of everything that still has occurred, I'm in support of AM3008, and I'm in favor of the overall budget. I've worked with Senator Stinner over the last six years. He's a gentleman that he's very physically responsible. He's reviewed this budget. He's encouraging us to move it forward. I support him in that decision. And, you know, we-- we-- there-- we-- we are living in very uncertain times, but we still have to run our state government; we still have responsibilities. Our forecast board forecasts such that we should be able to do this, so, therefore, I'm-- I'm going to continue to support the budget as we brought it out of committee. And if-- if I have any additional time and Senator Stinner would like that time, I'd be happy to yield it to him.

HUGHES: Senator Stinner, 3:00

STINNER: Thank you. Thank you, Senator Hilkemann. I guess he did yield time. I wasn't paying attention. Sorry, I was in the middle of a conversation. I think that having-- having a balance, having a sense of balance about how we spend money, what kind of initiatives that we pick to move forward, being strategic and-- and thinking about things in a long-term standpoint, we do have a corrections problem and, therefore, we need to take a look at how we address that. Is there-- some of these courts, I know that Senator Geist brought a bill that seemed to make a lot of sense, and in that bill it's a mental health court, so it's somewhat new, but in that bill there's a check that says we're going to take a look at this after a three-, four-year period of time to see if it's indeed working. That's a prudent decision. When you have a cost estimate that you task your Department of Health and Human Services to go out and take a look at and survey and see what it costs providers, and believe me, it's cost, it's no profit in it, and we expect them to do services at a cost, and so that survey comes back and says, you're short. Now this also smacks of nursing homes. We were short. What did we have happen? We had some nursing homes go out of business. We made some adjustments, strategic adjustment. One of those adjustments was today in language and methodology. We have to take care of some of the spending needs. This is a 3 percent spending need. I get the fact that out years and next year looks fairly bleak today,

HUGHES: One minute.

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STINNER: But the idea that we're going to eliminate all of this and then we're going to spend a whole lot of money on property tax, I think, is a little bit unbalanced. I'd like to try to keep some balance in this. This says we're trying to take care of some of the needs. Workforce development can't be put aside. Four million dollars of the Governor's initiative is to start a scholarship program for-- for that H3 type of jobs that we definitely need to have. We can eliminate that, I guess, but the Appropriations Committee has to be balanced in how they bring things to the floor so that we're addressing the needs of the state, the spending needs. And again, we've kept it down to 2.4 percent increase over the last one, two, three budgets, so we're not spending money. We're making sure that things are running efficiently and effectively. That's our charge. That's our task. We do not have a revenue source right now that's defined.

HUGHES: Time, Senator. Thank you, Senators Hilgers-- or Hilkemann and Stinner. Senator Briese, you're recognized.

BRIESE: Thank you. Thank you, Mr. President, and good afternoon, colleagues. I first want to thank the Appropriations Committee and the work they've done in developing these budget adjustments. I know they spent a lot of time and effort at it and they're dedicated to it and their work does not go unnoticed. We appreciate that. And I'd like to think there's no urban-rural divide in this body, but 30 minutes ago I heard something brought up that suggests maybe there is, heard somebody was complaining about rural getting this, rural getting that, and what's in it for my community? When I look at the budget, I look at the TEEOSA dollars, you know, north of \$1 billion, and how may those TEEOSA dollars go to my district? I've got-- or the 41st, where I come from, I have school districts out there getting 1, 2, 3, 5, maybe 8 percent of their budget paid by state dollars. Well, look at the spreadsheets. Compare that to OPS, who's getting maybe 55 percent of their school budgets paid-- budget paid by the state. And so we should be cautious about complaining about an urban-- or complaining about the other side getting this and us not-- not getting enough. But at risk of doing that, I am going to point out that even with that and that said, you know, we struggled to pass a education funding bill that gets some dollars out to those rural districts, and that's very frustrating for me. You know, I've said it before. I'll say it again. You know, we need to come together and do what's best for the state, and that means passing some things that maybe help out people on the other side of the state also, and that means passing LB1106 proposal,

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along with LB720. And, Senator Stinner, would you be available to answer a question?

HILGERS: Senator Stinner, would you yield?

STINNER: Yes, I will.

BRIESE: Thank you. I appreciate that. Again, I should have given you a heads-up, but I never thought about it until I was up here and you were talking back there. But in your amendment, Section 7, it talks about any unallocated Coronavirus Relief Funds are to be offered through a grant process to various projects, and I'm just a little confused about what that means. In the event that the feds allow us to utilize unused funds to shore up our budget, what-- what does that provision mean, that beginning paragraph in Section 7? You'll--

STINNER: Actual-- actually, we have a grant program right now that \$12,000, it goes out to various small businesses and childcare and all the rest of that where you can apply for it. So what we're trying to say is, you know, you get to November and you still have funds, let's reoffer that grant program and try to aid some of those, which is a legitimate expense under the COVID, so that's what we're trying to save. If there is money there, let's try to allocate it back to a grant program once again.

BRIESE: What if prior to that date the feds allow us to utilize dollars as we see fit, for example, to shore up-- shore up the budget? Are we still committed here, as per this language, to put dollars in a grant program? And if so, how many dollars are we talking about?

STINNER: You know, the-- well, that would be up to DED, as well as the Governor and his budget folks, to-- to allocate those dollars as they did the first time around. I will say that if they do change their mind, I know that if you look at the Governor's 200 and some-- or \$400-and-some million that he allocated, both for the unemployment and general use, he's kind of contemplating that there might be some change or some thought. That takes you back to 2004 for general use. Those monies by statute--

HILGERS: One minute.

STINNER: --would have to be put into the rainy-day fund, and that's what that comment was.

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BRIESE: OK, well, thank you for that explanation. And the budget numbers we're looking at here today, do they anticipate the dollars made available from the decoupling from the income tax provisions of the CARES Act?

STINNER: They do not.

BRIESE: They do not. OK. And those dollars could-- we could be allowed to preserve roughly \$240 million over the next three years, according to the proposal that the Revenue Committee heard today, if that's-- if I remember correctly. Will that jive-- do you agree with that statement?

STINNER: Yes, and I think it's 125 just for this year and then it goes out three years.

BRIESE: Sure.

STINNER: And it accumulates that effect, yes.

BRIESE: Yes. And I would point out that-- thank you, Senator Stinner. I would point out to some of the people that testified in there today suggested that was a tax increase. Well, don't-- don't listen to them. All that does, all that amendment does--

HILGERS: Time, Senator.

BRIESE: --is preserve our existing tax structure. Thank you, Senator Hilgers.

HILGERS: Thank you. Senator Stinner and Senator Briese. Senator Groene, you are recognized.

GROENE: Thank you, Mr. President. I wanted to point out that there's at least \$56 million of additional spending in here that came out of public education. The original budget prediction was \$1.86 billion for TEEOSA, and then because the property taxpayers' valuations went up, we shifted \$34 million to them and then TEEOA number came down to \$1.51 billion or something, so that \$34 million the Appropriations Committee was freed up to spend. And then Education Committee was asked to tweak the TEEOSA formula because we're short of money, I was told. And I got the committee to go-- yes, I do work with the committee and we worked together and we-- we agreed to \$25 million when the original request was over 50. And we tweaked the TEEOSA

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formula, and we freed up another \$25 million. So that's 50-- Senator Stinner, would you answer a question?

HILGERS: Senator Stinner, would you yield?

STINNER: Yes, I will.

GROENE: I'm sure you can't point a finger for me, but you give me a general idea what that money was spent on?

STINNER: Actually, we brought it to the floor. It was part of the \$133 million and sits there as part of the \$90 million.

GROENE: So it's still available for-- to maybe give it-- I-- we could consider that money that we could give back to those property taxpayers because valuations just happen to go up while their incomes went down. That-- that could happen, could it?

STINNER: Yes, it could.

GROENE: Thank you, Senator Stinner. I appreciate that clarity there. Another question, Senator Stinner-- I'm sorry I didn't get a chance run over and tell you I was going to ask you questions. I-- I was headed there and then got lost in space or something. But because of the CARES money, do we really need to give a million and a half now to the local healthcare districts? Have you got a number or have heard a number how much of the CARES money has been pumped into them over the last six months?

STINNER: I-- I don't have that number, but they came in with a request of 6.5 even before COVID-- COVID was there, so we pared that down to \$1.5 million to be equally shared among the 18 districts.

GROENE: But we don't know how much of the CARES money they've gotten from the Governor's--

STINNER: I-- I could probably dig that out. I would have to go down to the Budget Office for the Governor to dig it out.

GROENE: I appreciate that. And then, like you had mentioned about the Governor's \$4 million for-- I'm not criticizing any of these, just times have changed. The NU College/DED Nebraska career scholarship, I know a bunch of the CARES money was one of the things he pinpointed for retraining employees. I think that would fit in there somewhere.

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One more question, Senator Stinner. You said-- I-- I-- maybe I misunderstood you, but you said we-- when we adjourned, a lot has happened on revenue forecast. Is there any plans to change the budget at all in reflection of our outlook on revenues?

STINNER: Well, we did pick up the \$488,000, but everything pretty much stays intact, so-- as we brought it across. Now we're reimbursing, we probably picked up about \$6 million, is what I understand, and just kind of moving and--

GROENE: Thank you.

STINNER: --reimbursing the agencies.

GROENE: But I'm just baffled how much of this is DHHS.

HILGERS: One minute.

GROENE: I would think-- there ought to be able to be a cross-reference of CARES money that went to the DHHS programs and how much we're giving them. And I just wondered if there's any way we could adjust some of those because of the CARES Act. But, boy, HHS did very well in the increases of the budget. Not-- wasn't there, don't know why. I know some of the provider rates were low, but we've got a problem, folks. We-- in rural Nebraska we've got a real problem with property taxes. We've got a real problem with the entire economy. We need some help. And we heard a hearing today on decoupling, and I think that's-- that's a start. It's an either/or. I know some of you would rather spend it on rent controls and everything else. I'd like to spend it on property tax relief. But--

HILGERS: Time, Senator.

GROENE: --we got some "eithers" and-- versus an "or."

Thank you, Senator Stinner and Senator Groene. Senator Vargas, you are recognized.

VARGAS: Thank you very much. I just wanted to respond to a couple different things and give some information. So the first is just on the public health side. So I-- I-- so we'll get you the numbers, Senator Groene, but the-- the-- the one thing I wanted to say about public health, so the CARES Act funding is-- I think everybody knows this, but for the public, needs to be exhausted by this year. There

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are conversations about another package, but in the meantime all the-- the CARES Act funding needs to be expanded by-- by the end of this year. So as you can imagine, if our public health regions are operating with their existing infrastructure and FTE and-- and people, right? People that are doing the work, even if they have extra funds at the end of this year, if you know that your funds, even though they are there for emergency reasons, for COVID-19 are running out at the end of this calendar year, it is pretty-- it is pretty difficult to find the right people to do this work and for a temporary reason, until the end of this year, to meet the ongoing and-- and-- and necessary, urgent needs of our communities. It's not a problem. We're not the only ones facing this problem. Every single state is facing this problem. It's not-- it's not unheard of to see states right now investing in their public health, public health spending. And I actually think part of that is because they're trying to make sure that when there is a gap or there is going to be federal funds that run out, we need to make sure that infrastructure still exists heading into the new year. So that's one reason-- I know Senator Dorn mentioned this-- that there was some allocation of the dollars that we approved last year-- sorry, earlier this year-- it feels like forever ago, but earlier this year, for emergency reasons, the \$86 million, that part of that would be allocated to being able to expand some of that funding into next year so that when they're looking at hiring and have the people to then do this work, it's not difficult for them to then have those people continue to do this work. Again, the-- this-- these federal funds are running at the end of this year, and so we want to make sure that we don't have a lapse in program engagement and education to our communities. And I think this is probably more important than any time ever because we continue to see that in different counties our numbers are going up. I don't necessarily have to list them out, but this is not just simply an urban problem. It's an urban and rural problem that we're seeing cases continue to increase of COVID-19. I can think of no better reason to then figure out a way to invest in our public health regions or agencies than at this moment. And so there is going to be-- if we're going to continue this conversation, I just wanted to make sure people understand those funds run out. And relying on that is-- I think can be a little short sighted. And so amongst everything that we may be discussing here, that's one of the items I want to make sure is really clear. The other items I just wanted to make sure to-- to-- to touch upon is-- and Senator Stinner-- Senator Stinner-- Chairman Stinner said this. I just ask you to think about how we-- how we focus on some long-term growth.

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I know it's difficult, and I'm not saying it's-- it's-- it's easy. And he-- Senator Briese, I got a tremendous amount of respect for you. And I-- I know when you say that, you know, we should be looking at other-- we shouldn't blanketly look at other bills as saying they're either unnecessary spending or unnecessary cost savings, so I-- I appreciate that. And I am sure it gets frustrating when you-- when it's black and white. But for this instance, I view this as when we're investing, let's say, in uninsured populations getting healthcare coverage, we may not see the spending-- the-- the cost savings that we're going to-- that immediately. But we will-- we will absolutely see that cost savings in issues of unemployment, on issues of engaging in our-- in our healthcare system and--

HILGERS: One minute.

VARGAS: --and the cost being taken up by us at times when they're-- when they-- when they interact with our healthcare system. And so when we look at certain, let's say, federally qualified health centers that have a high uninsured population, that's the reason why we would invest in them. It's not solely an in-- an investment now in terms of spending. I see a lot of cost savings in the long run for us investing in-- in our-- in our healthcare system specifically for our most vulnerable populations. And need I remind everyone that we might have low unemployment, but we are still number two or three in the country for individuals working one or more jobs that are living in poverty? So we have to figure out a way and balance how do we invest in things that can provide cost savings to our state and also make sure that people can get back to work in a pragmatic way. So I ask you to support this, because that's-- that's how I largely view some of this, and I don't view any this is superfluous spending or-- or-- it--- these are strategic investments, so that in--

HILGERS: Time, Senator.

VARGAS: Thank you very much.

HILGERS: Thank you, Senator Vargas. Senator Bolz, you are recognized.

BOLZ: Thank you, Mr. President. Will Senator Friesen yield to a question?

HILGERS: Senator Friesen, would you yield? Senator Friesen, would you yield to a question?

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FRIESEN: Yes, I would.

BOLZ: Senator Friesen, things have gotten a little tense on the floor the past few days. Would you agree?

FRIESEN: Yes, I would agree.

BOLZ: Senator Friesen, would you agree that maybe handling disagreements with a little more diplomacy might be just a bit more constructive to our proceedings here in the Legislature?

FRIESEN: I've-- I've always tried to do that.

BOLZ: Very good.

FRIESEN: I respect everyone's opinion.

BOLZ: Very good. Senator Friesen, in the name of diplomacy, do you think you could-- could stand for a couple of minutes and give me your attention as I respond to a few of the items that you brought up on the floor?

FRIESEN: Yes.

BOLZ: Thank you, Senator Friesen. Senator Friesen, I disagree deeply and fundamentally with the premise that somehow Appropriations Committee members have special treatment in the committee. We are carrying bills from stakeholders, we are shepherding needs that we hear from the administration, and we are assisting needs from multiple senators. Just like you in the Transportation Committee, sometimes we are asked to carry bills based on our history, our experience, and our expertise. Senator Friesen, I have voted for LB79, which was a Friesen bill out of your committee. I voted for LB80, which was a Friesen bill out of the Transportation Committee. I voted for LB82, which was a Friesen bill out of the Transportation Committee. LB184 was a Friesen bill, LB268, LB269, LB270. So respectfully and as diplomatically as I can say, I-- I don't agree that somehow we're playing favorites in committee. And I would-- would ask the body to consider the things that we are-- thank you, Senator Friesen, for your consideration as I-- I expressed that. I would ask the-- the body as a whole to consider the balancing act that we are doing as an Appropriations Committee and the work that we do take very seriously. You know, I will give Senator Friesen credit because I think he is the only person who, rather than arguing for cuts to the budget, has actually brought

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a-- a amendment that would do so. So I give you credit for that, Senator Friesen. But I will say that the amendment that is filed I disagree with ,and I want to get ahead of that amendment and say a couple of things about it. I don't think it is appropriate to balance the budget in a pandemic on the backs of our most vulnerable populations. And the amendment that is filed, the only amendment that I see that is actually bringing forth cuts, would make cuts to two important programs: Developmental Disabilities, program 424, and federally qualified health centers, program 502. Some of the most vulnerable populations in our state, individuals with developmental disabilities and majorly-- majority in low-income populations needing healthcare assistance. So, colleagues, I disagree that somehow Appropriations Committee members are manipulating the situation. I'd say, rather, we're balancing needs using our expertise and responding to administrative and stakeholder needs, just like every other committee on this floor. And I would argue that while cuts may be something this body should consider, we should not consider cuts that are to the most vulnerable people in our society. Additionally, I would like to point out a couple of things. One is that this budget incorporates requests from multiple Senators, Senators from all kinds of perspectives all across this body, all across geographical districts and philosophical perspectives, including bills from Senator Geist and Senator Williams and Senator--

HILGERS: One minute.

BOLZ: --Vargas and others. So I-- I would say that we have done a yeoman's job of balancing perspectives and needs. The last thing I would say is to reiterate Senator Vargas' point. CARES Act dollars are finite and they are only for the purpose of responding to the coronavirus. There are underlying needs that need to be addressed in our Department of Health and Human Services. They're systemic, they're ongoing, and they deserve our investment and support. Simply because we got some specific emergency dollars for some specific needs, doesn't erase those issues, doesn't mitigate the hearings that we had before, doesn't make those problems go away. I stand behind the budget as introduced by the committee. I stand behind the budget and the amendment that's on the floor. And I look forward to further conversation about how we address multiple needs. But I don't think the-- the ideas that on the-- have been presented on the floor this afternoon are the right direction to go. I think that the committee's

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strategy is prudent, thoughtful, and responsible. Thank you, Mr. President.

HILGERS: Thank you, Senator Friesen and Senator Bolz. Senator Wayne, you are recognized.

WAYNE: Thank you, Mr. President. First, I think that what the Appropriations Committee does is huge task and I think it's-- the process is a disservice because you put in all that time, but at the same time, as a committee Chair, we are told, at least since I've been committee Chair, we have to be mindful of bills that have fiscal notes. And so there's a disconnect of ideas and passions that people want to bring out on the floor and not having money to do it. And then when the budget bill comes out, there are some one-offs here and there that maybe not overall is a huge, significant part of the budget, but \$10 million for workforce development in rural, that is a significant amount. And there are bills that we have left in committee that was \$250,000 because we were told not to-- we had no money on the floor, and that is where this disconnect occurs. Now I do want to respond to Senator Briese about the urban and rural divide. I think Senator Briese and I think most people on this floor would agree that when it comes to me, I'm always trying to figure out the deal to cover both. I remember, Senator Briese, you had a bill on bonding and it looked like it might not go that way, and we tried to figure out a way to save it and keep it going, because while I know it impacts rural in a different way that it would impact at least my community, I think we have to sit down and have those conversations and make sure that we find enough for everybody so that everybody feels a part of the process. Now, with that being said, I do want to just point out one thing that I think is-- everybody might be able to agree on, maybe not. Without having the lobby here, we actually talk to each other. Instead of running out and here on different side and hearing only sometimes half truths, we actually sit around and talk to each other more. Maybe it's because we're forced to. And so I think whether it's today or tomorrow or over the next couple days, we need to have that conversation. So I'm wondering if Senator Friesen would yield to some questions.

HILGERS: Senator Friesen, would you yield?

FRIESEN: Yes, I would.

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WAYNE: So, Senator Friesen, I-- I know you said ag is hurting and mentioned a drought, and I know there was some trade issues that happened at the federal level that led to property taxes, and there's a value to that. But what else is your community facing that we should know about?

FRIESEN: Well, I think in rural Nebraska, we've suffered through depopulation for the past 100 years and we're still suffering that. We-- we educate our children, paying for it with property taxes, with no state aid to most schools, and then we send those kids out to either eastern Nebraska or else in the rest of the country, and we are slowly depopulating rural Nebraska, which is going to make it an even harder struggle 20 years from now.

WAYNE: Now is that a job issue? I mean, is part of it that-- that maybe there's not enough jobs there to keep people there? Or is it-- is it a recreational lifestyle issue?

FRIESEN: Up until COVID hit, I mean, unemployment was extremely tight in our areas. I mean, there were numerous job openings, so it's-- it wasn't necessarily the job openings. There were a lot of positions available, but we don't have the high-paying jobs. There are a lot of positions where you maybe work 60 hours a week for a-- a really good living. But we had other issues. We had housing issues. But some of those are community related. I mean, you sometimes don't have community leaders, so there's different reasons for it. But, you know, we have numerous different issues we have to address, too, that's going to be completely different than what you're always trying to address in north Omaha.

WAYNE: But are they-- are they really completely different when we're talking about--

HILGERS: One minute.

WAYNE: --two jobs maybe in a small town versus two jobs in north Omaha that are either high value or even \$16 an hour? That has significant impact in the community. You would agree with that.

FRIESEN: I-- I would agree with that. But, I mean, you have to remember, you have a huge population base to work with. That's more-- we are a lot of small towns out there that are mostly ag. And when ag is hurting, the agribusiness hurts with it. You guys are a little more

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diverse in your manufacturing and business types. You have more of all types of jobs available. We don't.

WAYNE: That-- that is true. So depopulation and jobs, I think, are two issues that, at least for my community, as you've seen in the article in the Omaha World-Herald where Senator Chambers has lost significant amount of people in his district and Senator Linehan has gained significant amount of people, so I think we're talking the same issues. But I think the issue is we don't talk enough about the issues on this floor to bring people together to actually solve something.

HILGERS: Time, Senator.

WAYNE: Thank you.

HILGERS: Senator Friesen and Senator Wayne, Senator Erdman, you are recognized.

ERDMAN: Thank you, Mr. President. Good afternoon again. So here we are talking about the budget, as we did back in '17 when we first arrived here, some of us, the 18 of us that did. And that was a similar situation we find ourself in today. The revenue is down. And so later on in that session, towards the end of May, I had introduced an amendment to adopt the previous year's budget, which was about \$250 million less than the budget we did approve. And fast-forward to October of '17, the forecasting board met and we were short \$232 million, and the reason being is because agriculture was suffering immensely under the burden of what had happened to them. So here we are today. And I'll share this with you so you get a perspective where we're at. Agriculture today in Nebraska is nearly in the same position as they were in the 1980s. In the 1980s, we had interest rates that were 18 to 20 percent. The commodity prices weren't as bad as they are now and the inputs were lower than they are today percentagewise. So fast-forward to 2020. We have low commodity prices. We have just made a sale to China, the largest-- largest corn sale ever. And corn prices go down. My neighbor called Friday and said that last year's anhydrous ammonia to fertilize his wheat was \$390 a ton. This year, it's \$625. Wheat prices are the same as they were. So the issue we have is low commodity prices, high input cost. But the wild card now is property tax. Back in the '80s, we didn't have the issue of property tax like we have now, and you can't get away from property tax like you could get away from high interest rates if you eliminate some of your debt. So I said all that to say this. When the forecasting board met last

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week, the paid forecasters, the people who do economic forecasting for a living, had suggested that we are \$200 million lower than what the forecasting board approved. And so unless something happens dramatically to improve agriculture, we will be in that \$200 million dollar shortfall. So we're standing here today talking about spending this money when, in fact, in October we may find out that we shouldn't have spent anything. So be careful what we spend today, because in October it could be taken back, and then you have to make an adjustment. And so I said that, just a word of caution, that just because the forecasting board got together and overrode the recommendations from those who do economic forecasting for a living, that that is the correct number. As I said, agriculture is not in a good position. And Senator Friesen had mentioned that just a moment ago when he said ag is not going to be here to bail us out. And we may have the stimulus money that was sent out and PPP and an increase in unemployment. But when all that goes away and these people go back to work or they think they're going to go back to work, the job that they had before may not be there. And so be cautious on what we spend today, because tomorrow you may wish you didn't spend it. Thank you.

HILGERS: Thank you, Senator Erdman. Senator Clements, you are recognized.

CLEMENTS: Thank you, Mr. President. Regarding LB1008, you'll see that I did vote yes in the committee on the budget. There have been previous years when I voted no, but it looked like in March-- it was in March when I voted yes for that. And because in the green book that was handed out, page 5, line 31 showed \$133,000,796 extra for the floor. And we did have-- like Senator Stinner said, we had \$100 million of requests and they were not all approved. We reduced that. In my opinion, for the reason to reduce those was to save enough for property tax relief, which I thought was about \$100 million, \$90-- \$90 million to 100, a military retirement exclusion exemption of about \$12 million, and then the tax incentive bill also. And the \$133 million would have been enough to cover that. But now on the green sheet, line 30 is \$89.6 million, and that doesn't even cover those three items, much less other people who have A bills attached to their bills. And so the-- by priority and voting on the different items in the budget was to make sure we had enough for property tax and military retirement and even the tax incentives. So I think some reduction in spending is reasonable at this time. The \$10 million in workforce housing that Senator Wayne mentioned, I think that is something that could be deferred. We have Medicaid expansion coming out. Starting

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August 1, they'll be signing up; October 1, they'll be getting benefits. We did put in the budget about \$50 million that we have funded for that. But there are a lot more people unemployed than there were and it's likely to be much more expensive once we find out how many people have applied for expanded Medicaid. And just basic Medicaid for people whose incomes have dropped is very likely to be a bigger number. And then, of course, the future budget years where we're showing negative \$400 million in the next biennium is very concerning, so I think it's time to be frugal and try to cut back at this time before the money is gone. I'd like to yield the rest of my time to Senator Friesen.

HILGERS: Senator Friesen, 1:45.

FRIESEN: Thank you, Mr. President. So I've been trying to listen attentively, but I noticed there's a lot of people wandering around talking to colleagues, like I was. And we do try to pay attention when we can. I will try and do better. But it seems like there's-- kind of get a habit around here. So again, when we're looking at the bigger picture, this is what concerns me the most. And I-- I still want to reemphasize a little bit that every one of us was carrying a bill that was important to us. Whether it was from a constituent or from another department, those issues are important to us. Our bills do not even get to the floor--

HILGERS: One minute.

FRIESEN: --unless the fiscal note disappears. So there's just a little bit of an advantage there, and-- and that's why I still just want to have the discussion. I want to have the opportunity to have input on how some of those are funded and how they're taken care of. And so I do have an amendment that would bring those to light and some of those that are-- that are important to this body I think will get put back on. But we can go through them line by line, like they would one of my bills. And so I-- I look forward to that opportunity. Thank you, Mr. President.

HILGERS: Thank you, Senator Friesen and Senator Clements. Senator McCollister, you are recognized.

McCOLLISTER: Thank you, Mr. President. I rise in support of AM3008 and the underlying bill, LB1008. My reason for speaking is twofold. First off, as the director of OneWorld, you would think that I would have a

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conflict. I asked Patrick about that and he said not in this particular case. Secondly, I would object to Senator Friesen's AM3185 which reduces the expansion-- expenditures for the community health centers. Why do I say that? Because they've had all kinds of extra expense related to COVID-19. And, you know, they are running into the red just like many other health organizations, so I think this amendment needs to be defeated. Thank you, Mr. President.

HILGERS: Thank you, Senator McCollister. Senator Morfeld, you are recognized.

MORFELD: Thank you, Mr. President. Colleagues, I just want to make a few different comments after our debate that we had this morning, and I also filed an amendment this afternoon that would create a \$25 million pool of funding for rental assistance, since obviously we're not going to go the route of stopping the foreclosures or the evictions in the time of the pandemic. I also want to acknowledge that my colleague, Senator Cavanaugh, has put together a more comprehensive proposal that actually, I think, addresses it with \$5 million more for rental assistance that I'll be supporting as well. I believe that amendment is up before mine. That being said, I think it's important-- I think it's important that we provide guidance to the Governor in terms of how some of these funds should be used, particularly when we know there that there are going to be needs that are going to be more prevalent than others, particularly when it comes to basic necessities, so food, shelter, housing, other needs. And that's why, for me, if we are not going to go the route of stopping the evictions and the foreclosures, then we need to go the route of making sure that there is funding that is available for Nebraskans to access to be able to prevent them, because I tell you what, all of these things that we're talking about, property tax relief, you know, you name it, all these things that we're talking about, none of it matters if people aren't able to afford their home or have a roof-- a roof over their head. And so if we don't address that, which it's going to be a big problem, particularly if Congress-- right now I'm hearing that the Republicans are saying two-thirds of the \$600, so \$200 a week instead of \$600 a week. Well, I-- people are barely getting by, quite frankly, with even the \$600 a week in many cases. And so if Congress does not reauthorize that \$600 a week or they significantly decrease it, we're going to be in a world of hurt when we've got thousands of Nebraskans, potentially tens of thousands of Nebraskans, that are looking at losing their homes or being evicted. And then they're going to be coming to us in September, October, because we know that this isn't

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going away any soon, they're going to be coming to us in September, October, and then we're going to tell them, oh, gee, sorry, it just wasn't germane, love to help you out, could have stopped that eviction, could have stopped that foreclosure, but I didn't feel like it was germane, so we just didn't do it while we were all down there. Or you know what? You're right, didn't set aside that money and the Governor decided not to allocate it accordingly. We'll see in January though, just ride it out. Hopefully it doesn't get too cold. Colleagues, we need to take action and be decisive, particularly about some of the basic needs. We need to refocus some of our energy and some of what we're focusing on to make sure that we're actually addressing some of the core needs that Nebraskans are going to be facing months into this pandemic. That's why I'll have my amendment up. I'll support Senator Cavanaugh's amendment as well. I think it takes a comprehensive approach, and not only that, it adds an additional \$5 million on-- on top of what I was intent on, what I was trying to accomplish with the \$25 million. So if for some reason that's not adopted, then I hope that we'll at least consider the \$25 million--

HILGERS: One minute.

MORFELD: --that I would like to allocate to making sure that Nebraskans have a roof over their head. Thank you, Mr. President.

HILGERS: Thank you, Senator Morfeld. Senator Wayne, you are recognized and this is your third time.

WAYNE: Thank you, Mr. President. So I think we're having a good conversation with Senator Friesen and I think it's-- what we're hearing about is depopulation and about jobs and high-paying jobs and kind of-- Senator Friesen alluded to the fact that, you know, population and communities aren't necessarily together. And I do want to thank this body because that's one of the issues we have is, although a job may be in west Omaha, you can't actually get to it because it takes you two or three hours to actually ride a bus, which is kind of a foreign concept when you think about being in a city. And last year, we-- we started to address that situation by passing the new regional transit authority. But I-- I still am back to this idea of jobs and I fundamentally-- and-- and Senator Morfeld just touched on it again. If people have good-paying jobs, a lot of our social issues that we face, that we spend money on, go away and that wealth gap begins to close. And we can-- for me, I can talk about the

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systemic racism and I can talk about the history and I-- and the redlining, and all that matters. But at the end of the day, when I look at our budget and I look at some of our hardest hit areas across the state, not just in north and south Omaha, when we passed these extremely blighted, we used the definition of 125 percent, 150 percent, the average rate of unemployment, and 20 percent poverty. And what we found out, when you recall those maps, is that was across the state. Almost every senator had an area that was deeply struggling with poverty. And what I suggest to you all is look at our budget and then look at those areas and tell me how we are spending our money to help create jobs, to incentivize jobs in those areas. I would submit to you that we're not. But I would also submit to you that if you were to ask every agency to give a breakdown of how they allocate their dollars based off of ZIP code, most of them probably have no idea. So when I see in this amendment rural workforce housing development of \$10 million, I'm taken aback, and it's nothing against Senator Williams' bill. I think I've-- I've-- I did vote for it and championed it a couple years ago for the \$8 million. But I do want people to understand we are voting for affordable housing in-- workforce housing in rural Nebraska. It'll be \$18 million over three years. That's how much we've allocated, and I bet you it's been used and I bet you this will continue to be used because there is a need. But this body also said to Senator Vargas we don't need that in Omaha or in urban areas for the same price. So I'm not asking you to pick or choose which one is-- is better or which one is worse, because when we vote on it, that's essentially what you're doing. I'm just asking you to be consistent. We want property tax breaks? I get it. In my district, it's a problem. I have a lot of retirees who are single retirees who literally have bought their house 30 years ago and are paying more now on property tax than they ever did for a mortgage payment in that year. I get it. But when I look at our budget--

HILGERS: One minute.

WAYNE: --and I see that line item, how do I get to, in good faith, go back to Omaha and to my community and say I know affordable housing is an issue, but we gave \$10 million to rural Nebraska. And I get we can talk about TEOSOA, Senator Briese, and all those things, and we can have a conversation about sales tax and income tax and where the money actually comes from and we can divide up by congressional district. I get all that. But this year on the floor we had this conversation and this body said, no, \$10 million is too much, can't afford it, but in this amendment we're saying yes. I'm just asking for us to be

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consistent, vote this amendment down, come back with an amendment that leaves that out. And if it doesn't go to Urban, that's fine, but let's be consistent. Let's be consistent across the state, which you guys are asking for us to do on LB720--

HILGERS: Time, Senator.

WAYNE: --and on property tax. Be the same here. Thank you, Mr. President.

HILGERS: Thank you, Senator Wayne. Senator McDonnell.

McDONNELL: Thank you, Mr. President. Good afternoon, colleagues. There's so much work that goes into preparing a budget. Four years ago, three and a half years ago, entering into this-- this body and becoming a member of Appropriations, I had no idea. And there's an old saying where you don't know how much you don't know until you start asking questions. And you start going through that process and you start learning. And I know a lot of us are proud of the committees we serve on, and rightfully so. You spend a lot of time together. It was mentioned earlier about HHS and other things that-- that people have put time into and the work they put into and the-- and the difference they make. With our committee, with Appropriations, with Senator Stinner, Senator Stinner is conservative. Senator Stinner, with his background in banking, he leads from a conservative perspective, but he's also open to our ideas and questions. And from day one, when we had four of us that came in, in '17, with a billion-dollar hole in the budget, we had a lot of questions and we had to catch up quickly and we had to go through the budget basically twice that year. So we have learned quite a bit as a committee and we do work well as a committee, not that we always agree, and I don't think that's the definition of a good committee that they always agree. It's just that they're willing to listen to each other and consider each other's ideas and I-- I think we've done that. Now you look at where we were in-- in March of this year, before March 12, and compared to where we were when we had a billion-dollar hole in '17, and-- and you look at the rainy-day fund and-- and where we were with '18, with \$333 million roughly, and we're starting to get up around 13.4 percent towards our 16 percent goal this year in February and get into that \$731 million, and then, boom, we get hit with a pandemic. So now we are faced with that issue as Appropriations, as the committee and as all of us as-- as sitting senators. And during that whole process, we're trying to look to people from the outside. And I think Senator Wayne had a good point

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earlier when he talked about how different it's been since we returned on only last Monday, a week ago, and how the lobby is not here. Now I believe 90-plus percent of people in the lobby are trying to do their job and do it honestly and try to give you good information. But that has been different for us. And it's-- I think it's an opportunity for us to look at amongst us here in the last 12 days of how we can work together and possibly not be distracted, even though there is still information that's available from the lobby that's needed. But then we look at where we are as the Appropriations Committee and how much we lean on the Fiscal Office. And I was just talking to Tom Bergquist, who started here in September of 1976, his first budget, working on it, was \$650 million. We're at \$5.1 billion, so I got a lot of questions for Tom on the growth of the-- the budget. But with someone with that kind of experience-- and also I don't want to forget to recognize Mike Lovelace that retired May 1 after 42 years of-- of dedicated service to the-- the-- the citizens of-- of Nebraska. With all that knowledge and all that dedication in the Fiscal Office, with the committee, with us working on that, with outside help and also from the-- from the business community and the lobby, we put together a budget, but it's never going to be a perfect budget. It's never going to take care of all of our problems. But we do listen. All 78 agencies will come in front of us and we do listen. We have a number of individuals coming in front of us from our communities. We have a number of senators who are coming up with different bills. We do listen. But if you look at where we are with AM3008 and LB1008, it's not perfect and it's never going to be.

HILGERS: One minute.

McDONNELL: But with the process we go through, where we are right now with the pandemic, we have presented this body with a good budget. And it doesn't mean we can't adjust. In October, when the Fiscal forecast board will meet again, we can make adjustments. But right now, we believe as the committee, not that it's perfect and not that we agree on every line item as a committee, but we agree as a whole that this is a good budget, and I am asking you to please support the amendment and LB1008. Thank you.

HILGERS: Thank you, Senator McDonnell. Seeing no one else in the queue, Senator Stinner, you're welcome to close on your amendment.

STINNER: Thank you, Mr. President. Members of the Legislature, let me go back to AM3008, what it does and maybe what it doesn't do. But what

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it does is it's a technical amendment. That's number one. Because we're here after the fiscal year end of 6/30, we need to move certain things to this year, certain requests. Number two is it provides language regarding unused Corona [SIC] relief. And the third thing is it provides a \$2 million earmark for public health or just-in-case contingencies to bridge public health from maybe year end through the time we pass the next budget. That said, I would encourage you to vote green on AM3008. Thank you.

HILGERS: Thank you, Senator-- Senator Stinner. Members, you've heard the debate. The question before the body is the adoption of AM3008. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk.

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of the Appropriations Committee amendment.

HILGERS: The amendment is adopted. Mr. Clerk for items.

CLERK: Thank you, Mr. President. Before we proceed, a series of study resolutions: LR399, Senator Groene; LR400, Groene; LR401, Groene; LR402, Groene; LR403, Cavanaugh; LR404, Morfeld; LR405, Cavanaugh; LR406, Health Committee; LR407, Health Committee; LR408, Health Committee; LR409, Health Committee; LR410, Health Committee; LR411, Senator Howard; LR411, LR412, LR413, Senator Howard; LR414, Senator Walz; Senator-- LR415, Senator Clements; Matt Hansen, LR416; LR417, LR418, LR419, Senator Matt Hansen; LR420, Senator Howard; LR421, Senator Lathrop; LR422, Senator Arch; LR423, Senator Vargas; LR424, Senator Vargas; LR425, Senator Hilkemann; LR426, Senator Hilkemann-- I should indicate LR426 is actually a resolution that will be laid over, all the others have been study resolutions-- LR427, Senator Wishart, study; LR428, study, again by Senator Wishart. In addition to that, Mr. President, I have two amendments to be printed: Senator Crawford to LB1064; Senator Bostelman to LB632. Mr. President, returning to the budget bill, pursuant to the Speaker's order, the next amendment to be considered is by Senator Cavanaugh, Senator, AM3205.

HILGERS: Senator Cavanaugh, you are recognized to open on your amendment.

CAVANAUGH: Thank you, Mr. President. Good afternoon, colleagues. We as policymakers must meet the demands of this moment by appropriating the remaining federal Coronavirus Relief Funds to support individuals most

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impacted by the pandemic. This global health pandemic is far from over, and the economic impact of the public health crisis continues to reverberate through our communities. As of the last week of June, more than one out of every three Nebraskans, or over 507,000 people, have experienced a loss of employment income since mid-March. Nearly 20 percent, or almost 261,000 people, anticipate this income loss will continue for the next four weeks. In the first week of July, initial unemployment-- unemployment claims were at their highest level in nearly two months, underscoring that this crisis is still very real. The effects of the pandemic continue to be deep and widespread, but its health and economic impacts have fallen hardest on Nebraskans of color. The disparities reflect broader historical barriers to healthcare, safe and stable jobs, paid leave, and financial stability for people of color. Some might ask, are we permitted to appropriate these dollars? A few months ago. Congress passed the CARES Act, which included providing Corona [SIC] Relief Funds for states. CRF are designed to help states respond to pandemic and weather the first months of this crisis. The state of Nebraska received \$1.25 billion in CRF, with \$166 million automatically going to Douglas County. Governor Ricketts has announced his intention to utilize and spend Nebraska CRF. After setting out a number of spending priorities, \$167 million has been assigned to the Unemployment Insurance Trust Fund, and \$258 million has been held in reserve. Under the Nebraska Constitution, the Legislature has absolute power over appropriations and no money can be drawn from the state's treasury unless there's specific appropriation by law. The Legislature holds the spending power to ensure transparency, accountability, and broad public input into how funds available to the state are spent. The Legislature has the power and authority to appropriate CRF, specifically unappropriated dollars that have been held in reserve. This is supported by the-- the recent AG Opinion published on July 17, 2020. In that Opinion, the AG opined that LB294 in 2019 provided a sufficient legal basis to appropriate CRF, but also concluded that the Legislature may choose to appropriate CRF funds not otherwise obligated or appropriated. Since there remain CRF funds in reserve, unobligated and unappropriated, the Legislature may appropriate these funds as we see fit. I bring this amendment to the budget bill, LB1008, to respond to the unmet needs of our communities by appropriating the remaining-- remaining federal Coronavirus Federal Relief Funds in the following ways: (1) to make critical investments in our childcare infrastructure to minimize the impacts of this virus on childcare businesses and the working parents that our economy depends on and needs to stay in the workforce; (2) to

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make a dedicated investment in housing stability through rent and utility assistance; (3) to make an effective and efficient investment in food assistance while needs are at an all-time-- and existing safety net infrastructure is unable to keep up with the need; (4) to invest in the economic stimulus by directly investing in Nebraskans. It is my intent that these investments will-- will supplement the allocations of the CRF made by the Governor and use our power as the budget-making authority of our state to respond to very real and unmet needs in our communities. Our childcare infrastructure needs investment. Childcare is foundational to a strong economy. Parents do not go to work without a safe place and someone to care for their children while they are away. As working families approach the start of the new school year, many are facing impossible decisions about how to ensure their children are safely cared for when not in school while also keeping their jobs. Many working families are living paycheck to paycheck, do not have the luxury of choices. They simply cannot afford to miss any work or cut back on hours if they want to keep a roof over their head, food on the table and bills paid. This amendment also seeks to support the small businesses that provide childcare in communities across our state. Even prior to this pandemic, childcare businesses had already been operating on razor-thin margins, and many have closed their doors permanently. This amendment seeks to support childcare syst-- the childcare system in a few ways. It appropriates \$30 million to DHHS to build childcare capacity through grants to meet the childcare needs of young school-age children who are not in school full time or to support extending learning opportunities where before- and after-school childcare oppor-- opportunities are limited; appropriates \$25 million to make childcare more affordable for low-income families by temporarily increasing access to childcare assistance; takes the initial eligibility from 130 percent to 200 percent and the eligibility level at which a family is no longer eligible at redetermination from 85 percent to 250 percent. Not only will this help families increase access to childcare subsidies, will provide an enhanced and stable revenue stream to childcare businesses who strongly-- who are struggling financially. It appropriates \$2 million to temporarily waive the cost-sharing requirements for childcare assistance, again, to help families afford the cost of childcare in these uncertain economic times. While there is no single solution that will work for all parents or all communities, we must work to create a patchwork of options for families to consider what works best for their situation. This amendment attempts to do that. For housing stabilization, this amendment appropriates \$30 million to

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DHHS to distribute funds for rental and utility assistance. Nebraska and the U.S. will be facing an avalanche of evictions in the fall without action by policymakers. As many as 18 percent of Nebraska renters will be at risk of eviction by the end of September. Evictions during normal circumstances are very challenging. Evictions during a pan-- pandemic are simply unacceptable. Families with children are the most vulnerable to housing instability. During the week of June 30, 38 percent of Nebraska families with children were concerned about being able to afford next month's rent, compared to 12 percent of households without children. Black and Latinx Nebraskans are more likely to experience housing instability. On average, since the start of the pandemic, one in two black Nebraskans and one in three Latinx Nebraskans are concerned about being able to afford next month's rent, compared to one in eight white Nebraskans. We must make funding available now to keep people housed during the pandemic. Temporary Food Assistance: Nebraska families are experiencing, unprec-- unprecedented levels of food insecurity because of the coronavirus pandemic. Charitable efforts to distribute food are struggling to keep up with increased demand from struggling Nebraskans. Many families may not be able to access food distribution sites because of transportation barriers, health concerns, or work schedule. SNAP allows family to shop for food in grocery stores like anyone else, even online or curbside pickup. In one of the listening-- listening sessions in late July, we heard testimony from one of the largest all-choice food pantries in the state. Their test-- testimony indicated that in April to July of 2020, their pantry served over 11,000 people, compared to 4,500 people in the same period in 2019. That's more than double the number of people served. Their crisis engagement team helped 201 people with rent, compared to 75 the year prior. The need is immense and overwhelming. This amendment would ensure that more families can afford food through temporary food assistance, temporarily allowing more low-income families to be eligible for assistance. Food assistance eligibility would be allowed for those with incomes from 130 percent of the FPL to 185 percent of the FPL and otherwise follow the Supplemental Nutrition Assistance Program eligibility rules. In these hard economic times, food assistance is even more powerful than unemployment insurance. It's estimated that every \$1 increase to SNAP benefits generates \$1.73 in economic activity compared to \$1.64 for unemployment benefits. This investment would have similar impacts. Investments in food assistance go directly to our local Nebraska communities through grocery stores. Direct investments in Nebraska economic stimulus: to stimulate the

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economy by investing in Nebraska families through temporary stimulus payments; increase in benefits for families participating in the Aid to Children-- Dependent Children--

LINDSTROM: One minute.

CAVANAUGH: Thank you. I will skip ahead. I did pass out an outline for everyone as to where all of this money is designated currently. As much as we would like to believe we are beyond this crisis, we are far from it, unfortunately. People in our state will only continue to face losing housing, struggle to put food on the table, pay for childcare, and will simply be unable to afford life's basic needs. The CRF allocations made by the Governor will help but are not sufficient. We need the additions I propose here to ensure that our state can meet this challenge. If we fail to act today, we will only be facing worse conditions and harder decisions in the coming months. If you look at-- at the money that's already been allocated on the Governor's website, we've already put \$100 million to-- to livestock producers. We've put two \$230 million to small businesses.

LINDSTROM: Time, Senator.

CAVANAUGH: Thank you.

LINDSTROM: Thank you, Senator Cavanaugh. Turning to debate on AM3205, Senator Wayne, you're recognized.

WAYNE: Thank you, Mr. President. Colleagues, partly I'm taking time because it's the budget bill. But it amazes me that Nebraska was given \$1.3 billion. That right? I'm looking around. And we are on the floor; we're not even having a conversation about it. Now our biennium budget, just so I don't get it wrong-- I'm going to look over-- here is \$4 billion, so one-fourth of our entire budget was given to the state in Nebraska by the federal government, and nobody on the floor is talking about where that money went, what we should be doing, and how to spend the rest of it when, although there is an Attorney General's Opinion that says since we in the past allocated extra dollars or those not spent from federal, the Governor has the authority to do so, I was told that no Legislature can bound the rest of the Legislatures. And so I think we still have an obligation to the people we represent what to do with that money. We sit here and we talk about a budget and we fight and we argue and I'm-- and I'm going to call out Senator Erdman as-- as the watchdog. And I always like

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when I have Urban Affairs bills because Senator Erdman, I think, in four years, three years, has never voted for an Urban Affairs bill. And if there is a fiscal note, he always reminds me, and that's why I-- I like Senator Erdman, because it's like he's going to make me get on this mike and be able to answer questions about-- about that. And there are some other people. Senator Lowe, in committee, he-- he will ask about budget, how we're going to pay for it, what we're going to do. And it's not just the conservative colleagues. Senator Hunt will ask me about our energy bill, how do I lower the cost to make sure it's efficient for businesses to build homes. We all have a conversation about budget and bills. But when it comes to \$1.3 billion, we don't mention it. When it comes to Senator Cavanaugh's amendment saying, hey, why don't we use some of the money that's leftover in these categories, nobody's in the queue. Yeah, look. Nobody's in the queue. And we're talking about hundreds of millions that could impact each and every one of our communities and nobody's in the queue. We owe it to our constituents to have a conversation. We owe it to our constitutional duty to appropriate-- appropriate funds, to have a conversation. Think about that. So maybe nobody's paying attention. Maybe people feel like, well, the Governor is going to be OK and do OK. Well, that's part of the checks and balances of our-- of our fundamental part of our-- our government is checks and balances. We appropriate. They execute. They are the enforcers. They follow through. One-point-three billion-- we have schools trying to figure out whether they're going to open up or not, whether they're going to do online. We have families that are struggling. We have jobs. We just heard from Senator Friesen about ag is still struggling. There's \$1.3 billion allocated of which there is hundreds of million left over. Let's have a conversation about coronavirus and COVID-19 in the ag community. What is it doing? Maybe we need to allocate money there. This is the opportunity to do so.

LINDSTROM: One minute.

WAYNE: I hope we don't balk at it. I hope we don't just ignore our duty. We're not challenging the Governor. This is our responsibility. So I hope people get in the queue. I hope people have a conversation. Maybe this isn't where you want it to go, but maybe ag needs something. Maybe small businesses need something. Maybe we should determine, based on our constitutional duties, where it should go. Thank you, Mr. President.

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LINDSTROM: Thank you, Senator Wayne, and you're next in the queue.

WAYNE: To the point, there's nobody in the queue. Thank you, Mr. President. [RECORDER MALFUNCTION] my mike went off? OK. Oh, cutting me off. Don't make me do a Chambers and run up there. Those who might not remember here, the first year that it happened, it was kind of interesting. Again, I'm not trying to lecture anybody. And I know people are tired. It's the budget. And sometimes looking at numbers is hard to do. But I would tell you to look at this amendment and maybe you can scratch out something for your community in your area, your sector, and let's have a conversation about it because I think the Governor and his team is doing the best he can with the federal dollars that they have. But there are 49 of us in here who could add to that conversation, because I'm pretty sure the Governor didn't call me to give my thoughts on it and I'm pretty sure he didn't call most of the people in here from either side of the aisle to get his thoughts on, or your thoughts on it, her thoughts on it. But this is our opportunity to have that conversation. I don't know all the guidelines, I don't know all the requirements. But when I'm looking at the dollars going through here and I was reading the amendment, there's significant dollars here. Now I don't know if I necessarily agree with where everything goes, but we sure should have a conversation about it. I yield the rest of my time to Senator Cavanaugh.

LINDSTROM: Senator Cavanaugh, 3:29.

CAVANAUGH: Thank you, Senator Wayne. I'm sure upon very close looking at it, you'll-- you'll 100 percent agree with this. I appreciate your comments. I did want to note that there is-- the Governor put aside \$426 million to be designated at a later date. We are coming up on a tight timeline. This money has to be spent by December 30. He recently-- the administration recently transferred \$167 million into the Unemployment Trust Fund. And so there is a remaining \$258 million. And that's what I was working with, was the remaining \$258 million, so this doesn't try to take a look at money that he's already designated-- that has already been designated by the Governor. It's the money that has been undesignated and as-- as the-- the body, the arm of the government that is to utilize the budget, I-- I feel very strongly that we should be taking a look at that \$258 million and figuring out what we can do for the citizens of Nebraska. And as I had started to say, the Governor did already start to put things towards, you know, small businesses and livestock producers. And part of what

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I'm trying to do is, of course, direct funds directly to individuals that are most in need, but also to infuse cash flow into our economy. And we have \$258 million just sitting in our-- our account and we can't use it for anything other than this. And we could use it for this, these specific things, and that could stimulate our economy and really help people who are hurting right now. So I hope that you all will give this some serious consideration, because we can do something great for the people of Nebraska and get funds directly to those most in need. And there's still about \$130 million that I have not designated, so if anybody wants to do that, have at it. Thank you.

LINDSTROM: Thank you, Senators Cavanaugh and Wayne. Senator Erdman, you are recognized.

ERDMAN: Thank you, Mr. President. So, Senator Wayne, I did have my light on, but my finger wasn't fast enough and you got in front of me, but there are a couple of us. You know, we talked about-- earlier someone mentioned the grant program to small businesses. The issue that I have with that grant program, they say it's for small businesses, but those businesses that don't have withholding, they don't have employees that you do with holding on, are not eligible. So I don't know of a small business that can get any smaller than that, that there's a husband, a wife, and a part-time employee but they don't withhold from them, from the employees, so they're not eligible. Doesn't make any sense. But anyway, I have several questions that I would like to ask Senator Cavanaugh. May not be able to get all the answers this time, but I'll put my light on again. Senator Cavanaugh, will you yield to a question?

LINDSTROM: Senator Cavanaugh, would you yield?

CAVANAUGH: Yes.

ERDMAN: Senator Cavanaugh, as I read down through the designation of where you want this money to go, if you could, start at the top there and tell me how will that grant money be distributed. And where I'm going with this, it looks like that a family could be eligible to receive every one of these designations almost on this page. So tell me how that first one-- what kind of grant application would one have to do to get that money?

CAVANAUGH: So that it would not be-- the first one, the \$30 million, would not go directly to families. It actually would go to childcare

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capacity, so it would be working with increasing capacity for eligibility. And the priority for those that could participate in the programs would be for children who qualify for free and reduced lunch but not-- not-- it's-- it's not direct to the families. It's expanding capacity.

ERDMAN: OK. All right. The second one, tell me how that one works, the Department of Health and Human Services, 30-- \$30 million dollars, house stabilization in response to the coronavirus emergency. Would that tenant-based rental assistance go to the landlord or does it go to the person that is the recipient? How would that work?

CAVANAUGH: You know, I apologize. I am not as familiar with how our rent-- rental assistance programs work, so I'm probably not the best person to answer that specific question. But I can get an answer for you.

ERDMAN: Because it looks to me like if it's supposed to be tenant-based rental assistance, it should go to rent; and if it's utility assistance, it should go to the utility company and those kind of things should be designated so that it doesn't go where it shouldn't be used. Does that make any sense?

CAVANAUGH: Yeah, I-- I'm not sure how it would go to where it's not supposed to be used.

ERDMAN: Right.

CAVANAUGH: I-- I guess that-- that confuses me--

ERDMAN: OK.

CAVANAUGH: --as to why it would be-- go anywhere other than where it's supposed to go.

ERDMAN: Right. And the next one is \$6,100,000. That's a one-time \$500 payment per child eligible under the Aid to Dependent Children, so those would go directly to the recipient.--

CAVANAUGH: Yes.

ERDMAN: --by the number of children they have?

CAVANAUGH: Yes.

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ERDMAN: If-- if they meet the level, it doesn't say what-- what is the criteria for getting that. Is that meet the poverty level? What-- how do you do that?

CAVANAUGH: Yes. So there is a-- there's a federal program and if you qualify for the Aid to Dependent Children, you-- that's how you would qualify.

ERDMAN: OK. So then the next one, \$28,200,000, the Department of Health and Human Services to provide a one-time \$500 payment to the Nebraska families with a demonstrated loss of 50 percent or more of their total household income. So that also goes to the recipient, along with the 500? they got for each child just in the prior one?

CAVANAUGH: Yes.

ERDMAN: OK. And then the next one, \$10 million to Department of Health and Human Services, temporary food assistance on the 200 percent level, so what is the amount they would get there, do you know?

CAVANAUGH: I believe that there is already a formula for that--

LINDSTROM: One minute.

CAVANAUGH: --so it would be based on that formula.

ERDMAN: OK.

CAVANAUGH: So it depends on, you know, size of household.

ERDMAN: OK. And then the-- the-- the-- next to the bottom, on \$25 million, temporary childcare subsidies to households below the 200 percent of federal poverty level, so is that a percentage of their childcare or does that pay all the childcare? What does that do?

CAVANAUGH: So this is a childcare subsidy that we currently have, a childcare subsidy. This is expanding who qualifies for it through December 30 because-- this isn't changing anything beyond December 30-- it-- or 31. It's-- it's-- it's just increasing the eligibility for childcare subsidies. It goes straight to the childcare.

ERDMAN: OK. Al right. So-- and the last one, the \$2 million, would-- cost-sharing reimbursements [SIC] for temporary waived to recipient of

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families of childcare subsidies, is that similar to the first-- to the one just above it or not?

CAVANAUGH: I'm-- I'm sorry. Can you repeat your question?

ERDMAN: The last-- the last designation, \$2 million, where does that go?

LINDSTROM: Time, Senators.

ERDMAN: Thank you.

LINDSTROM: Thank you, Senators Erdman and Cavanaugh. Senator Crawford, you are recognized.

CRAWFORD: Thank you, Mr. President. And good afternoon, colleagues. Good afternoon, fellow Nebraskans. I rise in support of AM3205, and I want to thank Senator Cavanaugh for her extensive work since we've been in this pandemic to try to talk with people across the state and allow fellow Senators to hear from people across the state about their concerns and needs during this critical pandemic time. So Senator Cavanaugh organized two listening sessions and invited all senators to attend, so she provided an opportunity for all of us to hear from people across the state of Nebraska about some of their concerns and-- during this pandemic. And I just want to-- to lift one, one example that we heard during those listening sessions that was particularly poignant. And that was a college student here in Lincoln, Nebraska, who talked about the housing challenge that college students were facing. Most of them did not get any access to any of the stimulus funding, so they did not get that extra bump, yet they're facing increasing rents and increasing housing insecurity. And so she was talking about how that was hitting our students in terms of their ability to make it through this pandemic time. Many of them are in the service sector, which is one of the sectors that's been most hard hit. Many of them lost hours in their jobs, so they may not qualify for unemployment insurance because they've just had reduced hours. And so that's just one example of a population that is hurting right now that we could help with provisions in this amendment and that it's an example of a population that we see right here in the city where we stand today and that came forward to let us know how the pandemic was affecting them. I am encouraged to see in the amendment an emphasis on housing and childcare and food security. These are all needs that we've been-- that we have heard of extensively. And as we discussed

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this morning, we are facing a crisis in terms of possible evictions if we don't step up with housing assistance. And so I appreciate that that is considered in this amendment. Also, the programs, the money that is allocated with this amendment, again, is money that is above and beyond what has already been allocated. And I appreciate the Governor's attention to many of these issues and the fact that he has allocated some of the money already towards rental assistance and other needs in our community. I appreciate the-- that-- that he's done that already. And this amendment just steps up to continue that obligation and as a Legislature, determine that prior-- the priorities that we want to see this remaining money to be spent on. Also, all the money, again, is only through December 31, so there's no need to worry about starting new programs that might con-- continue after this emergency. And also, most of the money is focused on policies that are already in place, so we're not adding a lot of new policies, but we're using our existing policies and our existing excellent nonprofit community to work on getting these funds where they're needed. It also continues resources as some of the priorities the Governor has already established, such as assistance to charitable organizations, and it includes grants to livestock producers. So I think it does a nice job of identifying some needs that we need to pull up and-- and make sure we're directing attention toward those needs, as well as recognizing the value of many of those things the Governor has already identified as needs by putting additional funds into those areas where there is still remaining need. So, colleagues, again, I want to thank--

LINDSTROM: One minute.

CRAWFORD: --Senator Cavanaugh for her-- thank you-- for her work on the listening sessions. I want to thank all of the Nebraskans who showed up on Zoom to participate in those listening sessions and all of the people who have been emailing us and talking to us about their concerns and needs. And I want to thank her for her diligent work in listening and then putting those ideas in place in a sound amendment. And so I urge your support of AM3205. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Crawford. Senator Friesen, you are recognized.

FRIESEN: Thank you, Mr. President. While I do-- as I get a chance to read through the-- your-- your bill, Senator Cavanaugh, you did put a little effort into this, and I do appreciate that. Senator Wayne, thank you for chastising us for paying attention here again. But this

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is a lot to read through if you look at the amendment. And if I look at your one-pager, I mean, I can follow that pretty good and there's-- there's some not-so-bad ideas in there. So I do think we need to have the discussion. I'm not-- I'd be-- that'd be great because I think we have lots of things if we want to look at that. And I know from the federal level, they've always been talking about at some point in time, they may allow the governors to use this money for revenue losses and open it up to doing other things. Again, no one knows for sure what they're going to do. And we, I guess, don't want to be sending any back when we're having needs here that we could use it on. Even though I think the federal government has overspent, we need to look at this and use it wisely. So I am-- we do need to look at this. We do need to think about it. I think, for my part, I will admit that I just looked past that and thought that was taken care of, but there's no reason that that has to be that way. So with everything that-- you know, when we look at the impact in our areas, you know, and it-- and obviously we saw that tourism, hotels, motels, restaurants, they took the beating, the worst of anybody. They had absolutely nobody coming in. They had bills to pay. Obviously, they're struggling. Again, it goes back to the federal government. If we would have targeted those industries that needed the help the most, I think we could have done a lot better work with less dollars. But I think time was of the essence. Everyone's in a hurry to throw money out and I-- this is where I agreed with Senator Sasse. We were just shoveling money out of a helicopter. And so targeting it and being thoughtful about where this money is going to go and whether or not we're going to someday be able to use it for a revenue loss, we have to all remember this is a one-time expenditure. We can't build new programs, but we can supplement some that are already working. And so with that, I-- I do think I'll look at this in-- in a new light and we'll have to start doing more reading. But I think others should get engaged in the discussion and see once if there are certain things that they would need for their areas. And I -- I-- one thing that comes to mind in my area is the-- you know, the-- the restaurants and things like that. And I know there-- it was a lot more difficult for them to do carry-out sometimes in a small rural community than some of the restaurants in-- that were in the larger cities that already had carry-out options or drive-throughs. There were just a lot of extra expenses in our nursing homes just related to the disinfecting and-- and trying to keep staff safe so that they didn't come in and contaminate a nursing home. So I know there were a lot of issues out there. I have not really been contacted by any of mine, so I don't

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know what those costs are. And maybe they-- again, a lot of different places did get CARES dollars. And I don't know if any of us have looked at where those federal dollars went. I mean, there were some going to education. There have been some going to hospitals. Don't know what those dollars are. I don't know if anybody has tracked that or can even tell us what kind of federal dollars have been disbursed already directly to some of these issues. So with that, I acknowledge that we do need to study this a little bit, and I hope everybody else gets engaged.

LINDSTROM: Thank you, Senator Friesen. Senator Stinner, you are recognized.

STINNER: Thank you, Mr. President. Members of the Legislature, I thought I'd weigh in on this proposed amendment. I thank Senator Cavanaugh for bringing this just to have this type of discussion that we're having today. But I will tell you, I'm opposed to the amendment on several levels. One of the things that I'm opposed to is the COVID money is very prescriptive. In other words, we just can't use it, and I think that homing in on this \$260 million, which is the Unemployment Trust Fund and General Fund budget flexibility, that was 427 that the Governor had indicated for that purpose just in case. Well, just in case might be one of those situations where we get a second wave, we need to spend it. I think the Governor's done a very good job, a prudent job in spending, in compliance with the federal laws, what we have come-- come in so far, so we may need it for that. We may have an extension of the programs. We don't know that. Or, indeed, we may have an ability to use it in-- for shoring up revenue shortfalls. And that makes it general use money, which then would put the-- this-- these funds into the rainy-day fund. So a lot of different levels I'm opposed to it, just not a workable situation. We have to stay in compliance. I do not want to have a clawback. And I commend the Governor for-- and the budget director for setting up a separate accounting system and a website that we can go to. So there is transparency there in the-- in how they are spending the money and we can all follow that. The other thing I-- I-- I do want to clarify, on the federal funds side, when we budget a-- a category for under federal funds, those are estimates. And what-- what it is, is it's open-ended. So if we appropriate a million dollars in federal money, that's an estimate at that time. So if there's more money that comes in, the agency can spend that money. And that's really what we have going here that when we passed the COVID legislation, we gave the Governor federal money, if it comes in, to be spent. But it has to be

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in compliance, in conformity with the federal statutes. So that's-- that's the open-ended side of things. The other thing that I want to emphasize to everybody is if it's general purpose money, it has to go into the rainy-day fund and then we have the opportunity to bring it back out and appropriate those funds. So what I would ask is that after discussion, that we vote this down and move LB1008. Thank you.

LINDSTROM: Thank you, Senator Stinner. Speaker Scheer for an announcement.

SCHEER: Thank you. President Lindstrom. Colleagues, just a heads-up for this week. We made quite a bit of headway last week and due to some conflicts that some of us are having, we will be only going until 5:00 each day this week. And so if you were-- I've had a couple ask which nights we might be going late. This week, we will be going until 5:00 through Thursday and I would-- probably doing Final Reading on Friday and hope to be done somewhere in that noon vicinity as well. So thank you, Mr. President.

LINDSTROM: Thank you, Speaker Scheer. Returning to debate on AM3205, Senator Arch, you are recognized.

ARCH: Thank you, Mr. President. I-- I've listened-- I-- I've listened to a number of people and I-- and I echo what they are saying. I think that Senator Cavanaugh has brought an issue to us that does deserve consideration. I-- as I-- this was to me, and I don't know if others had seen this previously, Senator Cavanaugh, whether this had been circulated. To me, it was new today. But-- but so as I added it, it was \$131,300,000. Is that-- well, I-- I can't-- just a second. I'll get to you in a second. But anyway, \$131 million dollars approximately, and-- and she did-- she has-- she had the listening sessions, all of that. As I-- as I look through here, I'm not sure what the process is for deciding exactly how much and which of these programs and-- and what happens if the funds are spent and then-- and then-- and we run out of those funds. I-- I-- I only-- I say that only to say that we know that we're not finished with COVID. We know that we're not-- we don't know what lies ahead of us. We do know that these-- that dollars need to be spent by December 31. But-- but at this particular time, I-- I can't support this amendment. Given that-- the deliberation, the process, understanding some of the issues that we would be facing with some of these dollars that would be allocated

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in this way, I-- I would agree that we vote no on this and that-- and that we proceed to the underlying bill. Thank you.

LINDSTROM: Thank you, Senator Arch, Senator Wayne, you are recognized, and this is your third time.

WAYNE: Thank you, Mr. President. Again, I appreciate this conversation. I know it's kind of difficult being on Select File and where we are in this budgeting process. I do want to point out-- maybe it was already pointed out-- that the last amendment we passed says that if the federal law changes, they can use it in cash funds or General Funds. So that helps a little bit. But I do think it's important we have this conversation and I think it's important that we talk about where we want to spend \$200 million. I think if we don't, we're missing the boat here. With that, I'm going to yield the rest of my time to Senator Cavanaugh.

LINDSTROM: Senator Cavanaugh, 4:15.

CAVANAUGH: Thank you, Senator Wayne. To answer Senator Arch's sort of question, this came together after the listening sessions and sort of really in the 11th hour or maybe possibly 13th hour. So, no, you-- you're not behind the times. I did speak with members, some of the members of the Appropriations Committee. I did speak with Senator Stinner that I was working on this, but the final draft actually came down today. I will say that if-- if you take a closer look at the language that's in here, because this is through the appropriations process and not through our other processes for how we would look at programs and programmatic spending, especially with the Department of Health and Human Services, this language is intent language, so this is-- this is more of a statement of intent for this body than binding statutory changes. So this is saying that you have this money and we would like to see you use this money in this way. And so unfortunately, from my perspective, but maybe fortunately from others' perspective, it-- it's not a statutory change, so they-- even if we pass this, they wouldn't be required to do it. But it is us as a-- as a body sending a message to the people of Nebraska that we've been paying attention to this money and to what's going on to the people in Nebraska and-- and we hope that there is an opportunity for these funds to be utilized in this way. Also, they don't have to spend all of the money. Even if they did this, it is creating similar programs to what the Governor created, where there is, you know, an application process and it's just spent down until it's spent down or not spent

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down. We are short on time, not this body, but-- but the state and the country in spending these dollars. So it's going to be a challenge to-- to distribute and spend all of this money by December 30 no matter what we do. But I think it's important for us to be talking about the-- the problems that are facing the citizens of this state and how we as a body can be working together to address the-- their most immediate needs, which is food, housing, healthcare and childcare. I think we can all agree that those are some pretty essential needs that people that are hurting in this-- in this state need access to. And so, you know, I am very open. I'm so happy that everybody is engaging in this conversation because I think it's a really, really important conversation for us to be happening-- having. And it's a really important conversation for the people of Nebraska to hear us having-- having and for us to acknowledge as a body that we are in a crisis and that we know that people are hurting and we want to work together to figure out how to help. And this is my-- my best effort at helping, and I-- I welcome feedback and-- and consideration. Thank you.

LINDSTROM: Thank you. Senators Cavanaugh and Wayne. Senator Erdman, you are recognized.

ERDMAN: Thank you, Mr. President. I appreciate that. So as I was listening to Senator Cavanaugh's last comments, I would think maybe she answered my question. But just to make sure, I'd like to ask her a question or two if she would yield

LINDSTROM: Senator Cavanaugh, would you yield?

CAVANAUGH: Yes,

ERDMAN: Senator Cavanaugh, I believe I heard you say that you haven't figured out where this money is going to go or how it's going to go exactly. So my question is this. Do we know that these people need this extra money? Have we-- have we discovered that somehow?

CAVANAUGH: So, Senator Erdman, thank you so much for that question. Over the summer months, I worked with several hundred citizens in the state from across the state, not very many of them from my district, helping them with their unemployment. I continue to hear from people across the state that they are having difficulty getting their unemployment checks. And so even people who have gone back to work, missed six to eight weeks' worth of work because their businesses were

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shut down, and they have unpaid bills. And so there-- there is a need. People are hurting. And so-- and people are continuing to lose their jobs. I-- I had actually a friend in town-- in town tell me that they were furloughed yet again on their job. They were planning to return and--

ERDMAN: OK.

CAVANAUGH: --and send their child to childcare. So, yes, I would say that I'm hearing from people, yes.

ERDMAN: So you've got specific amounts there for each one of those reimbursements. How did you arrive at \$30 million, \$30 million, \$6.1 million? How did you make that determination that this was the amount that needed to be distributed in that way?

CAVANAUGH: So I worked with advocacy groups who are more familiar with the-- the-- the data, the number of people that are-- are needing access to these services. And this was an estimate of, considering the money that we have and the population that needs to be served, that this should be sufficient to serve that population.

ERDMAN: So if-- if I was a family of, say, five, had a husband and wife, had three kids, and I would be eligible for all of these incentives, that could be \$3,000 or \$4,000 a month. Would you agree?

CAVANAUGH: You would have to be below a certain FPL in order to qualify for these.

ERDMAN: I understand that. But if you were, you could get \$3,000 or \$4,000 if you-- if you qualified for every one of these distributions.

CAVANAUGH: Nobody gets that money outright or directly. The only money that goes directly is the-- the dependent child-- the aid-- Aid to Dependent Children payment. That's the-- that's what goes to the people directly. Everything else is distributed through grant programs to organizations, businesses, nonprofits.

ERDMAN: OK. So but whether I get a direct payment or I get a payment of my rent, it is still income for me. Would you agree with that?

CAVANAUGH: It's not treated as income on your taxes. It's-- so--

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ERDMAN: That's not what I'm saying. It's money in your-- it's money in your pocket, right?

CAVANAUGH: Well, it's a rental assistance program that if you don't have the money to pay your rent, then it's actually-- it's-- it's not helping you so much, I guess, as helping you not get evicted, but it's helping your-- your landlord during this time. It help-- that's helping the landlords continue to get payment where they otherwise would not have payment and possibly be seeking eviction, which obviously costs even more money.

ERDMAN: OK. So on some of this, if-- if I was to prove my income was 50 percent of what it was, I wouldn't necessarily have to prove I couldn't pay my rent.

LINDSTROM: One minute.

ERDMAN: I'd just have to prove my income was down and I may be eligible for some of these programs that maybe I really didn't need. We wouldn't be able to tell whether they needed it or not. Is that correct?

CAVANAUGH: If your income is 50 percent of what it was previously, I think that is the proof of need.

ERDMAN: But we don't know that without finding out what are their income or what money they do have. So, you know, this has been-- and I appreciate you bringing this so we can have this discussion, but it looks to me like this was put together at-- at the spur of the moment with not a lot of research on what we're going to do with it. And, you know, I appreciate the conversation and your answering my questions, but I'm not-- I'm not in favor of this. I'll be voting red on this amendment. Thank you.

LINDSTROM: Thank you. Senators Erdman and Cavanaugh. Senator Cavanaugh, you're next in the queue.

CAVANAUGH: Thank you, Mr. President. Any of these services or programs would require a proof of a loss of wages and a proof of need, just as they currently do. I'm not sure if you lose 50 percent of your income that-- and your income was so low already that you losing 50 percent of it would qualify you for any of these, I-- I-- I think it is highly unlikely that you have additional assets that aren't being taken into consideration. And if those assets are something like a car, hopefully

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those aren't taken into consideration because otherwise you won't be able to get to a job or-- or school. So we have to use these funds for things that are demonstrated to be COVID related, just as the funds that we've already been using have to be demonstrated to be COVID related. And for those colleagues that have been interacting with constituents on unemployment insurance, you are probably extremely well versed in what that means and what that looks like. It is next to impossible to qualify for the COVID unemployment unless you are doing it as a full-time job to qualify. The level of frustration, the number of people who have called me crying, it's not-- it-- the system is not set up to be abused by our citizens. It is set up to abuse our citizens, but it is not set up to be abused by them. So I-- I would be interested to hear from you, my colleagues, if there are things that are missing from here that you feel should be included. This is really based on listening to the citizens of this state, not just my constituents but constituents from every corner of the state. And so if you feel like your constituents haven't been taken into consideration, I would really welcome the conversation as to what-- what more could we do here to assist with this, what more could we be doing for the people of Nebraska with this money and this opportunity, because this is an opportunity that we have right now and we won't have it again. And I'm so grateful that we are having this conversation right now because it took a lot of work to get to this point. But I really-- I welcome everyone to engage on what do you think we should be doing for individuals in your district, how can-- how can we help, how can we help with this-- these funds that have to be used in a very specific and narrow way, and let's do that. Let's help Nebraskans. Let's help people in the Sandhills. Let's help people in Valentine. Let's help people down in-- I don't know what you would call Senator Hughes's district. All I can think of is beans because I got my Bean Bag report last night at home. Let's help people across the state and-- and we can do it together. This can be a collaborative process. We can make changes to this. I would love to-- to play around with this if-- if people wanted to. I really-- I really just want to help your constituents and I want to help my constituents because Nebraskans are hurting and they need us to step up to the plate and take all the hurt that we've been hearing about for months and do something about it, because that's why we're here. And that's why I'm here. It's why I'm away from my children.

LINDSTROM: One minute.

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CAVANAUGH: So please continue the conversation. I welcome it. I welcome the questions, the concerns. And let's-- let's show the people of Nebraska that their Legislature is working for them and that we care about them. Thank you.

LINDSTROM: Thank you, Senator Cavanaugh. Senator Hunt, you are recognized.

HUNT: Thank you, Mr. President. That was from the heart, from Senator Cavanaugh there at the end. She got into it and I like to hear that, what she said when she said the system is set up to abuse citizens but it's hard for citizens to abuse the system. And that's-- that's tough, but I know what she means when she says that. A lot of the programs that-- that I support in this amendment that-- that we'd like to allocate some of these funds into, they are not easy to use. It is not easy to-- to receive benefits that you're entitled to. And the system is designed that way. There's a lot of friction and bureaucracy built into these things on purpose that keep people from receiving benefits that they're entitled to. And my office, as well as Senator Cavanaugh's office, as she said, has heard from constituents from all over the state, many of your constituents, many of my anti-abortion colleagues' who are pro-life this-and-that out their ears until their constituents need help paying for food, paying for their rent, getting by after they've lost their job. And then my office has to pick up the slack and help them with these unemployment claims? I represent one of the most population-dense parts of Nebraska. We've got the middle of the city in Omaha and today another restaurant in my district announced its permanent closure. And that is very sobering to me, because these things affect a community for generations to come. Nobody wants to throw money out of a helicopter. I do not like the argument that offering any assistance from government to families is akin to shoving money out of a helicopter. That's very crude and we never say that when the money is to build a wall on the southern border or to provide corporate tax cuts or incentives. When-- when we do that, then it's building the economy. It's not shoveling money out of a helicopter, isn't it? But look, the economy isn't companies. The economy isn't buildings. The economy isn't expense accounts or the stock market. The economy is people and workers, and they are in a dire situation. Businesses in my district are closing and these are small businesses, mom-and-pops, restaurants and shops. The pandemic unemployment benefits that have been keeping so many of these Nebraskans afloat are running out in three days. So let's follow here. Let's take the example of a restaurant, which is a typical experience

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in my district. The restaurant closes. The workers get fired and lose their jobs. Then the workers can't pay rent and then what do they do with their children? How do they make sure their children are safe? What if they have relatives that are sick? What if the thing happens that all of this is ostensibly trying to prevent? What if this person gets COVID? What if their child does? What if their parents do? The Governor has continually said that our goal here is to not overwhelm the healthcare system. But that isn't the right goal because this is a state where over 90,000 Nebraskans remain in the Medicaid gap with over 141 Nebraskans completely uninsured. So what are these Nebraskans supposed to do if they get COVID? What if-- what if it happens like it happened with-- with our colleague, Senator Moser? Or maybe you're in the hospital for weeks and weeks and weeks. How do you pay for that? Who pays for that? The goal should be to prevent infections and deaths, period. And this is a very serious amendment that takes seriously the need that Nebraskans have to stay home, to continue to quarantine if they are having symptoms. And these are funds that run out at the end of the year because they are appropriated from funds that are deliberately meant to help stop the virus. And this is what we can do to stop the virus, which is a conversation, as Senator Wayne said, that we need to finally take seriously on this floor in service of our constituents.

LINDSTROM: One minute.

HUNT: All these uninsured people, if they get sick, how do they pay? Reserving hospital capacity is vital. I've never said that it wasn't. But what serious efforts have we even taken to reduce community transmission? If there's something that we want to do to help businesses stay open, wear a mask. Wear a mask when you go out in public. Continue the practices of social distancing, use your hand sanitizer, but wear a mask to make sure that we can keep workers safe, to ensure that businesses are able to stay open. I don't care if you feel great, if you don't get sick, if you think this was a virus invented by Dr. Fauci. I've seen some of you share this crazy video. Your mask protects me and I wear my mask to protect you. Almost every single state has rising cases of COVID. This is one little thing we can do. And I'm going to talk on this some more. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Hunt. Senator Clements, you are recognized.

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CLEMENTS: Thank you, Mr. President. I rise in opposition to AM3205. A few reasons are, first of all, the funds from the federal funds were properly allocated to the Governor and I think he's done a good job. His agency has do-- is doing a good job and they do want to meet eligible needs of people. Senator Cavanaugh mentioned that she's received a lot of unemployment assistance requests, and my office did, too, also through the summer. And I've found that the Department of Labor, after getting behind with people, they did have people fall through the cracks. But when we were able to contact them, we had people who had been waiting since March for benefits in-- and in June, somebody would contact us and usually within a week, they would get their benefits and-- and the back pay. And I do commend the Governor for trying to use the funds that he's got available to help people as soon as he can and when he's alerted to a need, has been coming forth to serve it. HHS is tracking their spending and the federal guidelines, I understand, are very strict. I say we should let them continue and so that we don't inadvertently award some benefits that later are clawed back that we have to pay back when we're probably not going to have the money to do it. And this is a list of people who are in need, but there are a lot of other people, restaurant owners I know that are suffering. Farmers are destroying livestock because they don't have a market for it. I don't know if that qualifies for benefits, but there are a lot of other needy people that may not fall into these categories, and I just urge the Governor to go ahead and look at this list as a suggestion and to continue to follow the federal guidelines. And so I do-- do not support AM3205. I'll be voting no. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Clements. Senator Lathrop, you are recognized.

LATHROP: Thank you, Mr.-- thank you, Mr. President and colleagues. I'm not sure where I'm going to come down on this bill, but Senator-- by the way, I-- I like the idea of where Senator Cavanaugh suggested this money be spent. They're consistent with my values. But Senator Cavanaugh said something and it-- and I'm-- I believe it was inaccurate, and that was that this was just sort of intent language and not binding and people could-- the Governor or the-- the Governor could ignore it. I don't think that's the case. And so let me go back to the Attorney General's Opinion that I requested and received. In that Opinion the Attorney General, and I think probably correctly, said that when we passed LB294 last year, we put in Section 257. That's apparently a common practice by the appropriators and it

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basically says this is how we're appropriating all the money and the federal dollars and if any more of them come in, they're the Governor's to spend, essentially. And that's a-- that's a practice, apparently, the Appropriations Committee has done for years because we might get more Medicaid or we might get more SNAP or we might get more federal dollars for roads or whatever it might be. And instead of having us come back in a special session to appropriate those dollars, we simply say, "and any other dollars that come in." So that was the reason this money came in and was avail--- because we passed the bill, the emergency bill, and we said this is how we're appropriating the money. That's-- that's essentially why the Governor's been able to spend it. When we amend Section 257, as we do on page 1 in lines 11 through 13, basically what we're saying is I know what we said before, but we're taking that back. It doesn't-- it doesn't apply anymore to any of the money that comes in related to the COVID, the COVID money or the CFR money. So I think what we've done is we've taken that back, which other states have done, we have the right to do according to-- as long as it's not appropriated or committed by the Governor at this point in time, we can do that. The language in Senator Cavanaugh's bill that goes on in Section 70 says, "such funds shall be used for," so I think we're-- we're appropriating the money just like an appropriations bill. I bring that-- I bring that up to your attention because this isn't simply just saying we intend or we'd like to see or perhaps it can be used this way. We've taken the money back if we pass this amendment and it becomes law. Now what happens if the Governor vetoes it? That's an interesting question because then we will-- if the appropriations part gets vetoed. I don't know if the part where we take it back still holds. I don't know if a line-item veto can take that out of the bill. Probably not, but the-- but the appropriations that follow could be, then the money just sits around in limbo. I began this perhaps confusing remarks by saying I'm not sure where I come down on this. The things that Senator Cavanaugh would have us spend this money on, I agree with. Those are consistent with my values. If we had a second surge and we found ourselves having to build a hospital in an arena, like they did in New York City, then we wish-- we're going to wish we didn't spend this money.

LINDSTROM: One minute.

LATHROP: So that's sort of-- that's sort of why I'm conflicted. But I do think it's a-- it's an appropriate debate to have. It's a good debate to have, and we ought to be engaged in recognizing that we are taking what hasn't been committed or appropriated, as that term was

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used in the Attorney General's Opinion. We're taking that back and we're appropriating it with this amendment. And then that's-- that's whether you think we ought to take it away from the Governor. If we do, then it's not available to be spent on-- on a health emergency, should we have a significant spike and find ourselves where Miami-Dade County is or where they're at in Arizona, California, or where New York found itself. So it's a consequential policy debate. And with that, I'll continue to listen to folks that have something to say about it. Thank you.

LINDSTROM: Thank you, Senator Lathrop. Mr. Clerk for items.

CLERK: Thank you, Mr. President. Series of items: hearing notice from the General Affairs Committee signed by-- by Senator Briesse as Chair of General Affairs. Amendments to be printed: Senator Stinner to LB1009; Senator Friesen to LB1008; Senator Morfeld, LB1008. Mr. President, study resolutions: LR429, Senator DeBoer; and LR430, Senator Williams, both study resolutions. Your Committee on Education reports LB1089 to General File with amendments attached. Name adds: LB-- or Senator DeBoer would like to add her name to LB881; Matt Hansen, LB966; Brewer, LB992; Senator DeBoer, LB1148. Mr. President, amendments to be printed: Senator Hunt to LB632. It's just one, actually. And a priority motion, Senator Hughes would move to adjourn the body until Tuesday, July 28, at 9:00 a.m.

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